



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

Compulsory Acquisition Hearing 3 (CAH3) Site Specific Matters and Individual Objections

Date: Tuesday 17 October 2023

Venue: Mercure Dartford Brands Hatch Hotel & MS Teams

Action Points

No	Party	Action	Deadline
1.	Applicant and Gravesham Borough Council	Cascades Leisure Centre Playing Fields and Golf Facilities Please provide an update on progress in discussions re replacement land for the driving range, 9- hole golf course and sports pitches at the Cascades Leisure Centre at Thong Lane.	D6
2.	Applicant and Gravesham Borough Council	Cascades Leisure Centre Playing Fields and Golf Facilities Please provide final positions in relation to Action 1, setting out matters agreed and matters not agreed and requiring adjudication.	D7
3.	Applicant	PLA Protective Provisions Please submit an updated dDCO to include updated/agreed Protective Provisions in respect of temporary possession (TP) of Port of London Authority (PLA) land.	D6
4.	Applicant and PLA	PLA Acquisition of Thames Subsoil Rights Please provide an update on progress with negotiations on matters relating to CA of subsoil rights beneath the Thames, notwithstanding the lack of agreement on the quantum of any compensation. Quantum is a matter that is separately assessed and adjudicated and so agreement on it at this time should not be a pre-condition for progress on other matters for negotiation.	D6
5.	Applicant and PoTLL	PoTLL Protective Provisions Please submit an updated dDCO to include updated/agreed Protective Provisions	D6
6.	Applicant and PoTLL	PoTLL Protective Provisions	D6

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		Please set out a record of matters arising from Protective Provisions (and any other matters) where adjudication by the ExA is likely to be required. Parties are requested to consider the drafting approaches to Protective Provisions in other made Orders that affect port land.	
7.	PoTLL	PoTLL Outstanding Matters Please submit updated PADS/ SoCG recording agreed and outstanding matters relevant to CA, TP, statutory undertaker and related protections and Protective Provisions.	D6
8.	Applicant and PoTLL	PoTLL: Plot 21-10 Please investigate and provide final positions on the removal of plot 21-10 from the application.	D7
9.	Applicant and PoTLL	PoTLL Side Agreements/ Framework Agreement Please provide an update on progress with side agreements /a framework agreement. Please document progress including setting out the equivalent of Heads of Terms that are relevant for the ExA/SoS to be aware of. If these are agreed then the SoCG/ PADS process should also record agreement and evidence of agreement should be provided.	D7
10.	PoTLL	PoTLL: 'Asda Roundabout' Improvement Works Please indicate practicable steps required if additional land is required to deliver mitigation at the Asda Roundabout and/or alternative measures where additional land is not be required. Can additional land be provided within the boundary or Highway and/ or Port operational land? Can the application of the CA Regulations be avoided?	D6
11.	Applicant	Port of Tilbury CMAT Terminal Confirm if the Construction Materials and Aggregates Terminal (CMAT) tenant/ operator at the Port of Tilbury London is an existing IP/AP.	D6
12.	Applicant and Orsett Golf Club	Orsett Golf Club Please provide an update including final positions and progress on discussions/ agreement/ outstanding issues. Identify matters for adjudication.	D7
13.	Applicant	Tarmac Building Products Ltd: Linford Site Please provide written comments on any realistic possibility of the proposed works	D6

