

THE PROPOSED A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

**Comments on Applicant's submissions at Deadline 7
submitted on behalf of the Port of London Authority**

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1. Introduction

1.1. This is a written submission made on behalf of the Port of London Authority (**PLA**) in respect of comments on submissions made by the Applicant at Deadline 7.

1.2. This submission refers to the following document:

1.2.1. Applicant's responses to Interested Parties' post-event submissions at Deadline 6 (REP7-188).

2. Applicant's responses to Interested Parties' post-event submissions at Deadline 6 (REP7-188)

2.1. The Applicant states, in respect of post-event submissions relating to Compulsory Acquisition Hearing 3 (CAH3), that it *“does not agree that reasonable attempts to explore alternatives to compulsory acquisition have not been made. The Applicant opened negotiations with the Port of London Authority (PLA) in August 2020 and followed this up regularly with further meetings and correspondence”* (numbered page 14).

2.2. The PLA would question what constitutes “reasonable attempts” in this context. The Applicant made an initial offer of £50 as compensation (and has not since deviated from that figure). This is not a reasonable figure for a significant area of the PLA's riverbed. The Applicant rightly points out that negotiations did not progress; it was clear from the Applicant that it was an offer which had no room for negotiation and was very far apart from the figure the PLA had suggested. The PLA took the time it required to seriously consider its position as a statutory body with statutory functions, with assistance from specialist compensation consultants and Counsel, and at no point during this period was the Applicant willing to compromise.

2.3. In terms of what constitutes “reasonable attempts”, offering £50 at the outset of negotiations and not shifting from that position does not constitute exploring consensual agreement. Nothing further was offered to encourage the PLA to enter into agreement at that value. £50 is not a reasonable figure for such a substantial area of riverbed and there would be no real reason why the PLA would enter into any form of agreement at that level.

2.4. In the meantime, the PLA made two proposals for agreement; one based on Highways England's acquisition of the PLA riverbed in 1990/91 for the Dartford Crossing and a second figure based upon what Thames Tideway Tunnel paid for the riverbed in 2013/2014. These would be comparable agreements for the acquisition of the river subsoil by acquiring authorities promoting large infrastructure schemes. Both proposals were rejected outright by the Applicant on the basis of case law.

2.5. In cases where an Applicant is not in agreement with a landowner as to compensation, it is open to the Applicant to negotiate an agreement which provides for the acquisition of land but reserves the matter of compensation to be decided by the Upper Tribunal (Lands Chamber). This approach was considered by the Examining Authority (**ExA**) at Compulsory Acquisition Hearing 3 (17 October 2023), at which the ExA encouraged progress in the negotiation of a property agreement between the parties, noting that a disagreement on quantum could be fenced off whilst progress made on negotiating other matters, and need not be an impediment to resolving them.

- 2.6. If the Applicant had made an attempt to reach an agreement with the PLA on that basis, that would have demonstrated that “reasonable attempts to explore alternatives” had been made. In practice, no such attempt was made, and no alternatives were explored. Therefore the PLA maintains its position that the Applicant has not made reasonable attempts to explore alternatives to compulsory acquisition.