

31 October 2023

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

**A122 LOWER THAMES CROSSING (REF: TR010032)  
DEADLINE 6 SUBMISSION**

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

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

On behalf of our above clients, Linford Land Group and Mulberry Strategic Land Ltd, we write further to Compulsory Acquisition Hearing 3 ('CAH3') held on 17 October 2023 with our written submissions in support of the oral representations made at that hearing.

Please refer to the Plates as submitted to the ExA for the purposes of assisting CAH3 and to which we presented our oral representations; a further copy of which are attached to these submissions.

OVERVIEW	
<b>Plate 69</b>	<p>The Linford Land Group ownership at Linford &amp; East Tilbury is shown on Plate 69 as edged red and amounts to approximately 101 acres (41 ha).</p> <p>Under the Applicant's proposals, approximately 23 acres is identified as permanent acquisition (ecological mitigation 13.69 acres), drainage retention pond (4.09 acres) north of the Muckingford Road and for the Muckingford Road overbridge (5.65 acres)</p> <p>The remaining land north of the Muckingford Road of approximately 39.50 acres is land subject to temporary possession and temporary possession with permanent rights.</p>

	<p>The land south of the Muckingford Road has recently been subject to the Applicant's Change Request MRC03 whereby the order limits have been amended and there has been a subsequent removal of 42 acres of our client's land from the order limits.</p> <p>However, some land south of the Muckingford Road is still required for temporary possession and temporary possession with permanent rights (<i>see plot numbers referenced under Linford Borehole and Temporary Water Pipeline below</i>)</p>
<b>Plates 70 &amp; 71</b>	Plates 70 and 71 show extracts from the LTC Land Plans REP5-008 (Sheets 23 and 24) with the Linford Land Group ownership comprised within the areas in the blue boxes.
<b>Plate 72</b>	Plate 72 shows the extent of land over which Mulberry Strategic Land (AP1581) hold option agreements as coloured on Plate 72 – with land within the Linford Land Group ownership numbered 1.3 (shaded blue)
<b>ISSUE</b>	
<b>Planning Application <a href="#">16/01232/OUT</a> Framework Plans</b>	<p>The <a href="#">planning application for residential and associated development</a> as reference in earlier submissions to the ExA was validated originally in 2016. This application was then updated and validated for a 'with LTC' and 'without LTC' scenario in early 2023.</p> <p>Environmental Statement updates were submitted to Thurrock Council in early October 2023 as part of the application process and are available on the Council's website.</p> <p><b>Plate 73</b> - shows the Land Use and Amount plan under Option 1 (with LTC) 830 dwellings</p> <p><b>Plate 74</b> - shows the Landscape Framework plan under Option 1 (with LTC) 830 dwellings</p> <p><b>Plate 75</b> – shows the Land Use and Amount under Option 2 (without LTC) 1,000 dwellings</p> <p><b>Plate 76</b> - shows the Landscape Framework under Option 2 (without LTC) 1,000 dwellings</p> <p>The above plans were submitted to the ExA under Deadline 4 as requested following the ASI on 13 September.</p>

