

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

Agenda for Compulsory Acquisition Hearing 5 (CAH 5): Individual Objections

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 5 on Individual and Site Specific Objections relating to Compulsory Acquisition & Temporary Possession	Tuesday 21 November 2023 Hearing Starts at 10am Blended event Venue Registration Process from 9:15am Virtual Registration Process from 9:15am	Hilton London Tower Bridge Hotel 5 More London Place, London SE1 2BY 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)	Veolia ES Landfill Ltd Hogan Lovells International LLP, Solicitors
b)	Bellway Homes Ltd Strutt & Parker Ltd, Estate Agents and Property Consultants
c)	St Modwen Developments Ltd Mr Tom Rowberry of Pinsent Masons LLP, Solicitors
d)	Malthurst South East Ltd/ MFG re Cobham Services Ms Claire Brodrick of Pinsent Masons LLP, Solicitors
<i>Break</i>	<i>Provisionally a lunch break will be taken at this point. If afternoon business is able to be accelerated, the Case Team will contact the parties listed below in the order listed to bring business forward</i>
e)	Kathryn Homes Ltd and Others (including Runwood Homes Ltd and Runwood Properties Ltd re Whitecroft Care Home, Stanford Road, Orsett), Mr Michael Bedford KC / Birketts LLP, Solicitors
f)	HS1 Ltd DLA Piper UK LLP, Solicitors

g)	Partners LLP and S & J Padfield Estates LLP Ms Karen Howard of Gateley Legal, Solicitors
h)	Mr Stuart Mee & Family Shoosmiths LLP, Solicitors
i)	St John's College, Cambridge Mr Daniel Smyth of Savills, Estate Agents

For each Affected Person with the exception of e) Kathryn Homes and Ors, the ExA will ask:

- i. For an outline of the current scope of objections, taking account of any progress in negotiations with the Applicant
- ii. Whether CA and or TP powers (or both) are objected to and (with reference to the statutory tests and applicable guidance) why?
- iii. What relief is sought?
- iv. Whether there are any issues of hardship or requests for non-statutory relief, and if so, the basis for these and any practice precedents
- v. Where relevant, whether the Human Rights Act (ECHR) rights and or the Public Sector Equalities Duty (PSED) are engaged and what considerations emerge from this?

For e) Kathryn Homes and Ors, the ExA will ask:

- i. For an update on progress in negotiations with the Applicant.
- ii. In relation to construction effects (ExQ2 9.1.7) – are there adequate measures for the construction of the proposed bund and for the management of general construction noise affecting bedrooms at night?
- iii. In relation to both construction and operation effects, are residual effects on the occupants/ residents and staff acceptable; and
- iv. In relation to developments since this AP was last heard, whether there is any change relevant to engagement of Human Rights Act (ECHR) rights and or the Public Sector Equalities Duty (PSED) and what considerations emerge from this?

The Applicant will be provided with a right of reply.

This Agenda item will continue until the listed objecting parties have been heard.

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.

The process of hearing individual objections commenced at CAH2 on 15 September 2023 and will continue until all affected person objectors requesting to be heard in relation to compulsory acquisition or temporary possession (the objecting parties and the additional objecting parties) have been heard.

Attendees

The ExA invites the following parties to attend this Hearing.

- The Applicant
- Veolia ES Landfill Ltd
- Bellway Homes Ltd
- St Modwen Developments Ltd
- Malthurst South East Ltd/ MFG re Cobham Services
- HS1 Ltd
- Partners LLP and S & J Padfield Estates LLP
- Mr Stuart Mee and Family
- St John's College Cambridge
- Kathryn Homes and Ors

After the completion of this Agenda there will be no further objecting parties whose objections arose from a relevant representation submitted between 10 January and 24 February 2023 awaiting an opportunity to be heard. If you are an additional objecting party who made a relevant representation in relation to an additional land request between 10 October and 10 November 2023, time has been reserved for you to be listed for a hearing, provisionally to be held between 12 and 13 December 2023, if required.

This hearing is primarily to provide a place to be heard by the listed 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 an Agenda that assists 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 **9-15am**. This enables arrangements to be explained and the morning session of the hearing to make a prompt start at 10am.

If you are attending in the afternoon session which provisionally will start at 2pm, please register (either in person or virtually) at 9-15am also to confirm your attendance. If business proceeds more quickly than anticipated, some afternoon speakers may be invited to join the morning session. The Case Team will contact you if they need to request you to speak in an earlier session.

You can register in person at the venue. If you are attending virtually or are registering virtually for afternoon attendance in person, 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 **9-15am**. 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

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. Objections to both compulsory acquisition (CA) and Temporary Possession (TP) can be raised.

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 CAH2 and including this hearing 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.

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 CA or TP on others or on the local economy), then you do not have a right to speak at a CAH. 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. You should note that the last such events are being held in the period from 20 to 28 November 2023. If you wish to participate in a hearing at that time, please review the website and contact the case team with a request.

Procedure at CAHs

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. Unlike an OFH, strict speaking time limits are not applied, but the ExA will give guidance on speaking time, aiming to ensure that the business of the Agenda is completed.

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 or professionally represented if they wish, but the hearing will be conducted to ensure that 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 or during 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.

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