

Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme

Agenda for Compulsory Acquisition Hearing (CAH):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 1	<p>Wednesday 1 March 2023</p> <p>Hearing starts at 3:15 pm and finishes at 6pm</p> <p>Seating available at venue from 2:45 pm and virtual Arrangements Conference from 3:00 pm</p>	<p>First Floor, Kingsland Church, 86, London Road, Lexden, Colchester, CO3 9DW</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 2	<p>Friday 3 March 2023</p> <p>Hearing Starts at 10.00am</p> <p>Seating available at venue from 9.30am and virtual Arrangements Conference from 9.30am</p>	<p>First Floor, Kingsland Church, 86, London Road, Lexden, Colchester, CO3 9DW</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

Agenda

Please note that the assumption is that the items in this agenda will not be fully completed in the time allowed on Wednesday 1 March and the Hearing can continue at CAH2 which will take place at the same venue on Friday 3 March starting at 10.00 am.

1.	Welcome, introductions, arrangements for the Hearing
2.	Purpose of the Compulsory Acquisition Hearing The purpose of the CAH is to examine:

	<ul style="list-style-type: none"> • The Applicant’s strategic case for Compulsory Acquisition (CA) and Temporary Possession (TP) in line with the relevant legal tests and guidance; • The matters and objections raised by Affected Persons; • Update on negotiations with Affected Persons and statutory parties; and • Look forward at the timescales and expected progress over the course of the Examination.
3.	<p>Applicant’s strategic case for CA and TP</p> <p>This is set out in section 5 of the Statement of Reasons (APP-042) and the Applicant will be asked to provide a brief summary:</p> <ul style="list-style-type: none"> • That the purposes for which the CA and TP powers are sought comply with section 122(2) of the Planning Act 2008; • That consideration has been given to all reasonable alternatives to CA and TP; • Of the reasons why the CA and TP rights to be acquired are necessary and proportionate; • Having regard to section 122(3) of the Planning Act 2008, whether there is a compelling case in the public interest for the CA in relation to, i. the need in the public interest for the project to be carried out, and ii. the private loss to those affected by the compulsory acquisition.
4.	<p>Applicant’s update on the CA schedule</p> <ul style="list-style-type: none"> • List and update the status of negotiations for all plots in the Book of Reference and Land Plans that are not included in the CA schedule; • Summarise outstanding objections and progress on negotiations; • Whether any further changes are required to the Order limits for the Proposed Development; and • Timescales and expected progress over the course of the Examination.
5.	<p>16:15 Break 16:30 Resume</p>
6.	<p>Representations from Statutory Undertakers</p> <ul style="list-style-type: none"> • The ExA will give an opportunity to any Statutory Undertakers wishing to make an oral representation in addition to any submissions that have already been submitted into Examination; • The Applicant to summarise progress on negotiations with Statutory Undertakers.
7.	<p>Draft Development Consent order</p> <ul style="list-style-type: none"> • The Applicant to set out briefly which draft DCO [APP-039] Articles engage CA and TP powers; • The Applicant to confirm that Article 27 is in alignment with Advice Note 15 (Paragraph 23.4); • Article 27 provides the Applicant with the power to acquire “so much of the Order land as is required”. The Applicant to comment whether

	more certainty can be provided as to the precise extent of land to be taken.
8.	<p>Funding</p> <ul style="list-style-type: none"> • Any further updates on the Funding Statement; • Whether adequate funding is likely to be available to enable the CA to proceed within the statutory period in the event of the dDCO being made.
9.	<p>Crown Land</p> <ul style="list-style-type: none"> • Update of progress in securing written consent under section 135(2) from the Crown Estate for inclusion of the Crown plots; • Confirmation that the criteria in section 135(1)(a) have been met.
10.	<p>Special Category Land</p> <ul style="list-style-type: none"> • The Applicant to briefly explain the requirements for Special Category Land and where this is being located.
11.	<p>Affected Persons' Site Specific Representations:</p> <p>The ExA will give the opportunity to the Affected Persons (APs) listed here and any others at the discretion of the ExA to make an oral representation in addition to any submissions that are already in Examination. Whether or not an oral representation is made at CAH1, an Affected Person can continue to provide written submissions at relevant Deadlines and oral representations at subsequent hearings (if they are held).</p> <p>The list of speakers is ordered approximately from the south west to the north east following the route of the Proposed Development but is otherwise in no particular order of importance and can be adapted to suit individual commitments.</p> <p>It is not expected that all speakers will be heard on Wednesday 1 March – the hearing will continue at 10.00am on Friday 3 March when the remaining speakers can be heard</p> <ul style="list-style-type: none"> • Pinsent Masons on behalf of Royal London; • Pinsent Masons on behalf of Edmundson Electrical; • Gateley Legal for the Bolton Family; • CMS LLP for Legal and General Investment Management; • National Farmers Union; • Angela Carter and Antony Carter; • Mary Lindsay and John Chilcott Lindsay • Shoosmiths LLP on behalf of Henry Robert Siggers (and Parker Strategic Land); • Roger Wacey; and • Stanfords for various landowners to be confirmed.
12.	Next Steps

	Arrangements for CAH2 to be held on Friday 3 March to continue with any outstanding representations from APs from the Wednesday 1 March meeting.
13.	Close of CAH1 at 18.00pm

Attendees

The ExA would find it helpful if the following parties could attend this Hearing.

- Applicant – including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- Essex County Council;
- Cadent Gas;
- Network Rail;
- Those Affected Persons wishing to speak.

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

If you are experiencing any COVID-19 symptoms please do not attend the Hearing in person. Contact the Case Team who will ensure you have access to the Hearing virtually.

The event will be livestreamed and a link for watching the livestream will be posted on the project webpage of the National Infrastructure Planning website closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Documents:

The ExA referred to several documents in the preparation of this Agenda and some will be referred to in the Hearing. The documents listed below can be located using the Examination Library reference number in [] brackets:

- Draft Development Consent Order (dDCO) [AS-020];
- Land Plans [APP-018];
- Statement of Reasons [APP-042];
- Funding Statement [APP-043];
- Book of Reference [APP-044];

- CA Schedule [REP1-007]; and
- Statutory Undertakers Progress Schedule [REP1-008].

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at CAH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.