

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

**Amended Agenda<sup>1</sup> for Compulsory Acquisition Hearing 2 (CAH 2): Individual Objections**

Hearing	Date and Time	Location
<b>Compulsory Acquisition Hearing 2 on Individual and Site Specific Objections relating to Compulsory Acquisition &amp; Temporary Possession</b>	<b>Friday 15 September 2023</b> <b>Hearing Starts at 2pm</b> Blended event Venue Registration Process from 1:15pm	Orsett Hall Hotel Prince Charles Ave, Orsett, Grays RM16 3HS
	Virtual Registration Process from 1:15pm	By virtual means using Microsoft Teams

**Agenda**

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the Compulsory Acquisition Hearing**
- 3. Individual Site-Specific Representations**

The ExA wishes to hear the following Affected Persons:

a)	<b>Thurrock Council</b>
i	Scope of objections In its LIR <a href="#">[REP1-281]</a> at Chapter 14 and Appendix H <a href="#">[REP1-289]</a> , Thurrock Council extensively objects to CA and TP powers. The ExA needs to understand the basis for the objections, as they are partially expressed as objections to compensation, which in principle are not within the scope of an Examination under PA2008.
ii	Non-statutory relief To the extent that Thurrock Council seeks non statutory relief

<sup>1</sup> This Amended Agenda updates and replaces the initial Agenda published on 21 August 2023. Changes to the originally published Agenda are **highlighted in gold**.

	including a hardship scheme and a need to sell scheme, to what extent and in what circumstances is it seeking such schemes? Does it seek relief for itself or on behalf of CA & TP stakeholders more broadly?
iii	Statutory tests and guidance To the extent that Thurrock Council asserts that statutory tests and guidance relevant to CA and / or TP has not been followed or are not met, the ExA wishes to test that case.
b)	<b>Birketts LLP obo Kathryn Homes Ltd, Runwood Homes Ltd and Runwood Properties Ltd re Whitecroft Care Home, Stanford Road, Orsett</b>
i	Scope of objections At OFH2, Emma Dring of counsel for these IPs [REP1-366] to [REP1-373] raised concerns that the effect of the proposed development on these businesses would be to render them inoperable for a substantial period, and or would lead to unacceptable operating and living conditions for vulnerable care home residents. These are not directly CA objections at present. The ExA will consider whether they should be considered as such or whether any other action outside the CA process could be appropriate.
ii	CA and / or TP Are there any circumstances in which the businesses might be made subject to CA and or TP for the duration of works?
iii	Non-statutory relief To the extent that these IPs seek non statutory relief which might including a hardship scheme and / or a need to sell scheme, to what extent and in what circumstances might they seek such schemes?
iv	Human Rights and Equalities Duty Are relevant Human Rights Act (ECHR) rights and / or the Public Sector Equalities Duty (PSED) engaged and if so, what are the consequences of that engagement?
c)	<b>Lawson Planning Partnership (LPP) for an Affected Person (Mrs J Carver)</b>
i	Scope of Objections Concerns in relation to land take and related questions about mitigation [ <a href="#">RR-0753</a> ], [ <a href="#">REP1-389</a> ], [ <a href="#">REP1-390</a> ], [ <a href="#">REP2-107</a> ].
ii	Statutory tests and guidance To the extent that LPP asserts that statutory tests and guidance relevant to CA and / or TP and Human Rights have not been followed or met, the ExA wishes to explore these.
d)	<b>Norton Rose Fulbright (NRF) and Centro for an Affected Person (Glenroy Estates Ltd)</b>
i	Scope of Objections Concerns in relation to land take and related questions about mitigation [ <a href="#">REP1-347</a> ].
ii	Statutory tests and guidance To the extent that NRF/ Centro asserts that statutory tests and

	guidance relevant to CA and / or TP and Human Rights have not been followed or met, the ExA wishes to explore these.
--	--

The Applicant will be provided with a right of reply.

**4. Next Steps**

**5. Closing**

## **Purpose of this CAH**

The purpose of this CAH is to hear and inquire into certain individual objections to the compulsory acquisition or temporary possession of land, or with a possible bearing on the extent and operation of those powers, associated with the Lower Thames Crossing project.

## **Attendees**

The ExA invites the following parties to attend this Hearing.

