

**Application by National Highways for an Order Granting Development Consent for the A46 Newark Bypass project**

**Agenda for Compulsory Acquisition Hearing 1 (CAH1):  
The Applicant's Strategic Case**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing 1 on The Applicant's Strategic Case for Compulsory Acquisition &amp; Temporary Possession</b>	<b>Wednesday 9 October 2024</b>  <b>Hearing Starts at 10am</b>  Registration and seating available at venue and virtual Registration Process from 9.30am	The Great Hall Room, The Renaissance at Kelham Hall, Main Street, Newark. NG23 5QX  and  By virtual means using Microsoft Teams

## Agenda

<b>Item 1</b>	<b>Welcome, introductions and arrangements for the Hearing</b>
<b>Item 2</b>	<b>Purpose of the CAH and Examining Authority's (ExA) opening remarks</b>
	<b>Applicant's General Case</b>
<b>Item 3</b>	<b>The Applicant's Case for the Compulsory Acquisition (CA) &amp; Temporary Possession (TP) of Land and Rights</b>  The Applicant will be requested to explain: <ul style="list-style-type: none"> <li>3.1 The extent of land sought to be subject to CA.</li> <li>3.2 Whether the statutory tests for CA are met on all land: <ul style="list-style-type: none"> <li>• whether the purposes for which the compulsory acquisition (CA) powers are sought comply with s122(2); and</li> <li>• whether the 'compelling case in the public interest' test under s122(3) is met on all land sought.</li> </ul> </li> <li>3.3 Consideration of reasonable alternatives to CA.</li> <li>3.4 The extent of land sought to be subject to TP.</li> <li>3.5 The justification for land sought to be subject to TP.</li> </ul>



	<p>3.6 Whether there is a compelling case in the public interest for the compulsory acquisition and temporary possession provisions overall.</p> <p><i>Comments/ views from Affected Persons (AP) and Applicant Right of Reply will be sought during the discussion</i></p>
<b>Item 4</b>	<p><b>Statutory Undertakers (SUs)</b></p> <p>4.1 The Applicant to list and briefly set out the current position in relation to any representations made under s127 of the PA2008 and not withdrawn.</p> <p>4.2 The Applicant to explain the current position in relation the application of s138 of the PA2008 to the dDCO including the rights and apparatus and Statutory Undertakers involved.</p> <p>4.3 The Applicant to set out the condition of negotiations, and whether there are unresolved concerns relating to SUs' land, rights and apparatus including whether protective provisions are in a satisfactory form that are agreed with the relevant parties listed.</p> <p>4.4 The ExA will hear oral representations from any SUs in attendance.</p> <p>4.5 Applicant Right of Reply.</p>
<b>Item 5</b>	<p><b>Crown Land and Other Special Category land</b></p> <p><b>Crown Land</b></p> <p>5.1. Update on getting consent for the inclusion of the Crown land.</p> <p>5.2. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable).</p> <p>5.3. Likelihood and implications of agreement not being reached before the close of the Examination.</p> <p>5.4. Comments from Crown Representatives.</p> <p>5.5. Applicant Right of Reply.</p> <p><b>Commons (including town or village Greens), open space, or fuel or field garden allotments</b></p> <p>5.6. The position of negotiations, and whether there are unresolved concerns relating to PA s131, 132 and / or 139.</p> <p>5.7. Comments from APs.</p> <p>5.8. Applicant Right of Reply.</p>



<b>Item 6</b>	<b>Human Rights and Equalities</b> 6.1 In respect of both the Human Rights Act and the Public Sector Equality Duty (PSED) to set out the: <ul style="list-style-type: none"><li>• circumstances within which these might be engaged;</li><li>• whether there are any particular groups meriting specific analysis; and</li><li>• measures undertaken and/ or in process to address possible engagement.</li></ul> This should include the Applicant briefly setting out: <ol style="list-style-type: none"><li>i. the consideration of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) in relation to the application;</li><li>ii. the consideration of Article 6 of the ECHR;</li><li>iii. the consideration of Article 8 of the ECHR; and</li><li>iv. any duties under the Equality Act 2010 in relation to the application.</li></ol> 6.2 Any comments. 6.3 Applicant Right of Reply.
<b>Item 7</b>	<b>Funding</b> 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.
<b>Item 8</b>	<b>Any other matters</b>
<b>Item 9</b>	<b>Close</b>

## Purpose of the Compulsory Acquisition Hearing

A Compulsory Acquisition Hearing (CAH) is being held to ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the Compulsory Acquisition of land and/ or rights over land and to assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met and whether there is a compelling case in the public interest for the land to be acquired compulsorily.

## Agenda

In order to ensure that those attending the hearings can make the best use of the time, we have prepared the agenda above. Please note that this is indicative and is

subject to change. We may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

### **Attendees**

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

- Applicant
- Affected Persons (APs) objecting to the granting of CA and or TP powers on a strategic basis; namely that the extent of land or rights sought does not meet relevant legal or policy requirements.

The Examining Authority (ExA) has carefully considered all representations made by Affected Persons to date and has decided to hold Compulsory Acquisition Hearings for two separate purposes.

