

18 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**

**LINFORD LAND GROUP - AFFECTED PARTY REFERENCE: AP1631**

**MULBERRY STRATEGIC LAND LIMITED – AFFECTED PARTY REFERENCE: AP1581**

On behalf of our clients, the Linford Land Group and their development partners, Mulberry Strategic Land Limited, we write further to the Relevant Representations submitted on 20 February 2023.

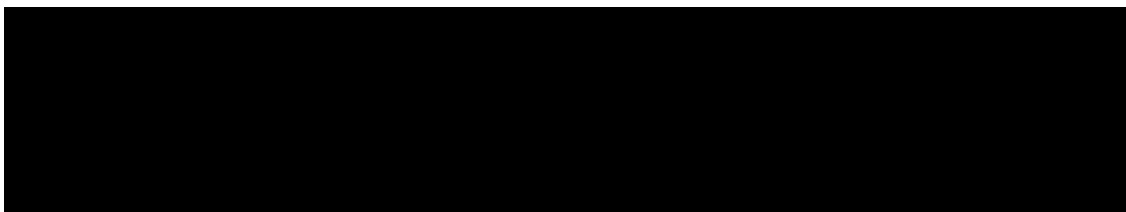
We have not repeated those Relevant Representations in this submission to reflect the ExA's advice to avoid repetition.

We also refer the ExA to the separate Deadline 1 written submissions in respect of the draft DCO that we have submitted on behalf of all clients who we represent. Those should be read in conjunction with these submissions.

We have also submitted a separate request to make oral representations at the Compulsory Acquisition Hearings as scheduled in the timetable annexed to the Rule 8 letter dated 27 June 2023 (as amended on 3 July 2023).

References to 'the Project' are to the Lower Thames Crossing.

References to Plot numbers are only those principal plots affected to avoid having to set out a full extensive plot number list here.



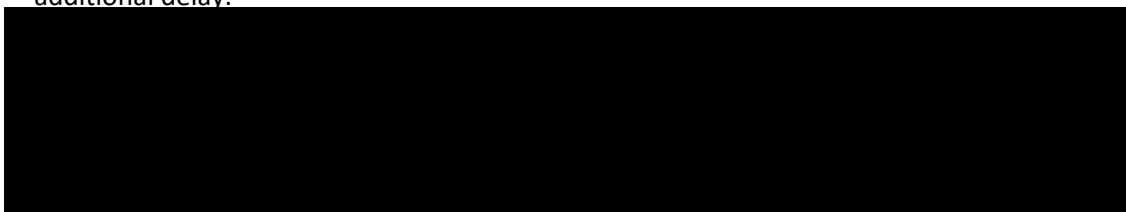
References to planning application ref: 16/01232/OUT refer to the planning application originally validated by Thurrock Council in 2016 and which has now been subsequently amended by our client to reflect two scenarios; with and without Lower Thames Crossing. The application is also subject to a planning performance agreement between MSL and Thurrock Council which seeks to determine the application by Q4 2023. The proposed development is for *'Application for outline planning permission with some matters (appearance, landscaping, layout and scale) reserved: Proposed development of up to 830 dwellings (Use Class C3) if the Lower Thames Crossing is constructed (scenario 1) and up to 1,000 dwellings (Use Class C3) if the Lower Thames Crossing does not proceed (scenario 2), a new local road network including a vehicular / pedestrian railway crossing, a primary school, local centre and new areas of open space, including formal recreation.'*

## **1. APPLICANT'S RELIANCE ON DETAILED DESIGN & BUILD PHASE & THE IMPOSITION OF RESTRICTIVE COVENANTS/PERMANENT RIGHTS**

- 1.1 We have noted in the draft application documents and further comments made by the Applicant through the Examination responses and through our ongoing negotiations with the Applicant directly, that there is a significant emphasis placed on the Design and Build Phase of the Project to provide detail that, in our opinion, is required for us to fully assess the impact of the Project.
- 1.2 This is of particular relevance to land that is subject to temporary possession but with the acquisition of permanent rights.
- 1.3 In our general Deadline 1 submissions on the draft DCO we have referred to an example of where a lack of detail on the imposition of rights at this stage directly affects our above clients in respect of Plots 23-99, 23-121, 23-131, 24-95, 24-100, 24-116, 24-124, 24-136, 24-150, 24-168, 24-174)

