

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

**Agenda for Open Floor Hearing 1 (OFH4):**

Hearing	Date and Time	Location
<b>Open Floor Hearing 4 (OFH4)</b>	<b>Wednesday 6 September 2023</b> <b>Hearing Starts at 7-30pm</b>  Blended event Venue Registration Process from 6:45pm  Virtual Registration Process from 6:45pm	Orsett Hall Hotel Prince Charles Ave, Orsett, Grays RM16 3HS  By virtual means using Microsoft Teams

**Agenda**

**1. Welcome, introductions, arrangements for the Hearing**

**2. Purpose of the Open Floor Hearing**

**3. Representations by Interested Parties**

- A maximum speaking time guide of five minutes per Interested Party (IP) will apply to submissions by individual Interested Parties (IPs).
- A maximum speaking time guide of seven minutes will apply to shared speaking submissions between several IPs (for example representing more than one member of a household).
- Membership organisations and formal groups such as businesses, clubs or societies will receive a maximum speaking time guide of ten minutes.

The ExA may ask questions of IPs and the Applicant about matters arising from written and oral submissions. If they do so during a timed submission, the time taken by the ExA will not count against the speaking time guide.

**4. Responses by the Applicant**

The Applicant will be invited to respond to matters raised and to questions arising from the ExA. A maximum speaking time guide of five minutes will apply.

**5. Next Steps**

The ExA will review any actions placed on the Applicant, IPs or Other Persons speaking. It will also consider how those actions fit into the timetable and the next steps that need to be taken.

**6. Closing**

## Purpose of OFHs

OFHs are hearings where Interested Parties who are individuals, groups and organisations can have their say. They do not have subject-matter controlled agendas. Participants may raise any matters arising from the Application that are important and relevant to a decision taken under the Planning Act 2008 (PA2008). OFHs aim to identify planning issues that are important and relevant. Once an issue has been identified it does not need to be repeated. It is sufficient to say that you agree with something a previous speaker has raised. All important and relevant issues raised at all OFHs are considered by the ExA and contribute towards its consideration of the planning balance in due course.

## Joining the Hearing

### *Registering as a speaker*

The speakers invited to this hearing are listed here.

- Graham Reeve (Essex Area Ramblers) 10 minutes
- Mark Smith (Swing Rite Golf Ltd) 10 minutes
- Daniel Smyth (Savills) for St John's College, Cambridge 10 minutes
- Laura Blake 5 minutes
- Muriel Blake 5 minutes
- Paul Cole 5 minutes
- Antony Hughes 5 minutes
- Savanna Hughes 5 minutes
- Simon Johnson 5 minutes
- Robert Lane 5 minutes
- Fraser Massey 5 minutes
- Kelvin Moon 5 minutes
- John Purkiss 5 minutes
- John Thacker 5 minutes
- Wayne Thacker 5 minutes

Speakers should register at 6-45pm. This enables arrangements to be explained and hearings to make a prompt start.

You can register in person at the venue. If you are attending virtually though, 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, public seating at the venue will be open from **6-45pm**. If you 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.

## Participation

All speaking appointments are time-limited, and for reasons of fairness, the time limits shown on the Agenda will be strictly applied. You will be reminded to conclude approximately thirty

seconds before the end of your allotted speaking time. The order in which speakers are heard at OFHs and the timing of OFHs in the Examination period is not material.

Cross questioning is not normally allowed and the ExA will ask any questions that arise. The time needed for any questions from the ExA will not be subtracted from your speaking time. The ExA may ask for more detailed information or evidence from experts to be provided later, by setting 'actions' to be responded to in writing after the event, by drawing issues into Issue Specific Hearings (ISHs) or Compulsory Acquisition Hearings (CAHs) or by asking written questions.

Once you have spoken at one OFH you do not have a right to speak again at another. It is important that you use your allotted time well to communicate your messages to the ExA.

Any new evidence presented orally at an OFH (including written submissions of oral cases) should be included in post-hearing written submissions at **Deadline 4** (Tuesday 19 September 2023).

People who have land or rights affected by Compulsory Acquisition or Temporary Possession are Affected Persons and have a right to be heard at a Compulsory Acquisition Hearing (CAH). If you are an Affected Person wishing to speak about your land or rights, then a CAH will be the best forum to raise any such issues. Please ask the Case Team about participation in a CAH if you are an Affected Person.

The ExA has asked the Applicant to attend these hearings. The Applicant may be asked by the ExA to address questions raised by IPs in summary form at the end of each hearing and in written submissions. The primary purpose of these hearings is not to enable the Applicant to make their own case beyond immediately necessary points of clarification. Any Applicant responses to IP's oral cases should be made in writing.

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. Interested Parties 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.

All participation is subject to the ExA's power to control the hearing.

### **Requests to be Heard**

OFH4 and OFH5 (for which notice will be served in due course) are being held in response to requests to be heard that were submitted for **Deadline 1 / Procedural Deadline D** on Tuesday 18 July 2023. As the deadline for existing IPs to request to be heard at an OFH has now passed, the ExA is no longer accepting requests to be heard at OFHs from existing IPs.

The Applicant proposes to change the application to seek compulsory acquisition or temporary possession affecting additional land (see [\[PD-023\]](#) and [\[PD-024\]](#)), and the ExA will provide a separate opportunity for persons to be heard at an OFH in relation to the effects of those changes in due course, in accordance with the National Infrastructure (Compulsory Acquisition) Regulations 2010.

### **Procedure at OFHs**

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.

The ExA aims to hear the invited speakers at the appointed date and time. Please see the advice on contingencies below if the hearing is unable to proceed or conclude.

## **Guidance and Advice**

[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 advice and the ExA has published frequently asked questions (FAQs).

- Advice Note 8.5 – [Participating in an Examination](#)
- Advice Note 8.6 – [Virtual Events](#)
- Lower Thames Crossing Examination [FAQ v2](#) [PD-014]

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 your hearing, as it will help you to prepare and get the best out of your participation.

## **Contingencies**

If for unforeseen reasons this hearing is unable to proceed or conclude, 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.