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Your Ref: KSB/TAB/L03102-0002

Our Ref: EN010128

Date: 9 April 2025

Dear Sir or Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (EPR)– rules 8 and 9

Application by Cory Environmental Holdings Limited for an Order Granting Development Consent for the Cory Decarbonisation Project

Request for further compulsory acquisition hearing

Thank you for your letter of 7 April 2025 requesting a third compulsory acquisition hearing (CAH).

The Examination closes on 5 May 2025, 28 days from the date of your letter. Rule 13(1) of The Examination Procedure Rules¹ (EPR) requires at least 21 days' notice of any hearings. Consequently, there is not adequate time remaining in the Examination to give the required notice and allow a reasonable period for post hearing submissions, responses to any action points that might arise from a further CAH, responses to such submissions and the applicants' right of reply.

However, and regardless of the above, as your clients are aware the Examination is primarily and predominantly a written process, as I pointed out at the oral events that have been held and in the 'Rule 8' letter [[PD-006](#)] which explicitly re-iterated this point in respect of your clients in Annex B.

As the Planning Act 2008 and the EPR establishes, it is for the ExA to decide how hearings are conducted. In my notification of CAH2 [[PD-009](#)] it was made clear (in Annex C) that if there were submissions that take a considerable amount of time, it may be necessary to prioritise matters and defer others to further written questions.

At CAH2 I explained² to your clients' advocate that, whilst I would consider any request for a further hearing, I did not want to use hearing time to go over matters already explained

¹ The Infrastructure Planning (Examination Procedure) Rules 2010

² [Recording of Compulsory Acquisition Hearing 2 \(CAH2\) - Part 4](#) and [Transcript of Recording of Compulsory Acquisition Hearing 2 \(CAH2\) - Part 4](#), approximately 00:43:07-00:44:56.

and explored in writing. I went on to point out that any such request would need to be very precise in terms of identifying the matters that needed to be considered orally, being clear in what they were, what oral questions were necessary and how long would be needed. Neither of your clients' submissions which mentioned a further CAH provided such precision, clarity or time parameters.

Furthermore, the two particular areas that your clients wished to explore further (heat transfer and electrical distribution) were the subject of detailed written submissions. The applicant's Written Summary of the Applicant's Oral Submissions at CAH2 [\[REP4-048\]](#) was accompanied by appendices [\[REP4-034\]](#), including Appendix E: Electrical Connections Note and Appendix H: Heat Note, and subsequently the Applicant's Response to Interested Parties' Deadline (D) 4 Submissions [\[REP5-032\]](#) was provided. Your clients also provided detailed submissions on these matters following CAH2 [\[REP4-042\]](#), [\[REP4-043\]](#) and at D5 [\[RE5-051\]](#). Indeed, your clients will be able to make any written submissions on those matters in respect of the applicant's D5 submission at the forthcoming D6 (29 April 2025).

Although you point to the limited time between D6 and D7, you will note from the Examination Timetable [\[PD-006\]](#) that it is not the intention that D7 provides for further submissions in respect of those made at D6. Rather, D7 is essentially for the submission of the final versions of the applicant's documents and any closing submissions parties may wish to make (including your clients, should they choose to). I also note that your clients were represented at CAH1 as well as CAH2, and that they have had plenty of opportunity to date to make submissions and, subject to the discretion of the ExA, still have the opportunity to enter further written submissions into the Examination.

Yours faithfully



Examining Authority

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