



Application by Transport for London for an Order Granting Development Consent for the Silvertown Tunnel Project

Agenda for the Compulsory Acquisition Hearing

This document sets out the agenda for the Compulsory Acquisition Hearing that was notified by the Examining Authority (the Panel) on 18 October 2016.

Date:	Thursday 8 December 2016
Time:	10:00am, room opens from 09:30am
Venue:	The Crystal, One Siemens Brothers Way, Royal Victoria Dock, London, E16 1GB
Access and Parking:	Underground and DLR to Customs House or Prince Regent. Paid parking available at the Crowne Plaza Hotel and the Excel Convention centre. Crystal Venue fully disabled accessible.

Purpose of the compulsory acquisition hearing

1. To consider the compulsory acquisition (CA) and related provisions within the draft Development Consent Order (dDCO);
2. To consider whether the conditions relating to the land being required for the proposed development or required to facilitate or be incidental to that proposed development are met; and
3. To consider whether there is a compelling case in the public interest for the compulsory acquisition provisions.

Invited attendees

All Interested Parties (IPs) are invited to attend the hearing, but it is particularly intended to provide opportunities for Affected Persons¹ to participate.

The following parties are specifically invited to attend and participate in the hearing because the Examining Authority considers that the material that they have submitted to the Examination raises issues that the Panel may wish to explore at the hearing:

- Transport for London (TfL), the Applicant
- Statutory Undertakers (SUs)– Thames Water Utilities Limited and Port of London Authority (PLA)
- Those Affected Persons wishing to make oral representations to the Panel under Agenda Item 3 as well as others who have made representations including Tarmac PLC, Lidoka Estates Limited, Brenntag UK Limited, Tary Holdings, Morden College and London Borough of Newham.
- Any Category 3 persons² wishing to make oral representations

¹ Those persons whose land is proposed to be subject to compulsory acquisition or otherwise interfered with by the use of compulsory powers

Written Summaries of Oral Representations

When giving oral representations in this hearing, The Panel would appreciate IPs introducing themselves (and the client that they represent) and explaining which land plots their representations are concerned about. The Panel welcomes written summaries of oral representations and asks that these submissions be received by Deadline 2 (DL2), Wednesday 14 December 2016.

In Agenda Item 3 below Affected Persons (APs) who wish to provide oral representations are asked to limit their representations to a maximum of 10 minutes, in the interests of ensuring that the hearing runs efficiently.

Agenda

1. Welcome, introductions and arrangements for this compulsory acquisition hearing

2. The draft Development Consent Order (dDCO) provisions. Referring to the Applicants dDCO submitted for D1 [[REP1-096](#)]

(a) The Applicant will be invited to briefly set out in summary form:

- Which articles of the dDCO engage compulsory acquisition and temporary possession powers; and
- Whether the dDCO excludes the application of a compensation provision or modifies the application of a compensation provision to be applied.

3. Oral representations by Affected Persons and other Interested Parties in relation to compulsory acquisition matters

(a) Affected Persons who requested a compulsory acquisition hearing and wish to make oral representations:-

Knight Dragon
U & I Group
Newable Property Developments Limited and Waterfront Studios Limited
Trinity (D) Limited
AnSCO Arena Limited (AAL)
ASD Limited (Kloekner Metals UK)

- (b) Other affected persons wishing to make oral representations;
(c) Category 3 persons wishing to make oral representations; and
(d) Any other matters from IPs in relation to compulsory acquisition which are not otherwise included in this agenda.

² Those persons whose land is not proposed to be subject to compulsory acquisition but whose land or property may be affected by the construction or operation of the proposed development such that they may be able to make claims for compensation (section 57(4) Planning Act 2008 (as amended))

4. The statutory conditions and general principles applicable to the exercise of compulsory acquisition and related powers

- (a) Whether the purposes for which the compulsory acquisition powers are sought comply with section 122(2) of the Planning Act 2008 (PA2008);
- (b) Whether the proposal would comply with DCLG guidance³ on compulsory acquisition;
- (c) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession, including an update from the Applicant on progress regarding voluntary agreements for the land and rights that are being sought;
- (d) Whether the land and rights to be acquired, including those for temporary possession, are no more than is reasonably necessary and proportionate for the development;
- (e) Having regard to section 122(3) of PA2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to:
 - The need in the public interest for the project to be carried out; and
 - The private loss to those affected by compulsory acquisition.