<p><b>Ecological Mitigation Land</b></p>	<p><b>Plate 77</b> – shows the Applicant’s proposed Open Mosaic Habitat (black hatched area) with unused zone shaded yellow within utilities corridor, together with the Applicant’s proposed drainage retention pond to west of land parcel - all within our client’s planning application red line boundary.</p> <p><b>Plate 78</b> - shows the zone shaded yellow within the utilities corridor and the drainage retention pond to west of land parcel overlaid onto the Land Use and Amount Option 1 (with LTC) plan.</p> <p>The area of the Applicant’s mitigation land in its proposed location is 13.69 acres - equivalent to approx. 170-200 units.</p> <p>The area of land under temporary possession within the utilities corridor and part of the road frontage in the yellow shaded area is approximately 13/14 acres.</p> <p>As submitted orally at CAH3, we consider that the mitigation land proposals for this area north of the Muckingford Road should be reconsidered to fully explore the use of land within the utilities corridor shaded yellow to mitigate the impact on our client’s proposed development.</p> <p>The current design would render any land north of Muckingford road in capable of sustainable/viable development boundaries of the land parcels left post acquisition of the mitigation land and drainage retention pond areas by the Applicant.</p> <p>With reference to <a href="#">APP-511</a> – Project Design Report Part D: North to A13 Junction, the document refers to connectivity in the context of mitigation and habitats, particularly in the case of the Chadwell Link (e.g. para 5.5.6).</p> <p>The utility gap between the main alignment and the location of the open mosaic habitat as proposed north of Muckingford Road, does not seem to reflect that and is disconnected. If such a habitat is required, connectivity would suggest a mitigation area within the utility corridor immediately adjacent to the drainage retention pond is the better place for it.</p> <p><b>Our submissions are as follows:</b></p> <p><b>We would request a commitment from the Applicant to:</b></p> <ol style="list-style-type: none"><li>1) relocate the mitigation land into the existing utilities corridor and</li><li>2) to form a technical working group with Mulberry Strategic Land to agree the methodology and works timetable that would enable use of the land within the utility works corridor for mitigation.</li></ol>
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<p><b>Linford Borehole &amp; Water Pipeline</b></p>	<p><b>Plates 79 &amp; 80</b> - show the proposed temporary water pipeline route highlighted on the Applicant's Works Plans Volume C Composite v.5.0 REP5-020</p> <p>Referring to <b>Plates 70 and 71</b>, the area of temporary possession and temporary possession with permanent rights proposed by the Applicant for this purpose and other utilities works is as shown on the Applicant's Land Use plans REP5-800 and is principally comprised of Plots 23-72, 23-175, 23-177, 23-180, 24-124, 24-191, 24-192 and 24-193 on Sheets 23 and 24.</p> <p><b>ISSUE:</b></p> <p><b>Permanent Rights for Temporary Pipeline</b></p> <p>We refer you to the Deadline 2- Applicants Response to IP comments on draft DCO at Deadline 1 REP2-077 which stated:</p> <p><i>5.7.3 The Applicant has, in limited circumstances, sought rights and restrictive covenants to enable statutory undertakers to have adequate land and rights in connection with temporary assets. The Applicant is aware there are concerns from affected landowners regarding those rights sought for temporary utility works that would enable the construction of the Project (Work Nos OHT1–OHT8 and MUT1–MUT32) and is considering its options and available mechanisms from which to provide comfort to landowners that these rights will be extinguished at the earliest opportunity unless otherwise agreed with the landowner.</i></p> <p><i>5.7.4 In relation to the proposed Linford water pipeline (Work No. MUT6) plot numbers 23-121, 23-139, 23-153 are listed in Schedule 8 of the draft DCO [REP1-042] which sets out the requirements for land within the Order Limits. Permanent rights are required for the installation and operation of the temporary water pipeline, which would be removed following construction</i></p> <p><b>Plate 81</b> – shows the water pipeline route in relation to our client's planning application landscape framework and location of SUDS layout.</p> <p>The area to the west of the spine road, through which the Applicant's temporary water pipeline is proposed (in the Applicant's plot numbered areas as set out above) is multi-functional and proposed to be made up of the following:</p> <p>It is the main body of open space on site (over 50% of all spaces) and the largest single area within our client's development by some measure.</p>
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It includes:

- Wetlands swale and attenuation outfall
- Foul pump
- Informal and species rich grassland
- MUGA (Multi-Use Games Area)
- Bridleway
- Orchard
- SANG land (Suitable Alternative Natural Greenspace)

**Commentary on land uses and importance:**

The Orchard, MUGA and Foul pump are located here based on good design principles. If they had to be placed elsewhere, this would come at additional cost and at the loss of developable land. The bridleway is already in that location.

