



Compulsory Acquisition Hearing 2

AGENDA

Application by Cory Environmental Holdings Limited (CEHL) for an Order Granting Development Consent for the Cory Decarbonisation Project Ref: EN010128

Date: Tuesday 11 February 2025
Online registration: 09.00am
Hearing start time: 09.30am
Hearing finish time: No later than 05.00pm
Venue: Blended event at **Delta Hotels Bexleyheath, 1 Broadway, Bexleyheath DA6 7JZ** and online using **Microsoft Teams**

Time	Item	Subject
0930	1	Welcome, introductions, purpose of, and arrangements for the Hearing
0950	2	Review of Compulsory Acquisition (CA) and Temporary Possession (TP) powers sought and progress update The Applicant is requested to provide an update on progress of, and likely conclusion to, negotiations and summarise the position of those plots where there has not been agreement, and the thirteen Affected Persons (AP) indicated as objecting in the Applicant's Compulsory Acquisition and Temporary Possession Objection Schedule [REP3-030 , Appendix B].
1010	3	Funding The Applicant is requested to: <ul style="list-style-type: none">i) Provide a commentary on the level of certainty and sufficiency for project and land acquisition/blight funding;ii) Identify if there any anticipated circumstances in which the potential aggregate liability could grow to exceed reasonably available or secured funding; and,iii) Advise whether the scheme will rely on government funding in order to take place, and if so the implications of this.
1025	4	Affected Persons who requested to be heard at a CAH and wish to make oral representations

1025	4.1	Iron Mountain
*1035	4.2	Peabody Trust and Tilfen land Ltd
1110	4.3	<p>Thames Water Utilities Ltd</p> <p>Including:</p> <ul style="list-style-type: none"> i) Latest position on emergency access provisions; ii) The extent to which a compelling case for acquisition of parts of the Crossness Local Nature Reserve for biodiversity purposes has been made; and, iii) Whether land satisfies definition of s 127 of the Planning Act 2008 and the implications of this.
1140	4.4	<p>Western Riverside Waste Authority (WRWA)</p> <p>With particular reference to:</p> <ul style="list-style-type: none"> i) Whether a commercial agreement between WRWA and the Applicant would address the concerns of WRWA; ii) Extent to which WRWA's technical, insurance and contractual concerns are matters to be resolved in the draft Development Consent Order (dDCO) [REP3-003] provisions, including reference to Article 32 (6)(b), Part 9 of Schedule 12 (Protective Provisions) and Requirements 7, 9 and 12 of the dDCO; iii) Clarification of the nature and impact of risks highlighted by WRWA; and, iv) Clarification of the nature and form protection WRWA seeks in respect of: construction, physical interventions and interfaces to Riverside 1 site and facility, operational matters and contractual matters.
*1210	4.5	<p>Landsul Ltd and Munster Joinery (UK) Ltd</p> <p>With particular reference to whether there is an alternative to the CA of the site, with regard to whether the proposed land take for the Carbon Capture Facility (CCF) proposed is greater than necessary and whether the AP's Alternative Layout would be a feasible one. Including:</p> <ul style="list-style-type: none"> i) Need for, and size of, electrical switchyard; ii) Whether uses or apparatus could be co-located with water storage; iii) LCO₂ tank capacity and number; iv) Efficiency of layout; v) Planting and environmental impact management within CCF; vi) Single or double line facility; vii) Need for heat transfer station within CCF; viii) Whether a contiguous site is necessary or whether some components, e.g. water storage, could be situated to the south

		of the Landsul/Munster Joinery site with the remainder to the north; and, ix) The implications of development platform/land raising on layout and land take.
1500	5	Any other Affected Persons wishing to make oral representations If required, this is an opportunity for any individuals or organisations who are Affected Persons to make an oral representation in addition to any submissions which are already in the Examination.
1515	6	Any other requests to speak This will be at the ExA's discretion and is not an opportunity for representations not related to CA or TP to be made.
1530	7	Any other matters
1600	8	Review of issues and actions arising Applicant is to provide a summary of Action Points arising out of CAH2
Close of the Compulsory Acquisition Hearing		

Notes

*There will be a break mid-morning and for lunch taken at a convenient juncture (and mid-afternoon as required).

Timings are approximate and for guidance but the ExA has the discretion to use the indicative tie slots for each item as a maximum time allowance should this be necessary to deal with all agenda items. Should the consideration of issues take a considerable amount of time, it may be necessary to prioritise matters and defer others to further written questions.

Please refer to the information provided about this hearing in my notification of Hearings letter of 13 January 2025 [[PD-009](#)].

The items on the agenda may be subject to change by the ExA.

The Infrastructure Planning (Examination procedure) rules state that the ExA may permit any person, in addition to those who are entitled under section 92(4) of the Planning Act 2008 (PA2008), to make oral representations at a hearing. As such, the ExA requests that the Applicant and Landsul Ltd and Munster Joinery (UK) Ltd ensure that witnesses who can present oral evidence in respect of the design, layout and consequential effect on footprint and amount of land required for the Carbon Capture Facility, attend the hearing. This is understood to include Dr Edgar on behalf of Landsul Ltd and Munster Joinery (UK) Ltd and Mr Alderson on behalf of the Applicant.

The representative of Landsul Ltd and Munster Joinery (UK) Ltd, has requested to 'cross examine' the Applicant's witness. However, the Examination process is not an adversarial one. The PA2008¹ makes no provision for cross examination at hearings and makes it

¹ Section 94(4) and (7).

clear that any oral questioning should be undertaken by the ExA, albeit it does make provision for the ExA to decide whether a person making oral representations at the hearing may be questioned by another person. It further provides that it is for the ExA to decide the matters to which any such questioning should relate and the time to be allowed. However, the [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects](#) guidance² points out that whilst the ExA may allow cross-questioning in certain circumstances, in practice this is very much an exception.

Bearing in mind that the Examination process is a predominantly written one, supplemented by oral events, and the information received, the ExA does not consider that general cross questioning of witnesses would be necessary nor helpful. The ExA will lead questions based on the written evidence submitted. However, should the parties consider that it may assist the ExA in considering the evidence to ask supplementary questions then the ExA may not be averse to this if it can be demonstrated that it is necessary in order to ensure adequate testing of any representations. This could be by way of an advocate asking a direct question of a witness, or it may be appropriate for witnesses to ask a question of another expert, but subject to the ExA's overview and control of the hearing. The timing of any such questioning, if allowed, will be at the ExA's discretion and is likely to be heavily restricted.

For the avoidance of doubt, the type of formal presentation of evidence that some parties may be familiar with being conducted at a planning or similar public inquiry, that is with evidence in chief, followed by testing through detailed cross examination with advocates typically asking a series of questions, many of which may be leading, that are intended to take the witness towards a particular answer, then followed by re-examination, would be neither necessary nor helpful at the Hearing. Nor would time permit and any questions would have to be relevant, specific, succinct and to the point.

² Paragraph 014, Reference ID 07-014-20240430.