



Pinsent Masons

**APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LOWER THAMES CROSSING
RESPONSE TO EXQ1 (Q4.4.1) BY ST. MODWEN DEVELOPMENTS LIMITED
(REFERENCE 20035817)
19 SEPTEMBER 2023**

1. INTRODUCTION

- 1.1. This submission is made by Pinsent Masons LLP on behalf of its client St. Modwen Developments Limited (“**SMDL**”) in respect of National Highways’ (the “**Applicant**”) application for a development consent order for the Lower Thames Crossing (“**LTC**”) project.
- 1.2. The Examining Authority issued its written questions and requests for information (“**ExQ1**”) on 15 August 2023. ExQ1 contained a question, ExQ4.4.1, relating to Brentwood Enterprise Park (“**BEP**”). SMDL acknowledges that the question is directed specifically at the Applicant and not SMDL or any other party. However, the introductory wording to ExQ1 is noted, in which it indicates that another person may respond to an ExQ1 question should it be relevant to their interests.
- 1.3. BEP is relevant to SMDL’s interests, as outlined in its relevant representation [**RR-1000**] and as detailed in its written representation ([**REP1-396** and **REP1-397**]). The Examining Authority will also be aware that SMDL was represented at the Preliminary Meeting, Issue Specific Hearing 1, and Compulsory Acquisition Hearing 1.
- 1.4. SMDL is responding to ExQ4.4.1 to provide the Examining Authority with an update on the status of its objection to LTC and the position relating to BEP.

2. OVERVIEW OF THE CURRENT POSITION

- 2.1. SMDL remains of the view that a formal land and works agreement must be entered into to ensure that SMDL’s concerns in relation to LTC are addressed. Amongst these concerns is the access to B186, which is referred to specifically in ExQ4.4.1. SMDL refers the Examining Authority to its written representation ([**REP1-396** and **REP1-397**]), particularly section 10, for its position on the B186 access.
- 2.2. Since SMDL submitted its written representation, discussions in relation to a legal agreement have continued between SMDL, landowner Christopher Scott Padfield, S&J Padfield & Partners and S&J Padfield Estates LLP (**Padfield**), and the Applicant. SMDL considers that these discussions are progressing well. The intention is for the legal agreement to be completed within the next month or so, and certainly before the end of the examination. In that scenario, SMDL would be satisfied that its concerns relating to LTC had been resolved and therefore would withdraw its objection.
- 2.3. However, SMDL must protect its position if the discussions on the legal agreement do not continue to progress swiftly over the coming weeks. In that alternative scenario, SMDL must play a more significant role in the examination process. This would be with a view to securing the necessary protections for BEP, i.e. to avoid the sterilisation of the strategically significant BEP development site, through the DCO process rather than by legal agreement. Representatives from Pinsent Masons LLP have registered to speak on ‘site-specific’ issues at future Compulsory Acquisition Hearings, which are scheduled to be held in October (on 17 and 18 October) and November (between 20-28 November). Given the promising latest position on the legal agreement, SMDL’s view is that it would be more appropriate for any oral submissions, if necessary, to be made on its behalf in November rather than October.
- 2.4. SMDL reiterates that its preference is to complete a legal agreement with the Applicant and Padfield. SMDL could then withdraw its objection and it would not be necessary for SMDL to be represented at future hearings. SMDL and its representatives are very happy to



continue to keep the Examining Authority updated as matters progress leading into the forthcoming hearings.