

From: [Carys Evans](#)
To: [silvertowntunnel](#)
Subject: TR010021: Thames Water submissions for deadline 2
Date: 14 December 2016 14:39:19

Dear Mr Robotom

We act on behalf of Thames Water Utilities Limited and set out below Thames Water's comments in advance of deadline 2.

1. Comments on the revised draft Development Consent Order (DCO):
 - a. Thames Water submitted an objection at deadline 1 to the deemed consent provision in article 14 of the DCO. In the revised DCO submitted at deadline 1, the Applicant had moved the deemed consent provision from article 14 to article 68. Thames Water would like to clarify that its original objection to article 14 now in part applies to the wording of article 68. For the avoidance of doubt, Thames Water maintains its objection to the deemed consent provision now set out in article 68 for the reasons set out in its submissions at deadline 1;
 - b. In response to the ExA's question at DC.5 of the FWQ's, the Applicant has amended the wording of the DCO relating to deemed consent (article 68) to include a requirement to draw attention to the guillotine provision. Article 68(3) states that 'any application to which this article applies must include a written statement that the provisions of paragraph 2 apply to that application'. Without prejudice to Thames Water's absolute objection to the deemed consent provisions (as set out in its objections submitted at deadline 1 and clarified above), article 68(3) is not clear about the contents of such a 'written statement'. A written statement which says that 'the provisions of article 68(2) of the DCO will apply to this application' is unlikely to provide sufficient information to the recipient about the implications of the notice. Any such written statement must be required to explain that consent is deemed after 28 days in accordance with article 68(2) and not to simply refer to article 68(2).
2. Compulsory acquisition hearing submissions and comments on the table attached to the compulsory acquisition hearing agenda:
 - a. At the hearing on 8 December 2016 we confirmed that Thames Water is in discussion with the Applicant regarding its objections to the DCO, and that Thames Water has particular concerns regarding the two parcels of land set out in the table to the compulsory acquisition hearing agenda. Plot 05-033 relates to a sewer outfall and 06-078 relates to access to the Tidal Basin Pumping Station. Both are to be temporarily occupied by the Applicant and both relate to strategically significant assets that Thames Water requires unhindered access to. We are working with the Applicant in order to ensure that access over these specific parcels of land is maintained. We are also working with the Applicant to ensure that access to all apparatus is maintained;
 - b. The table attached to the agenda to the compulsory acquisition hearing contained details of the two specific parcels of land owned by Thames Water which the Applicant intends to temporarily occupy. However, as set out in our representations, Thames Water has a significant number of sewers, drains, water mains and other apparatus throughout the land that is to be compulsorily acquired and temporarily occupied. Specific details of these parcels of land were not included in our representations and are not specifically referred to in the table.

Yours sincerely

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