

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### Lower Thames Crossing proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28-day due date	Date of decision
	02/08/23	30/08/23	24/08/23
Regulation 6(2)	Planning Inspectorate Comments		
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>In its letter dated 02 August 2023 <a href="#">[AS-092]</a> the Applicant confirmed a request to reduce the Order limits due partly to the relocation of utilities and Utility Logistics Hubs in East Tilbury. Section 8 of Document Reference 10.4 'Change Application, Vol 10, (August 2023)' <a href="#">[AS-092]</a>, which accompanied the aforementioned letter, also confirmed that the relocation of utilities and Utility Logistics Hubs in East Tilbury would require a change in land powers sought (additional permanent acquisition of rights), thus requests to include in an Order granting development consent a provision authorising the compulsory acquisition of additional land.</p> <p>Table 8.1 of Document 10.4 <a href="#">[AS-092]</a>, sets out that the request applies to the following plots:</p> <ul style="list-style-type: none"> <li>• Plot ID 23-175 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 23-96 for temporary possession of land only;</li> </ul>		

	<ul style="list-style-type: none"> <li>• Plot ID 23-176 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 23-98 for temporary possession of land only;</li> <li>• Plot ID 23-177 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 23-99 for temporary possession of land only, and deletion of Plot ID 23-121 for temporary possession of land and permanent acquisition of rights;</li> <li>• Plot ID 23-178 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 23-102 for temporary possession of land only;</li> <li>• Plot ID 23-179 for temporary possession of land and permanent acquisition of rights, following Deletion of Plot ID 23-103 for temporary possession of land only;</li> <li>• Plot ID 24-191 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 24-116 for temporary possession of land rights;</li> <li>• Plot ID 24-192 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 24-127 for temporary possession of land only;</li> <li>• Plot ID 24-193 for temporary possession of land and permanent acquisition of rights, following deletion of Plot ID 24-131 and temporary possession of land only.</li> </ul> <p>The proposed changes are for the benefit of Statutory Undertakers to build, access, maintain and operate their infrastructure.</p>
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>The Applicant confirms in Section 8.1.5 of Document Reference 10.4 'Change Application (August 2023)' <a href="#">[AS-092]</a> that it has written to all the people with an interest in the relevant land but has received no consents in response. Accordingly, Regulation 4(b) applies.</p>

<p><b>Summary – Regulation 4</b></p>	<p>The proposed provision is one to which regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply.</p>
<p><b>Regulation 5 - Proposed Provision</b></p>	
<p>The applicant must send to the Secretary of State details of the proposed provision which must—</p>	
<p>(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;</p>	<p>The Applicant made a submission on 02 August 2023 pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. That submission included:</p> <ul style="list-style-type: none"> <li>• A Change Application (Doc 10.4, Vol 10, August 2023) <a href="#">[AS-092]</a>, which included in Table 8.1 a list of the affected plots (in intention and effect a supplement to the Book of Reference, when read with the documents recorded below);</li> <li>• Extract from the Book of Reference (Doc 10.15, Vol 10, August 2023) <a href="#">[AS-140]</a>, showing revisions to plot numbers and recording of additional land interests in all of the relevant parts.</li> </ul>
<p>(b) be accompanied by—</p> <ol style="list-style-type: none"> <li>(i) land plan identifying the land required as additional land, or affected by the proposed provision; and</li> <li>(ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.</li> </ol>	<p>The Applicant made a submission on 02 August 2023 pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. That submission also included:</p> <ul style="list-style-type: none"> <li>• A Change Application (Doc 10.4, Vol 10, August 2023) <a href="#">[AS-092]</a>, which included Plans at Plates 6.3 and 6.4 showing the area of land use change for additional permanent acquisition of rights in the Order (in intention and effect an indicative Land Plan identifying the extent of the additional land);</li> <li>• Extract from Land Plans Volume C (Sheets 21 to 49) (Doc 10.6, Vol 10, August 2023) <a href="#">[AS-104]</a>, showing revisions to the</li> </ul>

	<p>Order limits and plots subject to new acquisition of permanent rights;</p> <ul style="list-style-type: none"> <li>• Extract from Statement of Reasons (Doc 10.14, Vol 10, August 2023) <a href="#">[AS-136]</a>, which includes revisions to Table 2, Annex A to show the plots affected by the proposal to acquire permanent acquisition of rights, and revisions to Annex B to show the status of negotiations with affected persons with interests in the plots affected by the proposal to acquire permanent acquisition of rights.</li> </ul>
<p><b>Summary – Regulation 5</b></p>	<p>A document amounting to a supplement to the Book of Reference (as permitted by Regulation 5(a)) has been submitted. Similarly, a document amounting to a supplemental Land Plan has been provided identifying all the land required as additional land. An abridged version of the Statement of Reasons has been provided, but this details of the land in question and therefore accords with the requirements of Regulation 5(b)(ii). However, no new or updated funding statement has been provided, as also required by Regulation 5(b)(ii). Notwithstanding, Section 8.3 of the Change Application (Doc 10.4, Vol 10, August 2023) <a href="#">[AS-092]</a> states that the original Funding Statement [APP-063] remains relevant to the request to permanently acquire rights in additional land.</p> <p>The ExA considers that this is sufficient to accord with Regulation 5(b)(ii) and the funding situation will be tested through Examination.</p>

Case Manager \_\_\_\_\_

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*Signed*

Date: \_\_\_\_\_

**Lead member of the  
Examining Authority**

Rynd Smith

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*Rynd Smith*

**Signed**

**Date:**

**24 August 2023**

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