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		having a negative effect on the restoration works related to planning conditions and/ or Environment Agency licence conditions at the Tarmac Building Products Ltd (TBPL) landfill site.	
14.	Applicant	TBPL: Transmission Infrastructure Access Confirm how access for future maintenance of the electricity transmission infrastructure would be achieved, and whether any necessary vegetation removal has been assessed.	D6
15.	Applicant and TBPL	TBPL: Agreed and Outstanding Matters Provide an update/final position on all outstanding CA/temporary possession matters, to include agreed matters and setting out any outstanding matters likely to require the ExA to adjudicate.	D7
16.	Applicant	Operational Solar Farms, Consents and Applications Please provide an update on the status of and responses to development and operation of solar farms affected by the LTC alignment in the broad Mardyke Valley area. What agreements with solar farms have been finalised, and where is work on agreements ongoing. What in summary terms have agreements provided for? Whilst this action arose in respect of submissions on behalf of the Benton family, please relate your answer to all solar uses and proposals known to you in the land between the A13 at Sifford and North Ockendon.	D6
17.	Applicant	NMUs: Limitation of Motorised Vehicle Use of Bridleways Mr Benton focussed strongly on the distinctions between the effects of rights of way for walking and cycling (which in his evidence did not lead to widespread disruptive or unlawful activities in the countryside), and bridleway provision, which in his submission facilitated higher levels of unlawful access, use, disturbance and damage by motorised vehicle users. Are all new NMU alignments identified prospectively as bridleways necessary to be so designated and; if so, are there any specific control or enforcement measures that are	D6

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		deemed necessary and appropriate and which could further respond to Mr Benton's concerns? What additional robust and cost-effective measures might be used to remove or minimise anti-social activities on the bridleway network?	
18.	Applicant and Mr Mike Holland ¹ (on behalf of E and K Benton Ltd.)	<p>Benton Land: Dedication Proposal for NMU Alignments</p> <p>Please provide an update on acquisition of land for NMUs on Benton land, in respect of the potential to reduce permanent acquisition of land to and acquisition of rights and a dedication agreement instead. Consider how approaches can be developed which maintain NMU connectivity objectives whilst enabling reasonable alternative development proposals for the affected land to proceed without undue limitations to access due to the permanent acquisition of NMU alignments.</p>	D6
19.	Applicant	<p>Dedication Proposal for NMU Alignments</p> <p>Commencing with discussion of the Benton objection (see Action 18), the Applicant indicated willingness in principle to reduce the extent of land prospectively subject to permanent acquisition in order to facilitate the establishment or relocation of non-motorised users' (NMU)/ walking/ cycling or horse-riding (WCH) alignments. Please update/clarify the circumstances in which the use of a dedication agreement approach to NMU land could lead to the Applicant no longer requiring to permanently acquire alignments.</p> <p>To the extent that a 'backstop' power to permanently acquire would be required to control against the failure of a dedication agreement, please set out how the relevant CA and or TP controls would need to be re-drafted.</p> <p>Please provide a list of NMU alignments to which such an approach is now proposed to</p>	D7

¹ Mr Mike Holland acted for a range of Affected Person IPs including the Mott family, E & K Benton Ltd., Linford Land Group, Mulberry Strategic Land Ltd., EA Strategic Land Ltd., The Antoinette Schatzmann Discretionary Trust and Mrs A Schatzmann, the Ockendon Family and E W Ballard Holdings Ltd., and Cheale Group Ltd. References to specific representations are by name. Where parties are referred to as 'multiple IPs' then the action applies to all represented parties.

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		be applied, in addition to the Benton holdings represented by Mr Mike Holland. Is there a generally applicable approach that could apply more broadly to land subject to acquisition for NMU alignments? If so, please identify where that would apply.	
20.	Applicant	Mott Family Land and RVP Location Please provide an update on discussions with Emergency Services Steering Group (ESSG) in respect of an alternative location for the RVP at the northern portal site. Is the alternative proposed for Mr Mott (or are any other reasonable alternative locations) appropriate?	D6
21.	Applicant	NMUs: Cheale Group Land Discussions in the hearing indicated willingness to include additional flexibility in relation to the precise location of an NMU access corridor through the Cheale Group land holding. Please confirm the outcome of work with Mr Holland to re-frame this proposal to retain the passage sought whilst better accommodating the potential for future development proposals.	D7
22.	Applicant and Mr Mike Holland ¹ (on behalf of multiple IPs)	Matters Remaining in Dispute/ PADS Please provide your final positions on matters that are likely to remain in dispute.	D7