

17 July 2023

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

**A122 LOWER THAMES CROSSING (REF: TR010032)
DEADLINE 1 WRITTEN REPRESENTATIONS**

E AND K BENTON LIMITED (AP1717)

On behalf of our clients, E and K Benton Limited, we write further to the Relevant Representations submitted on 20 February 2023.

Our clients are owners and farmers of land and property at South Ockendon Hall.

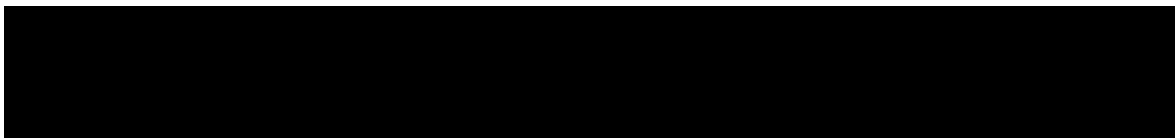
The Plan attached to these submissions shows our client's ownership edged red with the approximate land areas within the Order limits shaded yellow.

We have not repeated those Relevant Representations in this submission to reflect the ExA's advice to avoid repetition.

We also refer the ExA to the separate Deadline 1 written submissions in respect of the draft DCO that we have submitted on behalf of all clients who we represent. Those should be read in conjunction with these submissions.

We have also submitted a separate request to make oral representations at the Compulsory Acquisition Hearings as scheduled in the timetable annexed to the Rule 8 letter dated 27 June 2023 (as amended on 3 July 2023).

We confirm that we are negotiating a Statement of Common Ground with the Applicant and this will be submitted to the ExA in due course.



References to 'the Project' are to the Lower Thames Crossing.

We have submitted separate Deadline 1 representations on behalf of our client's development partner, EA Strategic Land LLP (AP1539) and those representations should be read on conjunction with this submission.

1. APPLICANT'S RELIANCE ON DETAILED DESIGN & BUILD PHASE & THE IMPOSITION OF RESTRICTIVE COVENANTS/PERMANENT RIGHTS

1.1 We have noted in the draft application documents and further comments made by the Applicant through the Examination responses and through our ongoing negotiations with the Applicant directly, that there is a significant emphasis placed on the Design and Build Phase of the Project to provide detail that, in our opinion, is required for us to fully assess the impact of the Project.

1.2 This is of particular relevance to land to be temporarily possessed but with the acquisition of permanent rights.

2. USE OF PRIVATE ROADS – MEDEBRIDGE ROAD

2.1 Our clients have an unrestricted right of access across Medebridge Road to access their land and property.

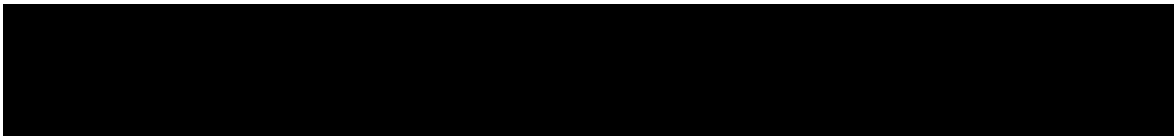
2.2 In respect of our client's representations, please refer to our separate submission on the draft DCO, in respect of Article 13 the Use of Private Roads and with specific reference to Medebridge Road (Plots 30-02, 30-04 to 30-07, 30-11, 34-01 to 34-03, 34-05, 34-06, 36-02, 36-03 and 36-05).

2.3 We also refer you to the separate Deadline 1 representations submitted on behalf of their development partners, EA Strategic Land LLP (AP1539) which set out issues relating to the Medebridge Road and its relationship to the proposed development at South Ockendon. EASL's representations are supported by E and K Benton Limited.

3. WCH – NEW ADDITIONAL ROUTES

3.1 With reference to the Applicant's Project Design Report – Part E – Design for Walkers, Cyclists and Horse Riders (APP-512) – Section 5.3 (WCH routes in the Ockendon Link), our client's land interest is affected by the following:

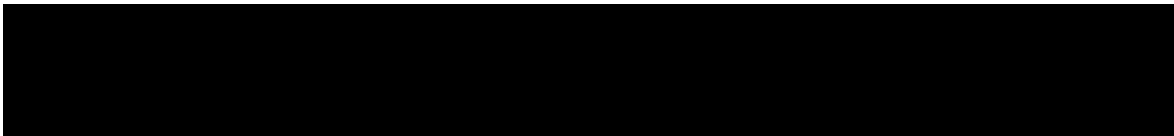
- (i) FP136 to FP135 connection (plot 38-21)
- (ii) FP136 upgrade to bridleway (plots 38-28 and 38-29)
- (iii) Mardyke to FP136 footpath connection (plot 38-27)
- (iv) FP136 realignment (plot 38-21)
- (v) North Road WCH Track