5. Whether adequate funding is likely to be available

- (a) To establish the Applicant's current estimate of the total amount of funds that would be required to cover all costs and fees in relation to the compulsory acquisition of land and rights (including temporary possession), should the DCO be made and the CA and temporary possession powers are granted;
- (b) Whether the estimated amount of funds that are considered necessary for CA and temporary possession powers has been reviewed and agreed by a competent third party who has experience in relation to the costs/funds required for land and rights in London;
- (c) Whether the funds required for CA of land and rights would be sourced from the Applicant's own reserves or whether they would be dependent upon the accrual of user charging from the proposed development and whether the funds for the CA of land and rights should be secured by bond or guarantee in an Article.
- (d) The security of the funding in the event that any or all of the benefit of the DCO is transferred to another person;
- (e) The resource implications of a possible acquisition resulting from a blight notice;
- (f) The resource implications in relation to potential Category 3 persons, how the Category 3 persons listed in the Book of Reference were identified and whether other Category 3 persons should be identified in any updated BoR; and

³ [Department for Communities and Local Government, Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land](#)

(g) The certainty that sufficient funding would be available overall to enable the project and therefore CA to be set in hand within the time limits set within the dDCO.

6. Applications made under PA2008, section 127, in relation to SUs land and section 138, in relation to the extinguishment of rights and removal of apparatus of SUs

(a) Update from Statutory Undertakers, IPs and the Applicant in relation to agreeing the draft protective provisions.

7. Crown Land

(a) To ascertain that there is still no Crown Land within the Order Limits.

8. PA2008, section 132 open space land

(a) To obtain an update from the Applicant on this matter.

9. Unknown Land Interests

(a) To ascertain whether there is any land of unknown ownership within the Order Limits.

10. The Panel's chart of IPs who are objecting to the compulsory acquisition of land or rights.

(a) To consider the attached chart and to request that the Applicant and IPs review the chart and provide amendments/alterations for submission to the Examination for DL2; and

(b) The Applicant is also requested to provide an updated version of the chart at various deadlines throughout the Examination, including DL7, Monday 10 April 2017.

11. Human Rights

(a) Regard had to Articles 6 and 8 of the European Convention on Human Rights and Article 1 of the First Protocol;

(b) The degree of importance attributed to the existing uses of the land and river that is proposed to be acquired or over which rights would be imposed;

(c) The weighing of any potential infringement of Convention rights against the potential public benefits if the DCO is made; and

(d) Whether there are any Equality Act duties relevant to the Application, and if so, how have these been addressed.

12. Action Points arising from today's hearing

13. Any other matters

Please note: The agenda may be subject to change and elaboration at the discretion of the Panel. The Panel will arrange for comfort breaks and a one hour lunch break. The hearing will close at the conclusion of business. Interested parties who have registered to speak in advance will be provided with a seat at the table and microphone access. Individuals who have not registered in advance may participate at the discretion of the Panel.

Interested Parties objecting to the Compulsory Acquisition of Land and/or Rights

Objection Number	Examination Library Reference ¹	Interested Party Name	Land Plots	Category 1,2,3 Person and/or Statutory Undertaker (SU) ²	Notes (e.g. an objection is withdrawn)
1	RR-138 & REP1-032	Russell Cooke LLP on behalf of (obo) GLE Property Developments Limited and Waterfront Studios Limited	05-121, 05-134, 06-028, 06-029 & 06-031	1	
2	RR-307 & REP1-013	London Borough of Newham	05-105, 05-116, 05-117, 05-121, 05-134 & 06-028	1	
3	RR-185, REP1-043 & REP1-044	Nathaniel Litchfield and Partners obo U&I Group	01-008, 01-011, 01-022 & 01-024	1	
4	RR-261	DLA Piper UK LLP obo The Waterfront Limited Partnership	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007, 03-009, 03-010,	1	

¹ [Silvertown Tunnel Examination Library](#)

² Section 102B of the Planning Act 2008 (PA2008) defines the categories of Affected Person. In summary, Category 1 Persons are owners/lessees/tenants; Category 2 Persons have an interest in the land or have power to sell and convey the land or to release the land. Category 3 Persons are persons who would or might be entitled to make a relevant claim under (a) section 10 of the Compulsory Purchase Act 1965 (in relation to injurious affection of land not subject to compulsory purchase); (b) a claim under Part 1 of the Land Compensation Act 1973; (c) a claim under s152(3) of the PA2008. PA2008, Section 127(8) provides the meaning of Statutory Undertakers (SUs).

