

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

**Agenda for Issue Specific Hearing 7 (ISH 7):
the draft Development Consent Order**

Hearing	Date and Time	Location
Issue Specific Hearing 7 on the draft Development Consent Order (dDCO)	Monday 11 September 2023 Hearing Starts at 10am Online event Virtual Registration Process from 9:15am	By virtual means using Microsoft Teams

Agenda

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the Issue Specific Hearing**
- 3. ExA's Questions on the dDCO**

The ExA will ask questions about the dDCO and seek observations from the Applicant and IPs present on changes to the dDCO since ISH2 on 22 June 2023 and further proposed changes that may be under consideration. This agenda also enables the ExA to bring forward and raise questions on matters relating to the dDCO arising from ISHs 3 to 6.

a)	Changes proposed to the dDCO since ISH2
b)	Changes not yet submitted but under consideration
c)	dDCO matters arising from other Issue Specific Hearings (ISHs 3 – 6)
d)	Any other matters relating to the dDCO

Other IPs will be welcome to participate.

The Applicant will be provided with a right of reply.

- 4. Next Steps**
- 5. Closing**

Purpose of this ISH

The purpose of this ISH is to inquire into the draft Development Consent Order (dDCO), providing a monitoring point in relation to changes proposed to the dDCO since ISH2, a means to explain any further changes proposed but not yet formally introduced and a place where dDCO questions arising for the ExA from ISHs 3 to 6 can be discussed.

This ISH into the dDCO will be conducted *without prejudice* to the in-principle positions taken by Interested Parties (IPs) in relevant or written representations. This means for example that IPs are at liberty to seek improvements to provisions in the dDCO without conceding an in-principle position that there should be no such provisions or that the dDCO itself should not be made. It is held in the interests of ensuring that the dDCO becomes the best draft that can be obtained in the circumstances and is also *without prejudice* to the ExA's future deliberations on its recommendation to the Secretary of State about whether or not the dDCO should be made.

This hearing will use the Version 4 Tracked dDCO [[REP2-005](#)] as its main reference source.

Attendees

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

- The Applicant
- Any host local authority
- Any other public authority with a proposed function under the dDCO
- Any proposed beneficiary of protective provisions
- Any utility service provider or statutory undertaker with land, infrastructure, alignments or apparatus affected by the dDCO
- Any port authority or port operator affected by the dDCO
- The Marine Management Organisation (MMO)
- The Thames Crossing Action Group (TCAG)

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

- Statutory drafting
- Legal advice on the dDCO

This list may also assist other IPs who are able to draw on staff or advisors to support them.

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.

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 view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded. For the avoidance of doubt, you are advised that the recordings that we make are retained and

published and form a public record that can contain your personal information and to which the UK General Data Protection Regulation applies.

Registration Process

Registering as a speaker

This is a virtual-only event. The speakers invited to this hearing are listed above. If you are invited, please register online at **9-15am**. This enables arrangements to be explained and hearings to make a prompt start.

You will receive joining and registration instructions in a separate email, shortly in advance of the event. This email will also explain what to do if you have difficulties getting connected.

Observing the hearing

Hearings are held in public. If you are not speaking, but are observing on-line, please go to the [project landing page](#) on the National Infrastructure Planning website where you will find:

- on the day - a link to a livestream to watch the hearing in real time; and
- after the event has closed - a link to the recordings of the hearing

All Interested Parties (IPs) are welcome to submit observations in writing by the deadline following the hearing.

Procedure at an ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a 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 an IP has had a fair chance to put its case.

Parties attending an ISH for the first time are encouraged to view parts of previous ISH1 held at the start of this Examination, using the recordings held online. Whilst the matters to be examined in this hearing – identified in this Agenda – will be different, the approaches taken to hearing management and involvement by parties will be similar. Introductory and advisory material included in the opening stages of that hearing will not be set out in full in later hearings and so the ISH1 recording of the opening session on Day 1 will assist those who are not familiar with this type of hearing.

- ISH1 Recordings ([Day 1 – 21 June 2023](#))
- ISH1 Recordings ([Day 2 – 23 June 2023](#))

Participants at the hearing are reminded of the importance of respecting all other participants and allowing everyone here to have their say. Please do not interrupt the other speakers. If the ExA needs to clarify something that is being said, then the ExA will intervene.

Unnecessary interruptions that disrupt the hearing can be viewed as unreasonable behaviour for which awards of costs can be sought by other interested parties; they can also lead to a party being removed from the hearing.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it

may be necessary to prioritise matters and defer others to written responses to actions, to written questions or to a subsequent hearing.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate.

Email: Lowerthamescrossing@planninginspectorate.gov.uk

Tel: 0303 444 5000

Contingencies

If this hearing is unable to proceed or continue, then the ExA will adjourn incomplete business to hearing times in October or November 2023 that have been reserved in the Examination Timetable. Notice of any adjournments will be provided in the banner on the National Infrastructure Planning Website.