

THE A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

Summary of Oral Submissions at Issue Specific Hearings 1 and 2

Interested Party	Northumbrian Water Limited (operating as Essex & Suffolk Water)
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1. Winckworth Sherwood LLP appeared on behalf of Northumbrian Water Limited, operating as Essex & Suffolk Water (“ESW”) at Issue Specific Hearing 1 (on Wednesday 21 and Friday 23 June 2023) and Issue Specific Hearing 2 (on Thursday 22 June 2023).
2. At ISH1, ESW attended in order to provide any necessary assistance to the Examining Authority but did not make any oral submissions during the hearing.
3. At ISH2, ESW made comments in relation to Agenda items 4(j) (ExA observations on drafting) and 4(h) (Protective provisions).
4. Agenda item 4(j) – ESW spoke in relation to matter 6 in Annex A to the Agenda concerning statutory undertakers’ land and apparatus and specifically s.127/138 of the Planning Act 2008. It was summarised that the position for ESW is that a large number of its assets are impacted by the Lower Thames Crossing scheme and its engineers have been working with the Applicant for a number of years in relation to the diversions required.
5. However, it was explained that ESW does have outstanding concerns particularly in relation to the Linford Well site which is a principal asset within the Order limits and that these are briefly outlined in its Relevant Representation and Procedural Deadline B submission. The concerns include issues surrounding the potential temporary occupation of the Linford Well site including possible hand back date, and regarding the potential for contamination of the asset. As to section 127 specifically, ESW explained that its initial view is that this is not engaged in relation to the temporary occupation only of the site but, nonetheless, ESW is extremely concerned about its site. ESW reserved its ability to set out its full thoughts in writing on this issue through written representations.
6. Agenda item 4(h) (Protective provisions) – ESW explained that it has been working with the Applicant in order to ensure sufficient protections are in place for its statutory undertaking. However, it made clear that ESW is not yet in agreement with the Applicant and does have outstanding concerns which were detailed in its Relevant Representation. Although there was nothing ESW wished to specifically raise with the drafting of the protective provisions during the hearing, it said it would draw out further detail over the course of the Examination.
7. ESW made clear that depending on where negotiations get to with the Applicant, it would be happy to assist the Examining Authority further at a future Issue Specific Hearing on the DCO.

Winckworth Sherwood LLP