

17 July 2023

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

**A122 LOWER THAMES CROSSING (REF: TR010032)
DEADLINE 1 WRITTEN REPRESENTATIONS**

REPRESENTATIONS ON THE APPLICANT'S DRAFT DEVELOPMENT CONSENT ORDER

SUMMARY OF HEADLINES ONLY – MAIN REPRESENTATIONS SUBMITTED SEPERATELY

We write on behalf of all our clients affected by the Lower Thames Crossing in respect of the Applicant's draft Development Consent Order. Set out below are the relevant Affected Party references for which this submission is made:

AP1308, AP1369, RR20035279, AP1717, AP1663, AP1305, AP1235, RR20035237, AP1450, AP1631, AP1581, AP1266, RR20035735, AP1539

We set out a Summary of the main representation headings/issues below. The full representations are also attached.

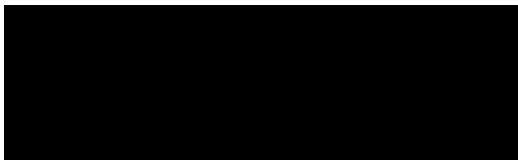
- (i) **Article 2 – Article 2(10)** - *'the ability to take approaches that emerge through the detailed design of the Project to deliver it in a way that is less harmful to the environment and/or gives rise to greater beneficial environmental effects'* – need for a reasonableness test – lack of scrutiny – what is the reasonable expectation of the Project requirements? – loss of further land – position of landowners as key stakeholders;
- (ii) **Article 5 – Maintenance of drainage works** – persons responsible – responsibility for remediation following Project works – fit for purpose test – need for explicit wording in draft DCO – limitation rules on remediation



- (iii) **Article 8 – Consent to transfer benefit of Order** – dealings with multiple undertakers – code operators and effect of transfer to them and relationship with Code Agreements – temporary possession with acquisition of rights land;
- (iv) **Article 13 – Use of Private Roads** – lack of explicit wording in draft DCO in respect of use ‘*in common with others permitted users*’ – interruption to permitted users and other adjacent development schemes;
- (v) **Article 27 – Time Limit for Exercise of CA Powers** – impact of 8 year period on landowners and their ability to plan and invest – start commencement date;
- (vi) **Article 28 – Restrictive Covenants and Transfer** – effect of rights on land subject to temporary possession and acquisition of permanent rights – impact on existing and future uses of land by landowners – justification for permanent rights for temporary construction infrastructure (e.g. Linford Borehole and Water Pipeline);
- (vii) **Articles 25-34 – CA, TP and related powers** – unknown nature of permanent rights sought on land subject to temporary possession and acquisition of permanent rights – reliance on design and build phase for detailed rights;
- (viii) **Articles 35-36 – TP and temporary use of land for maintaining authorised development** – completion of works – how to define/control – impact of delays on reversion of land;
- (ix) **Article 40 – Special Category Land** – acquisition of replacement land from third party landowner not connected to original special category land.

We look forward to working with the ExA and the Applicant during the Examination to address the above issues.

Yours faithfully



M R Holland MRICS
Director
HOLLAND LAND & PROPERTY LTD
(Agents for the above-named Affected Parties)

