

1. 'Essex & Suffolk Water' ("ESW") is the operating name in the south-east of England of Northumbrian Water Limited which is a directly wholly owned subsidiary of Northumbrian Water Group Limited.
2. ESW is the appointed water undertaker for 1.8 million people in parts of Essex and Suffolk by virtue of an appointment under the Water Act 1989 (now the Water Industry Act 1991) and therefore has statutory obligations as to public water supply. It has a number of assets, including strategically important water mains, within the proposed limits of the draft A122 (Lower Thames Crossing) Development Consent Order ("the DCO"). In addition, Northumbrian Water Limited is listed in the Book of Reference as the owner of plot 24-133.
3. ESW has been engaging with National Highways ("the Applicant") for more than 4 years prior to the application being made in November 2022. ESW is not opposed to the proposed scheme but needs to protect its statutory undertaking and apparatus from the works. Some progress has been made in negotiation of provisions to adequately deal with ESW's concerns but these are not yet settled and, therefore, ESW needs to protect its interests by becoming an Interested Party to the Examination.

The Linford Well

4. The draft DCO includes powers of compulsory acquisition over plot 24-133, which contains ESW's Linford Well. ESW's concerns about the well relate not only to the compulsory acquisition rights sought by the Applicant over that plot but also water quality/contamination risk.
5. The aquifer for this well is unconfined with a high water table and, therefore, is at a higher risk of contamination causing a detrimental impact on water quality and, consequently, the output from the Linford Well. ESW has concerns that works carried out under the DCO powers in the source protection zone ("SPZ") for the Linford Well have the potential to contaminate its source. For this reason, ESW sought further information from the Applicant (a) in relation to a number of waterbodies which appear to be placed within SPZ1 and (b) on whether the Linford Well was identified as a potential receptor for mobilised land leachates. ESW is in the process of reviewing this information but currently ESW's concerns on these issues remain. ESW is seeking sufficient protections in relation to monitoring and mitigation of contamination through the side agreement mentioned above.
6. Additionally, ESW is very concerned that the Linford Well is subject to compulsory acquisition powers when it had understood from engagement that this would not be the case. Under the DCO as applied for, the Applicant would have powers to temporarily occupy the Linford Well site as well as to permanently acquire rights etc. over it. ESW therefore has strong concerns over the Applicant seeking powers to acquire an essential and sensitive piece of apparatus and potential harms that may arise if it does. As ESW is negotiating arrangements by way of formal agreement to assist the Applicant in constructing the Scheme, such powers over the well are not necessary.

Diversions of other ESW apparatus

7. The powers in the DCO provide for the diversion and realignment of numerous other pieces of ESW apparatus. Due to the scale of these diversions, the importance of the apparatus and the current timescales for supply of materials and undertaking works, ESW is seeking additional protections for its undertaking through the provisions mentioned above.

Participation in Examination

8. ESW notes that a 'Statement of Common Ground' ("SoCG") between the parties was submitted as part of the application documents. However, that document was completed before the DCO application had been made and before ESW had sight of the application versions of the documents referred to in the SoCG. As the parties are still in negotiations and (as set out above) ESW has become aware of further matters of concern to it since the application has been made, the SoCG will need to be further revised and a PADS prepared to reflect ESW's current position.

9. Although ESW very much hopes to be able to reach agreement with the Applicant to address its concerns and protect its statutory undertaking, it would wish to attend specific issue hearings and a compulsory acquisition hearing if agreement is not forthcoming.