



National Infrastructure Planning
 Temple Quay House
 2 The Square
 Bristol
 BS1 6PN

Your Ref EN010131
 Unique Ref: GABE-IP271
 Our Ref IPP-148
 Friday 1st September 2023

Dear Sir or Madam,

RE: Deadline 3 Response

Post-Hearing Submissions – written summary of oral submissions

The Trust was represented at ISH2 on 23 August 2023 by Ian Dickinson, Paul Gaughan and Sophie Summers with the intention of updating the ExA on the Trust's position and responding to any questions the ExA may have had.

Protective Provisions

The Trust concurred with the Applicant that the protective provisions for the Trust were very nearly agreed between the parties.

Disapplication of legislation listed in Schedule 3 of the dDCO

The Trust made the ExA aware that the Trent (Burton-upon-Trent and Humber) Navigation Act 1887, listed at 1(e) of Schedule 3 of the dDCO contained powers to dredge the River Trent at the location that the Applicant proposes the grid connection cable will cross under the river. The Applicant agrees the principle that the project does not need to prevent dredging of the river and has no intention to preclude those powers. The Trust confirmed that the Applicant and the Trust would work together to agree wording in the dDCO.

Statement of Common Ground

The Trust asked the ExA whether, if protective provisions were agreed, he would still find a statement of common ground helpful. The ExA would find this helpful. The Trust will work with the Applicant to agree a statement of common ground.

Update on protective provisions

A copy of the now agreed protective provisions are attached.

The Applicant has indicated that it would commit to HDD at a depth of at least 5m below the river and has indicated that it will amend the Outline Design Principles to reflect this. Accordingly, the Trust seeks an amendment to that document to specify that the HDD depth beneath the River Trent to be a minimum of 5m below the lowest surveyed point of the riverbed.

Update on Disapplication of legislation listed in Schedule 3 of the dDCO

In respect of article 6(1), the Applicant and the Trust have agreed the following wording would give effect to the parties' intention that the provisions in the Trent (Burton-upon-Trent and Humber) Navigation Act 1887 will not be disapplied in a way that would impact the ability of the Trust to maintain the River Trent for navigation.

(g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions:

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
 T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

i. are still in force; and

ii. are incompatible with the powers contained within this Order; and

iii. do not impact on the operation or maintenance of the River Trent as a navigable river.

Update on Statement of Common Ground

The parties have agreed the Statement of Common Ground which we understand the Applicant will be submitting in due course.

As ever if you have any questions please do contact us.

Yours faithfully,

Hazel Smith MRTPI

Area Planner – Midlands

██████████@canalrivertrust.org.uk

██████████
<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Attachments:

Agreed Canal & River Trust Protective Provisions

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk