

15 November 2016

Silvertown Tunnel Case Team  
3/18 Eagle Wing  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Sent by email only: silvertowntunnel@pins.gsi.gov.uk

Dear Sirs

**Silvertown Tunnel DCO**  
**Our client: Trinity (D) Limited**

- 1 We continue to act for Trinity (D) Limited (company registered number 04346508) of Bidwell House, Trumpington Road, Cambridge, Cambridgeshire ("**Trinity D**"), in connection with the application made by Transport for London ("**TfL**") for a development consent order ("**the DCO**") in respect of the proposed Silvertown Tunnel scheme ("**the Scheme**").
- 2 On 30 August 2016 we submitted a relevant representation to the Planning Inspectorate on behalf of Trinity D in relation to the Scheme ("**the Relevant Representation**").
- 3 This representation is a written representation submitted on behalf of Trinity D in advance of Deadline 1 as identified in the Examining Authority's Rule 8 letter dated 18 October 2016.
- 4 Trinity D is generally supportive of the principle of the Scheme. However, and as set out in the Relevant Representation, Trinity D has a fundamental and important concern regarding the impact of the DCO on Trinity D's interests in relation to parking for the O2 Arena and therefore continues to object to the application for the DCO.
- 5 The Relevant Representation identified that Trinity D has an interest in land subject to the proposed DCO by way of a 999-year leasehold easement allowing Trinity D to use land (referred to here and in the Relevant Representation as "**the Car Parking Land**") for the parking of 2,000 vehicles by visitors to and customers of the O2 Arena and others authorised by Trinity D. The Relevant Representation also identified the importance of the O2 Arena in planning policy terms.
- 6 From our review of the submitted land plans, we understand that the Car Parking Land includes land within the following plot numbers:

01-087	02-022	02-039	02-042
02-046	02-062	02-062a	02-074
02-075	02-075a	02-076	03-007
03-009	03-010	03-011	03-014
03-015	03-016	03-017	03-017a
03-031	03-033	03-034	03-035
03-036	03-038	03-039	03-040
03-041	03-042	03-043	03-044
03-045	03-046	03-047	03-048
03-049	03-050	04-001	04-004
04-005	04-006	04-007	04-009
04-012	04-015		

- 7 As noted in the Relevant Representation, the DCO would confer powers on TfL including powers to compulsorily acquire parts of the Car Parking Land, to use parts of the Car Parking Land temporarily and to acquire permanent rights over parts of the Car Parking Land.
- 8 For the reasons set out in the Relevant Representation, Trinity D's interests and the public interest in the successful operation of the O2 Arena would be adversely affected by the existence and exercise of the powers sought by the DCO.
- 9 In addition, the *Guidance on Compulsory Purchase Process and the Crichef Down Rules* (DCLG, October 2015) (tier 1, paragraph 2) identifies the following principles:
- (a) powers of compulsory acquisition are intended as measures of last resort to secure the assembly of land required for the implementation of projects; and
  - (b) acquiring authorities are expected to demonstrate that they have taken reasonable steps to acquire by agreement all of the land and rights over which powers of compulsory acquisition are proposed.
- 10 To date, TfL has not provided Trinity D with a meaningful and satisfactory solution or suitable alternative proposals in relation to Trinity D's interest in the Car Parking Land.
- 11 Accordingly, Trinity D does not consider there to be a compelling case in the public interest to justify the making of the DCO unless and until Trinity D's important and relevant concerns are satisfactorily addressed. Trinity D remains of the view that the DCO should not be made in its current form, and development consent should not be granted, unless and until Trinity D's long term right to parking, and the corresponding public interest in the same, is protected.
- 12 Trinity D wishes to be represented at any compulsory acquisition hearing relating to the Car Parking Land.

Yours faithfully,  
  
Mills & Reeve LLP