



Planning Inspectorate

Planning Act 2008 – Section 92

Application by National Highways for an Order granting Development Consent for the M60/M62/M66 Simister Island Interchange Project

Agenda for Compulsory Acquisition Hearing

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 1	<p>Tuesday 26 November 2024</p> <p>Registration and seating available at venue from: 09:30</p> <p>Virtual Registration Process from: 09:30</p> <p>Hearing starts: 10:00</p>	<p>Village Hotel (Inspiration Room), next to M66 J2 (Waterfold Business Park, Rochdale Road, Bury BL9 7BQ)</p> <p>and by virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>

Hearings Guidance: Please see Annex A of this Agenda

All Affected Persons are invited to attend the Compulsory Acquisition Hearing. Notification of the date, time and attendance instructions for CAH1 was provided in the Examining Authority's (ExA's) Rule 13 letter [[PD-010](#)]. Interested Parties who wish to speak at this event were required to provide notification by Wednesday 20 November 2024. If you haven't notified us that you wish to speak then you must contact the Case Team (M60SimisterIsland@planninginspectorate.gov.uk) as soon as possible.

Each Affected Person is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda detailed below is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper

consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of written questions.

Purpose of the Hearing:

The main purpose of the Compulsory Acquisition Hearing is:

- to consider the compulsory acquisition and related provisions within the draft Development Consent Order (DCO);
- to consider whether the conditions relating to the purpose for which compulsory acquisition may be authorised would be met;
- to discharge the ExA's duty to hear persons affected by Compulsory Acquisition (CA) and Temporary Possession (TP) proposals (Affected Persons) who requested to be heard and to address related matters; and
- to address related matters.

Agenda

Title of meeting	M60/M62/M66 Simister Island Interchange Compulsory Acquisition Hearing 1
Date	Tuesday 26 November 2024
Time	10.00
Venue	Blended event
Attendees	Invitees

1. Welcome, introductions, arrangements for the Hearing

2. Section 122 and 123 of the Planning Act 2008 (PA2008)

- 2.1 The Applicant to briefly outline the case for Compulsory Acquisition (CA) and Temporary Possession (TP) and whether it meets the tests of the Planning Act 2008 (PA2008) including whether all reasonable alternatives have been considered; whether the rights to be acquired are reasonably necessary and proportionate and whether there is a compelling case in the public interest for the land to be acquired.
- 2.2 Specific questions regarding, but not limited to, unregistered land and plots: 1/1a, 2/1av and 2/1aw, 2/1d and 2/1e, Plot 1/3f, Plots 1/5aq and 1/5as, 2/5a and 2/5b, 2/8b and 2/3c, 2/8e and 2/11.
- 2.3 The Applicant to provide a brief update on the progress of negotiations and deadlines for their conclusion.
- 2.4 Affected Persons to briefly set out any outstanding concerns that have not already been discussed.

3. Section 135 of the PA2008 – Crown land

- 3.1 Applicant to provide a brief update on getting consent for the inclusion of the Crown land. Including the timetable for identifying key milestones towards reaching agreement (in relation to the Examination timetable) and the likelihood and implications of agreement not being reached before the close of the Examination.

4. Funding

- 4.1 The Applicant to provide any further updates to the Funding Statement and whether adequate funding is likely to be available to enable the Compulsory Acquisition to proceed within the statutory period following the Development Consent Order being made, if it is made.

5. Human Rights and Equalities

- 5.1 In respect of both the Human Rights Act and the Public Sector Equality Duty (PSED) to set out the:
- circumstances within which these might be engaged;
 - whether there are any particular groups meriting specific analysis; and
 - measures undertaken and/ or in process to address possible engagement.

6. The draft Development Consent Order (dDCO)

- 6.1 Relationship between the Land Plans [REP3-004] and the powers sought under Schedule 5 (land in which only new rights etc. may be acquired) and Schedule 7 (land of which temporary possession may be taken) of the dDCO [REP3-006].
- 6.2 Articles 24(1) and (5) and Article 27(4) – Discussion on the suitability of the powers sought for acquiring rights for the benefit of statutory undertakers or any other person and vesting rights.
- 6.3 Article 30(9)(a) – Discussion on the reasonableness and justification for the powers sought.

7. Sections 127 and 138 of the PA2008 and Schedule 9 of the dDCO – Protective Provisions

- 7.1 The Applicant to provide an update on the progress with the drafting/ agreement on Protective Provisions.
- 7.2 The ExA will invite updates from Statutory Undertakers as to their position in respect of s127 and s138 of the Planning Act 2008, the matters which remain outstanding and timescales for providing any alternative wording to Schedule 9 of the dDCO.

8. Any other business

9. Close of Hearing

Attendees:

All Affected Persons are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicant;
- Affected Persons objecting to the granting of CA and/or TP powers;

- Bury Metropolitan Borough Council in its role as the Local Planning Authority and Local Highways Authority;
- Any other public authority, body or objecting to the granting of CA and/or TP powers.

The Applicant is requested to have people with the following expertise to assist the hearing:

- Land Agents;
- Chartered Surveyors; and/ or
- Legal advisors

These should be the people who are responsible for the drafting of the CA and TP powers in the draft DCO; for the selection of land and the assembly of portfolios of permanent and temporary land and rights necessary for the delivery of the proposed development; for the provision and maintenance of the CA and TP documents including the Land Plans, Book of Reference and Statement of Reasons and for the due diligence process over land and rights.

This list may also assist other Interested Parties in preparing for the hearing.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the Examining Authority (ExA) will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the 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 a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website¹ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by **Deadline 4, 10 December 2024**.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/north-west/m60-m62-m66-simister-island/>