- This is the first CAH to be held in this Examination (CAH1). It is being held because the ExA wishes to question the Applicant about its strategic case for CA and TP. It is not the place for individual objections about effects on land or rights to be heard.
- Subsequent CAHs will provide the opportunity to which APs wishing to object on an individual basis to a CA or TP request affecting their interests in land will be invited later in the Examination.

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, should do so as soon as possible.

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.

### **Registration Process**

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at 10am those attending virtually should join at **9.30am** to ensure that all virtual attendees can complete the Registration Process in good time.

## Participation

Compulsory Acquisition Hearings are a place for those whose land and/ or rights are affected by the Proposed Development to be heard. Such persons are known as Affected Persons (APs) and are listed in the Book of Reference, although the hearing can hear from those who appear to have land or rights that are affected but are (for some reason) not or not yet listed in the Book of Reference, and/ or have been granted Interested Party status under section 102A of the Planning Act 2008.

## Requests to be Heard

Individual Affected Persons may request to be heard at this first, strategic, hearing (CAH1), but only on the basis that they are concerned that the Applicant has not complied or will not comply with the relevant legal tests, policy and guidance in respect of its strategic case for CA and/or TP. Those wishing to be heard at CAH1 will have requested to be heard by **Procedural Deadline A (24 September 2024)**.

There will be a second and subsequent Compulsory Acquisition Hearings (CAH2 and CAH3 etc) (if required). These hearings will be held to allow individual objections by Affected Persons relating to individual parcels of land and/ or rights to be heard. The ExA will ensure that there is enough time set aside at these hearings for all Affected Persons who notify us that they wish to speak about their objection to be heard.

Those wishing to be permitted to speak at CAH2 or any later CAH should request to be heard by **Deadline 1 (22 October 2024)**.

If you are not presently listed in the Book of Reference and/ or have not been granted Interested Party status under section 102A of the Planning Act 2008 but think that your land or rights may be directly affected, you may apply to speak at a CAH: please contact the Case Team. The ExA will consider your request and, if it is granted, will invite you to speak. If the ExA has questions that it wishes to put to the Applicant about the extent of land or rights subject to compulsory acquisition or temporary possession that might affect you and your land or rights, the ExA will also invite you to speak.

If you are not an Affected Person but want to object to the Application more broadly (including by raising concerns about the effects of CA and TP on others or on the local economy), then you do not have a right to speak at a Compulsory Acquisition Hearing. Time in these hearings is reserved for those whose land or rights are affected. You should raise your concerns at an Open Floor Hearing, under an appropriate agenda item at an Issue Specific Hearing or put them to the ExA in writing.

## Procedure at CAHs

We are proposing two types of CAH:



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- Strategic hearings, where the Applicant's case for CA & TP is tested in the round; and
- Individual hearings, where site-specific objections arising from Affected Persons are heard.

This hearing is a Strategic hearing and whilst its Agenda is limited to matters relevant to CA & TP, its structure and style will be like that of an Issue Specific Hearing (ISH). The ExA will ask questions about the matters identified in the Agenda and the participants will respond on those matters.

When individual CAHs are held in due course, their structure and style will be closer to that of an Open Floor Hearing (OFH), where individual speaking appointments will be provided for individual Affected Persons to raise site-specific issues.

Participation is subject to the ExA's power to control the hearing. Hearings will be run to ensure that all submissions from those participating are fully heard within the allotted time.

Participants may be legally represented if they wish, but the hearing will be managed to ensure that legal representation is not required. The Applicant and others permitted to speak may attend with relevant expert advisers, but others permitted to speak may participate on an equal basis without expert advice.

Cross-questioning is regulated by the ExA and is not permitted unless the ExA decides that it is necessary to ensure that representations are adequately tested or to ensure that all persons have had a fair chance to put forward their case.

This agenda may be amended by the ExA at the start of the hearings. The ExA may wish to raise supplementary matters arising from oral submissions and written representations and to pursue lines of inquiry in the course of the discussions which are related to but not listed on the agenda.

Evidence presented orally at these hearings should be included in post-hearing submissions including written submissions of your oral case and submitted at the next relevant deadline, in order to ensure that it has been recorded accurately.

## **Guidance & Advice**

The Secretary of State has provided [Guidance related to procedures for the compulsory acquisition of land under the Planning Act 2008](#) and [Guidance on Awards of costs](#), where Part D is also relevant to APs. Please review this guidance before the start of the hearing.

[Examination Guidance](#) from the Secretary of State and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearings will be led by the ExA.

To help you participate effectively, the Planning Inspectorate has published [Nationally Significant Infrastructure Projects: Advice Pages](#).

This material includes advice on how to use Teams (our virtual event system) and on protecting your privacy during virtual events. The advice relating to virtual events is also relevant to blended events where parties can attend virtually. Please read this advice before you join a hearing, as it will help you to prepare and get the best out of your participation.

### **Contingencies**

If this hearing is unable to proceed or continue, then the ExA will adjourn incomplete business to hearing times in December 2024 or February 2025 that have been reserved in the Examination Timetable. Notice of any adjournments will be provided in the banner on the [project page](#).