## **2. LINFORD BOREHOLE & WATER PIPELINE**

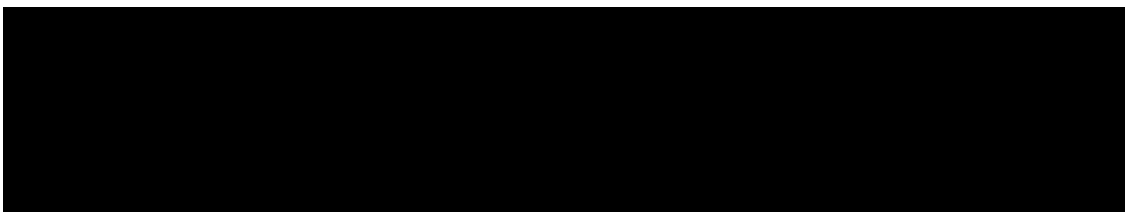
- 2.1 Please refer to our separate submissions on the draft DCO under Article 28 in respect of the Linford Borehole and Water Pipeline.
- 2.2 To expand on this example, we attach our clients Parameter Plan 3 - Landscape Framework – Option 1 plan, as submitted to Thurrock Council as part of planning application ref: 16/01232/OUT. You will note the layout of the SUDS attenuation scheme to the west of the development area. This sits within Plot numbers 23-72, 23-90, 23-96, 23-99, 24-116, 24-127, 24-124, 24-131.
- 2.3 To further assist the ExA with some context, we also attach the Parameter Plans – Land Use and Amount which provide for a with and without Lower Thames Crossing position. Our client's planning application was validated by Thurrock Council (having originally been submitted in 2016 and held in abeyance given the uncertainty regarding the Project) and recently amended (February 2023) to seek to accommodate those two scenarios. This position has been accepted by Thurrock Council as an appropriate way forward for them to determine the application without additional delay.



- 2.4 The location of the SUDS scheme which serves our client's proposed development is subject to possible permanent rights for the Linford Borehole and Water Pipeline as part of the Project. At present we do not have any confirmed detail of the rights proposed.
- 2.5 We also attach our client's proposed phasing plans for Phases 1 and 2 of their development. If our clients are unable to bring forward their SUDS scheme as part of the development in Phase 1, it puts the development at risk of significant delay as the whole development south of the Muckingford Road and north of the Tilbury Loop Line (Phase 1 and 2), relies on the drainage outfall point in the south west corner.
- 2.6 The design of our client's SUDS scheme can allow for the presence of the proposed temporary water pipeline for the Project but any imposition of permanent rights that limit the use of that land for our client's proposed development would undermine the work our clients and the Applicant's delivery team have been progressing for the last two years in parallel to the Applicant's DCO submissions; in seeking to mitigate the Project effects.
- 2.7 Our clients cannot therefore see any justification for permanent rights for a temporary pipeline which potentially undermines this position.
- 2.8 There remains a significant concern over the delay in accessing land subject to temporary possession within our client's red line planning application site and which is in the current Order Limits. If our client cannot gain access to this land at the appropriate time, for delivering the SUDS scheme and our client's own open space and ecological mitigation purposes this would result in a significant delay to the deliverability of our client's scheme.

### **3. ECOLOGICAL MITIGATION LAND**

- 3.1 The Applicant has proposed to permanently acquire land to the north of the Muckingford Road (Plots 24-132, 24-134) as ecological mitigation land.
- 3.2 Without prejudice to our client's general objection to the loss of this land, during our discussions with the Applicant prior to their DCO application to the Secretary of State, we have consistently asked for the mitigation land location to be reconsidered so that it falls within the current utility corridors (the National Grid 400kv and UKPN 132kv pylon lines) to the west of that land parcel.
- 3.3 This request would reduce the impact on our client's development scheme.
- 3.4 However, we have been informed that this is not possible as the Project seeks to establish the ecological mitigation land in a permanent location prior to construction.
- 3.5 We have to date been unable to ascertain from the Applicant their methodology for considering the options available to them to mitigate the effects on our client's proposed development and ultimately the cost to the public purse in terms of compensation for land take that arises if the



3.6 We would draw the ExA's attention to the fact that our client's planning application is not reference in the Applicant's Long List of Developments (APP-483) or the Short List of Developments (APP-484).