The wetlands / swale and attenuation outfall can **only** be located in this area due to site topography and availability of the outfall to the ditch; without losing significant development area or resorting to a pumped surface water solution (considerable cost and risk if a pump fails – hence sequentially not favoured by the Environment Agency). The southwest corner of the land area is the only natural outfall for this land area.

In respect of SANG, this is the **only** land area large enough to incorporate SANG principles to mitigate the impact of new residents on Thames Estuary and Marshes SPA / Ramsar site.

**Technical references** (all submitted as part of the Env Statement updates submitted to Thurrock Council in early October as part of the application process under [16/01232/OUT](#)):

In consultation with Natural England our client's development incorporates large areas of open spaces, where semi-natural areas (native woodland, wildflower grassland) have been designed as suitable for SANG in view of the Conservation Objectives for the Thames Estuary and Marshes SPA / Ramsar site.

Without early access to this land the remaining open space would not be considered to fulfil the role of SANG by Natural England.

Based on the 830 dwelling with LTC scheme around 15.9 ha is required for SANG (and for the 1000 dwelling without LTC scheme 19.2ha is required) ([Page 4 ES addendum Appendix A4 Shadow HRA](#))

The lowest point of the land, north of the loop line in the southwest corner is 4.2m AOD with all of the land falling to this location, indicating a natural drainage point. ([Pg 5 ES Addendum Appendix A8 Updated Flood Risk Assessment and Drainage Strategy](#))

The drainage strategy has been designed so as to attenuate catchments into a series of linked basins and following best practice. ([Appendix E – Indicative Drainage Layout – ES Addendum Appendix A8 Updated Flood Risk Assessment and Drainage Strategy](#))

The Design and Access Statement sets out the phasing of development, infrastructure and land uses.

[Design & Access Statement Scenario 1 with LTC](#)  
[Design & Access Statement Scenario 2 without LTC](#)

The first two phases of development (with LTC under Scenario 1) are north of the Tilbury loop line/south of Muckingford Road and require all of the subject land for those phases to be available within the first 4 years (see phasing plans [REP1 – 356](#)); however as noted the drainage solution specifically is required at the outset of the development. ([Phasing – page 105 East Tilbury DAS LTC scenario 1](#))

Our submissions are as follows:

- i) Technically the northern part of the site cannot be drained through conventional means without using land which the Applicant requires for utility works and the temporary water pipeline.
- ii) The absence of this land at the outset of our client's development will render the balance of our client's open spaces insufficient to fulfil SANG objectives.
- iii) This land forms a key social and amenity function for new residents and is the main area of open space for recreation (whilst also fulfilling key technical functions) under our client's development proposals.

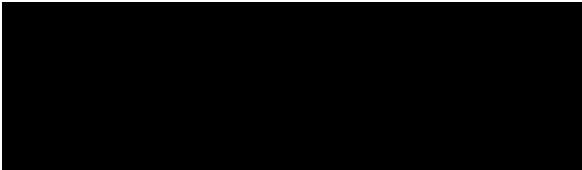
1) form a technical working group of our client, statutory undertakers and the Applicant's appointed design and build contractors to agree a methodology and timetable for works to enable our client's Phase 1 and 2 development requirements to be satisfied during the Applicant's construction phase and to ensure that suitable mitigation is in place to address any adverse effects of the Project on our client's development scheme – during and post construction.

2) In our opinion, there continues to be no justification for permanent rights for a temporary water pipeline and our client objects to any permanent rights which result in the statutory undertaker seeking continued use beyond use by the Applicant for the purposes of the Project.

	<p>3) With reference to the Applicant's stated position (as set out above) in respect of removal of the pipe, a technical working group with the Applicant, their design and build contractors, our client should be formed to agree the best approach to decommissioning the pipeline together with a SACR commitment that the pipeline will be removed on cessation of use or a removal commitment should the pipeline prevent any future development of the land area in which the pipeline is constructed and with the full cost of that removal and all associated remedial works being met in full by the Applicant's or relevant statutory undertakers.</p>
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We look forward to receiving further responses from the Applicant and the ExA in respect of the matters raised above.

Yours faithfully



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