

**Application by National Highways for an Order granting Development Consent for
The Lower Thames Crossing**

**SUMMARY OF WRITTEN REPRESENTATION
SUBMITTED ON BEHALF OF
ST. MODWEN DEVELOPMENTS LIMITED
(PLANNING INSPECTORATE REFERENCE:
20035817)**

1. This is a summary of the written representation submitted on 18 July 2023 by Pinsent Masons LLP on behalf of St. Modwen Developments Limited (“**SMDL**”) in respect of National Highways’ (the “**Applicant**”) application for a development consent order (“**DCO**”) for the Lower Thames Crossing (“**LTC**”) project.
2. SMDL is the promoter of the Brentwood Enterprise Park (“**BEP**”), a proposed employment development immediately to the southeast of Junction 29 of the M25 (“**J29**”) and to the south of the A127. BEP is of significant strategic importance as it represents more than 50% of the new employment land allocated in the Brentwood Local Plan 2016-2033 (the “**Local Plan**”) adopted by Brentwood Borough Council (“**BBC**”) on 23 March 2022.
3. The BEP site is currently owned by Christopher Scott Padfield, S&J Padfield & Partners and S&J Padfield Estates LLP (“**Padfield**”). SMDL understands that Padfield will be submitting a separate written representation.
4. SMDL has submitted a planning application for BEP which is currently under consideration by BBC. The BEP application proposes two vehicular accesses:
 - 4.1 a new junction on the B186; and
 - 4.2 the upgrading of the existing Codham Hall Lane and the construction of a new vehicular bridge over the A127.
5. The BEP planning application demonstrates the very significant public and economic benefits that will be brought forward by the BEP including but not limited to:
 - 5.1 additional economic output of up to £230m per year, equivalent to over 10% of the total Gross Value Added in the transport and storage sector in Essex;
 - 5.2 additional tax revenues of up to £92m per year;
 - 5.3 generation of up to £3.7m in annual business rate payments;
 - 5.4 delivery of a substantial amount of logistics floorspace in a strategically important location that is well-placed to take advantage of the wider LTC proposals; and
 - 5.5 the creation of 1,080 construction jobs, the direct creation of up to 2,370 gross Full Time Equivalent (“**FTE**”) jobs during operation (a 76% uplift in total manufacturing and transport and storage jobs in Brentwood Borough, equivalent to over 10 years’ worth of targeted employment growth) and the creation of up to 4,315 net additional FTEs after considering multiplier and displacement effects.
6. Whilst SMDL is broadly supportive of the LTC project as a whole, the BEP site is significantly impacted by the proposals insofar as they relate to J29 and the surrounding road network. SMDL and Padfield have therefore been engaging with the Applicant over a number of years in order to seek to minimise these impacts and identify technical solutions for how BEP and LTC can both be delivered in a timely fashion.
7. There remain a number of key outstanding issues which must be resolved in order to provide SMDL with comfort that LTC will not have an unacceptable impact on BEP:
 - 7.1 The delivery of an LTC access from the B186 will significantly prejudice the proposed BEP B186 access. The draft DCO also proposes the unjustified compulsory acquisition of the land required for the BEP B186 access. The Applicant has acknowledged the importance

of preserving the delivery of a BEP B186 access but its proposed approach of dealing with this through the Design Principles [APP-516]¹ is wholly inadequate.

- 7.2 The delivery of a proposed LTC bridge for walkers, cyclists and horse riders over the A127 is fundamentally incompatible with the proposed delivery of the new BEP A127 bridge. The draft DCO also proposes the unjustified compulsory acquisition of the land required for the BEP A127 bridge. The Applicant has acknowledged the importance of preserving the delivery of the BEP A127 bridge but its proposed approach of dealing with this through the Design Principles [APP-516] is wholly inadequate.
- 7.3 The Applicant proposes the temporary possession of land and acquisition of permanent rights at Codham Hall Lane. This road forms a fundamental part of the access arrangements for BEP (and the existing businesses at Codham Hall North and Codham Hall South). The reasons for the proposed temporary possession are unclear and no detail is provided regarding the timing or duration of the possession, nor is it clear whether the permanent rights sought are consistent with the delivery and operation of BEP.
- 7.4 SMDL considers that LTC should make a financial contribution towards strategic highway infrastructure works that will be delivered and forward-funded by SMDL and Padfield as part of the BEP development and which will obviate the need for the Applicant to deliver certain elements of the LTC scheme.
8. SMDL considers that a formal land and works agreement must be entered into in order to ensure that these matters are properly addressed and to provide certainty that the BEP development can be delivered. Unless and until a formal agreement is concluded, SMDL strongly objects to the LTC proposals on the basis that they will sterilise the BEP development.
9. The impact of the DCO on BEP would not cause harm to just SMDL/Padfield. The BEP is a critical strategic employment allocation within the Local Plan and the sterilisation of the site would have a hugely significant adverse impact to the proper planning of Brentwood Borough. Indeed, BBC's and ECC's submissions at Procedural Deadline C ([PDC-001] and [PDC-002] respectively) specifically highlighted the BEP interface and access as being an issue that was not agreed. The proposed DCO would mean that the significant economic benefits of the BEP would not be realised and the LTC proposals would therefore prevent the delivery of exactly the sort of development that the LTC is seeking to support. This is particularly concerning given that the Applicant's Economic Appraisal Report [APP-526] already assesses LTC as providing low value for money (having regard to Department for Transport guidance) and the loss of the significant economic benefits of BEP is likely to reduce value for money even further.
10. Furthermore, SMDL understands that whilst discussions with the Applicant have focused on the BEP proposals, there has been effectively no discussion regarding the impact of LTC on the existing land uses on the BEP site, nor has there been any meaningful consultation with existing tenants whose existing businesses will be significantly and adversely impacted by the LTC proposals in the event that the BEP development does not come forward. The LTC proposals will sever the existing, longstanding access to the BEP site which has been used by Padfield and tenants for several decades, having been provided following compulsory purchase and side road orders made by the Secretary of State in the 1970s in connection with the original construction of J29. SMDL understands that this is a point that will be further expanded upon in Padfield's written representation.

Pinsent Masons LLP

18 July 2023

¹ Square-bracketed references within this representation are to references in the DCO Examination Library.