			03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015,		
5	RR-262	DLA Piper UK LLP obo AnSCO Arena Limited (previously AEG Limited)	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007, 03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015	1/3	
6	RR-305 & REP1-056	Mills & Reeve obo Trinity (D) Limited	01-084, 01-087, 02-022, 02-039, 02-042, 02-046, 02-065, 02-075, 02-075a, 02-076, 03-005, 03-007, 03-009, 03-010, 03-011, 03-016, 03-017, 03-017a, 03-045, 03-049, 04-012 & 04-015	1	
7	RR-037 & REP1-089	RPS Planning and Development Limited obo Lidoka Estates Limited	01-058 & 01-046	1	
8	RR-341	RRS London Waste Paper Ltd	01-046, 01-047 & 01-058	1	
9	RR-192 & REP1-090	Matthews and Sons obo Tarmac PLC	05-023, 05-029, 05-030, 05-036, 05-056, 05-056a, 05-070, 05-070a,	1	

			05-073, 05-078 & 05-083		
10	RR-216 & REP1-037	Shoemiths LLP obo Brenntag UK Limited	01-027, 01-028, 01-030 & 01-050	1	
11	RR-260 & REP1-064	Knight Dragon Developments Limited and Knight Dragon Investments Limited	01-040, 01-043, 01-044, 01-044a, 01-045, 01-045a, 01-045b, 01-078a, 01-083, 01-084, 01-087, 01-088a, 01-090, 02-018, 02-018a, 02-018b, 02-018c, 02-021, 02-022, 02-026, 02-026a, 02-027, 02-028, 02-029, 02-032, 02-033, 02-036, 02-036a, 02-036b, 02-037, 02-037a, 02-039, 02-040, 02-042, 02-043, 02-043a, 02-046, 02-051, 02-054, 02-056, 02-059, 02-062, 02-062a, 02-065, 02-069, 02-073 to 02-076, 02-078 to 02-080 & 03-001 to 03-006	1	
12	RR-285 & REP1-053	Winckworth Sherwood LLP obo Port of London Authority	04-011, 04-016 to 04-020, 04-023 to 04-025, 04-027, 04-028, 04-030a-b &	1	

			04-031		
13	RR-288 & REP1-031	JLL obo ASD Limited (Kloeckner Metals UK)	05-047, 06-010, 06-005 & 06-013	1	
14	RR-291 & REP1-034	Gerald Eve obo Morden College	01-011, 01-007, 01-008, 01-011, 01-022, 01-024, 01-027 to 01-031, 01-035, 01-050, 01-057, 01-061 & 01-063	1	
15	RR-296 & REP1-042	Berwin Leighton Paisner LLP obo Thames Water Utilities Limited	05-033 & 06-078	1,2 SU	
16	RR-320 & REP1-079	CMS Cameron McKenna LLP obo National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)	01-043, 01-045, 01-045a, 01-045b, 01-078a, 01-088a, 02-018, 02-018a, b & c, 02-027, 02-028, 02-043, 02-043a, 02-054, 02-056, 02-069, 02-073, 02-078, 03-002, 03-002a & b 03-008, 03-012, 03-019, 06-068, 06-071, 06-072, 06-094, 06-095, 06-096, 06-098, 06-098a, 07-002, 07-004, 07-005, 07-006, 07-007, 07-007a & b and 07-008	2/SU	CMS Cameron McKenna LLP's letter of 15 November 2016 states that agreement on the protective provisions means that both NGET and NGG's objections can be withdrawn.
17	RR-329,	Winckworth Sherwood	05-009 to 05-011,	1	

	REP1-039 & REP1-040	LLP obo Quintain Limited	05-014 to 05-030, 05-032 to 05-034, 05-036 to 05-038a, 05-040 to 05-042, 05-044, 05-044a, 05-046, 05-052, 05-055 to 05-056a, 05-066, 05-066a, 05-070, 05-070a, 05-073 to 05-074a, 05-078, 05-083, 05-088 & 05-091		
18	REP1-030	Affordable Architects obo Tary Holdings	01-052, 01-056, 01-058c, 01-060, 01-060a, 01-065 & 01-065a	1	
19	RR-294	Vectos Limited obo London City Airport	05-006 & 06-001	1,3?	