

## SILVERTOWN TUNNEL

### POSITION STATEMENT BETWEEN THE APPLICANT AND THAMES WATER UTILITIES LIMITED

#### 1. INTRODUCTION

- 1.1 This document sets out the Applicant's and Thames Water Utilities Limited's ("TWUL") position in respect of TWUL's outstanding representations in relation to the proposed Silvertown Tunnel.
- 1.2 This position statement has been agreed between the parties.
- 1.3 A reference to an article number in this position statement should be read in the context of the article numbering employed in revision 5 of the dDCO submitted at Deadline 6.

#### 2. TWUL'S OUTSTANDING REPRESENTATIONS

- 2.1 The Applicant and TWUL have engaged in positive, constructive discussions during the course of the examination into the Applicant's application for a DCO for the proposed Silvertown Tunnel.
- 2.2 Following these discussions, the Applicant made amendments to the dDCO at Deadline 6 to articles 14 and 68, in response to TWUL's concerns about how the concept of deemed consent under article 14 (as provided for by article 68) would interact with its statutory duties. As a result of the Applicant's amendments to the dDCO at Deadline 6, deemed consent no longer applies to article 14 and on that basis TWUL is satisfied with the amendments, such that its representations in this regard can be treated as withdrawn.
- 2.3 Separately from this, agreement has been reached on the protections to be afforded to TWUL by the Applicant (which is the subject of TWUL's outstanding representations). However, the parties still need to conclude the technical detail of certain diversions of TWUL's apparatus that TfL would like TWUL to use its statutory powers to carry out and which are required to be reflected in this agreement. This is not expected by either party to be controversial.
- 2.4 In this light, the parties are confident that formal agreement will be reached very shortly following the close of the examination. As soon as reasonably practicable following the reaching of an agreement, TWUL will write to the Secretary of State informing him that its representations are withdrawn, such that this can be taken into account during the decision-making process. However, absent this formal agreement, TWUL's outstanding representations remain.

10 April 2017