- 3.2 Our client objects to the proposed permanent acquisition of any WCH route.
- 3.3 Our client also objects to the upgrading of footpaths to bridleways, the reasons for which have been submitted in our client's consultation submissions.
- 3.4 We also attach a copy of our written submission to the ExA at PDC3 in respect of WCH routes and would request that this matter is considered in detail by the ExA, the Applicant and affected parties as to the effects of these proposals here and more widely along the Project route at a specific hearing or at the Compulsory Acquisition hearings.
- 3.5 We consider that extensive nature of the WCH proposals by the Applicant and the significant issues that could be created by these on landowners will need to be addressed in an oral hearing.
- 3.6 Without prejudice to our client's objection in respect of the North Road WCH track, in the absence of an amendment to remove the new additional route from this location, as a matter of principle we consider that this land could be dedicated for this purpose with the freehold ownership remaining with our client to avoid 1) a ransom strip position and 2) to allow our clients to demonstrate that they have a sufficient interest in the freehold land to propose any necessary amendments to the route as may be required for the route of alternative access to South Ockendon Hall Farm (permitted under Thurrock Council planning application ref: 22/01466/FUL and as part of strategic development at South Ockendon.
- 3.7 On behalf of our clients, we have submitted reasoning for the relocation of the proposed North Road WCH Track route consistently as part of our responses to the Design Refinement Consultation (2020), Supplementary Consultation (2020), Community Impacts Consultation (2021) Local Refinement Consultation (2022). At no point has the Applicant sought to engage positively to address this issue and to fully discuss our client's proposal.

4. NOISE IMPACTS

- 4.1 The Applicant has provided us with further information (as at 23 June 2023) to support their proposals for noise mitigation in the area around North Road with reference to a proposed earthwork bund introduced at Local Refinement Consultation in 2022 and referenced in their Environmental Statement Figure 12.6 (APP-314).
- 4.2 In the same way as the Applicant is reserving detailed provisions generally to the Design and Build Phase of the Project, our client considers it reasonable to reserve our position to test, review and comment on the Applicant's proposals at that agreed detailed design stage in order to protect our client's property interests at South Ockendon Hall.
- 4.3 Our clients are concerned that the lack of acoustic barriers will impact on their property and the design must be sufficiently flexible to allow these works to be considered.

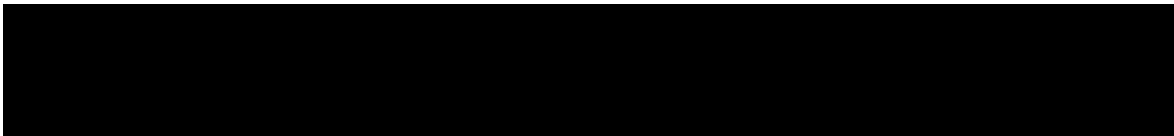


5. ECOLOGICAL MITIGATION LAND

- 5.1 The Applicant has proposed to permanently acquire land (principally Plots 35-12 and 38-27) as ecological mitigation land.
- 5.2 Without prejudice to our client's objection to the loss of this land, we are in active discussions with the Applicant through the preparation of a Statement of Common Ground to establish the means by which this land could be managed in accordance with the Project's objectives and prescriptions with the freehold remaining in our client's ownership.
- 5.3 As a matter of principle, we consider that this would provide the most appropriate way forward for the management and good husbandry of this land.
- 5.4 Areas such as our client's land holdings suffer many instances of unauthorised access. A change from arable farming to grassland habitats (for example) will lead to instances of unauthorised access increasing unless the land is managed and kept secure. The prospect of the land being owned/managed by a third party increases the risks of these instances occurring and therefore increases the same risks to our client's adjoining retained land and property.
- 5.5 In respect of the management skills required, we consider that our clients are well placed to meet these requirements and therefore we ask the ExA to consider a general presumption in favour of this approach where landowners are prepared to enter into management agreements for the term required by the Project.
- 5.6 The above could for example be delivered under an agreement subject to Section 253 of the Highways Act 1980 or under a similar form of environmental land management agreement.
- 5.7 The extent of ecological mitigation land is significant on our client's land contributing to an approximate loss of 35% of their total land holding. This poses a considerable risk to our client's business and future family generations at South Ockendon.

6. DRAINAGE


- 6.1 Our clients have an extensive modern drainage scheme which drains all their land, copies of which have previously been provided to the Applicant.
- 6.2 With reference to our general comments on drainage submitted in respect of the wording of the draft DCO under this Deadline 1, it will be imperative that the Applicant's responsibilities are sufficient to ensure the responsibility for good installation of replacement drainage connections and remediation where those may fail does not result in our client's being put to any additional cost or loss. We anticipate that given the reliance on the detailed design and build phase of the Project that the code of good construction practice will be sufficiently detailed in this respect.



6.3 This is of particular relevance to our client given the extent of land severance caused by the proposed route through multiple field parcels.

We look forward to working with the ExA and the Applicant during the Examination to address the above issues.

Yours faithfully



M R Holland MRICS
Director
HOLLAND LAND & PROPERTY LTD
(Agents for the above-named Affected Party)