- The Applicant
- Thurrock Council
- Kathryn Homes Ltd
- Runwood Homes Ltd
- Runwood Properties Ltd
- Lawson Planning Partnership (LPP) for Mrs J Carver

This hearing is primarily to provide a place to be heard by the objecting parties and the ExA does not anticipate seeking speaking contributions from persons who are not invited attendees, unless points are raised that engage directly with the objections. Any such point should be raised through the Panel Member in the chair.

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

- Land Agents;
- Chartered Surveyors; and/ or
- Legal advisors

who are responsible for the drafting of the CA & TP powers in the dDCO; for the selection of land and the assembly of portfolios of permanent and temporary land and rights necessary for the delivery of the proposed development; for the provision and maintenance of the CA & TP document set including the Land Plans, Book of Reference and Statement of Reasons and for the due diligence process over land and rights.

This list will also assist other parties 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.

## Joining the Hearing

### *Registering as a speaker*

The speakers invited to this hearing are listed above. If your name is listed for a hearing, please register at **1-15pm**. 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, 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 **1-15pm**. 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

Compulsory acquisition hearings are a place for those whose land and/ or rights are affected by the Proposed Development to be heard. Such persons are known as Affected Persons (APs) and are listed in the Book of Reference, although the hearing can hear from those who appear to have land or rights that are affected but are not listed in the Book of Reference, and/or have been granted Interested Party status under section 102A of the Planning Act 2008.

The Examining Authority (ExA) has carefully considered all representations made by Affected Persons and has decided to hold Compulsory Acquisition Hearings for two separate purposes.

- To question the Applicant about its strategic case for CA and TP (a process carried out at CAH1).
- Subsequent CAHs commencing with this CAH2 provide places to which APs wishing to object on an individual basis to a CA or TP request affecting their interests in land are invited. However, the business of such hearings will be confined to consideration of objections from those who have requested to be heard.

This is the second CAH to be held in this Examination (CAH2). It is being held to hear individual objections about effects on land or rights. It has a specific focus on circumstances where requests are being made for elements of non-statutory or hardship relief.

**It should be noted that this hearing (CAH2) is not the only compulsory acquisition hearing to be held to hear individual objections from APs. Additional hearings will be**

held in October and November 2023. If you are an AP who has objected and requested to be heard, you will be provided with a hearing at one of these forthcoming events.

## **Requests to be Heard**

The business of this hearing is confined to the hearing of parties who have requested or whom the ExA has invited to be heard at a CAH.

If you are not an Affected Person but want to object to the Application more broadly (including by raising concerns about the effects of compulsory acquisition or temporary possession on others or on the local economy), then you do not have a right to speak at a Compulsory Acquisition Hearing. Time in these hearings is reserved for those whose land or rights are affected. You should raise your concerns at an Open Floor Hearing, under an appropriate agenda item at an Issue Specific Hearing or put them to the ExA in writing.

## **Procedure at CAHs**

There are two types of CAH:

- Strategic hearings, where the Applicant's case for CA & TP is tested in the round; and
- Individual hearings, where site-specific objections arising from Affected Persons are heard.

This hearing is an individual CAH. Its structure and style will be like that of an Open Floor Hearing (OFH), where individual speaking appointments will be provided for individual or represented Affected Persons to raise site-specific issues.

Participation is subject to the ExA's power to control the hearing. Hearings will be run to ensure that all submissions from those participating are fully heard within the allotted time.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and others permitted to speak may attend with relevant expert advisers, but others permitted to speak may participate on an equal basis without expert advice if they wish.

Cross-questioning is regulated by the ExA and is not permitted unless the ExA decides that it is necessary to ensure that representations are adequately tested or to ensure that all persons have had a fair chance to put their case.

This agenda may be amended by the ExA at the start of the hearings. The ExA may wish to raise supplementary matters arising from oral submissions and written representations and to pursue lines of inquiry in the course of the discussions which are related to but not listed on the agenda.

Evidence presented orally at these hearings should be included in post-hearing submissions including written submissions of oral case and submitted at the next relevant deadline, in order to ensure that it has been recorded accurately.

## **Guidance & Advice**

The Secretary of State has provided [Guidance related to procedures for the compulsory acquisition of land under the Planning Act 2008](#) and [Guidance on Awards of costs](#), where Part D is also relevant to APs. Please review this guidance before the start of the hearing.

[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.

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](mailto: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.