
CAH APPENDIX A: EXECUTIVE SUMMARY – MEES' MANOR FARM

1. This CAH Update relates to the proposed compulsory acquisition of land at Manor Farm by National Highways (“NH”) for the northernmost parts of the scheme for Lower Thames Crossing (“LTC”) under an application for a development consent order (“DCO”) requested to be granted by the Secretary of State under the Planning Act 2008. This Note should be read together with the previous representations made.
2. The structure of the Planning Act 2008 ensures that the tests under section 122 of the Act sit above all other tests in the Act by means of the extensive use of the phrase “subject to”.
3. This CAH Update addresses these broad points (and other points also previously referred to):
 - a) The current triggering of section 131(3) that automatically has engaged the special parliamentary procedure that precludes the authorisation of the Secretary of State under section 122(1) pending the outcome of that procedure. Contrary to the arm waving of NH, lawfully construe, replacement land cannot be compelled to be “given” in order to satisfy section 131(4) and 122(2)(c). That construction is supported by the common law and the Parliament’s NPS NN, paragraph 5.181, last sentence;
 - b) The need for Protective Provisions under sections 120(3) and (4) and paragraph 10 of Part 1 of Schedule 5 to ensure matters including:
 - i) an irrigation system is provided for Manor Farm to off-set the adverse impacts on the ground water environment that will result to increase and decrease soil wetness in different parts of the Farm consequent on the situation of tunnel and concrete structures *within* that Farm land;
 - ii) an access system is provided to all of its component fields (and shop) during the construction phase to ensure the Farm can remain functioning during construction when numerous roads within the extent of the Farm are envisaged to be developed in some way by NH.
4. The Mees’ will provide a draft of the Protective Provisions before the close of the Examination Hearing for consideration by the Secretary of State.