3.7 This leads us to question whether, in the context of the Applicant's preparation of their DCO application and the development of their environmental strategy, the Applicant fully assessed our client's development proposals in reaching their conclusions on the location of environmental mitigation land for the Project; and whether the Applicant can show they have attempted to reach a reasonable balance between the two schemes.

#### **4. UTILITIES – EASEMENTS AND WAYLEAVES**

4.1 Our clients land is affected by the proposed diversion and undergrounding of the UKPN 132kv electricity line (Plots 23-72, 23-90, 24-95, 24-100, 24-116, 24-124) under works OH3 and OHT3.

4.2 Our discussions with the Applicant suggest that the undergrounding works would fall into the early works programme but that further technical work is required to finalise a programme of works.

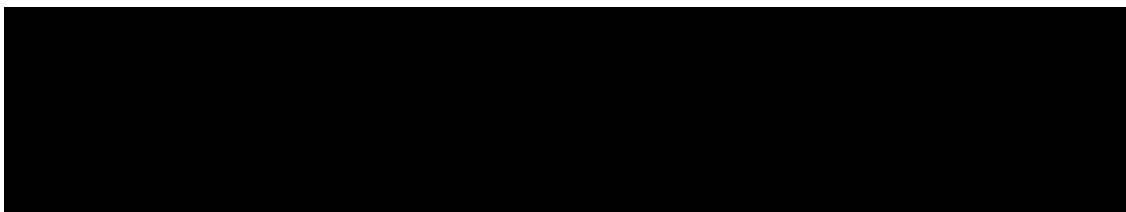
4.3 As these works affect land which is the subject of our client's development proposals under planning application ref 16/01232/OUT, we would request that the Applicant seeks to prioritise these works with UKPN in order that any interruption to our client's ability to bring forward development is minimised.

#### **5. MINOR REFINEMENT CONSULTATION**

5.1 We wish to bring to the ExA's attention recent engagement with the Applicant on their minor refinement consultation (published 15 May 2023) in respect of the Linford Borehole and Water Pipeline and consequent proposed amendments to the boundaries of land under temporary possession proposals.

5.2 We have submitted a response to this consultation with positive support for the proposed amendments (principally the reduction in DCO boundary) which will enable land under development proposals to be unfettered from temporary possession and the water pipeline to be realigned in a position that we have agreed with the Applicant. However, the permanent rights that are sought for the pipeline route have been queried for the reasons outlined under 2 above and in our separate submissions on the draft DCO.

5.3 The purpose of recording our position here is to bring to the ExA's attention that whilst we would be content to consent to these proposed amendments being submitted formally to the ExA for examination, the Applicant's recent correspondence with us requesting consent is expressed in terms that seem to seek our client's consent to the proposals rather than consent simply for the



5.4 These are two different things and given the reservations we have on the lack of detail relating to the permanent rights sought which we are therefore unable to assess, we do consider that the Applicant's request goes beyond what is reasonable and may undermine our clients position.

We would add one further general point in relation to the timing of our client's development and the commencement of the Project should consent be granted and approval to commence construction given by the Secretary of State. The Ministerial Statement which put back commencement of the Project by 2 years would potentially mean that our clients may have commenced development prior to commencement of the Project.

The uncertainty caused by the Project has delayed the determination of our client's planning application for many years already.

Our clients have a general concern as to the effect of construction on the saleability of dwellings and their sale value; particularly if some of those units have already been constructed prior to the Project commencement.

We acknowledge that as affected parties with an interest in land, the Compulsory Acquisition Hearings will provide an opportunity to consider these points in detail, in the absence of any other appropriate issue specific hearings. We will be submitting a request to be heard at the oral CA hearings.

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

Yours faithfully



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

