

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 WRITTEN REPRESENTATIONS**

MELVILLE HAMILTON LOWE MOTT – AFFECTED PARTY REFERENCE: AP1308

C H L MOTT & M MOTT – AFFECTED PARTY REFERENCE: AP1369

THE OWNERS OF NORRSKKEN, [REDACTED] RR 2003579

On behalf of our above clients, the Mott family, 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.

As a general comment, the submissions below and the oral representations at CAH3 are on matters that have been raised continually with the Applicant both through statutory consultation responses and through general negotiation with the Applicant for much of the Project's lifespan to date.

To reach a point where matters are still remaining to be resolved at this stage of the Examination is a very unsatisfactory position.

OVERVIEW

Plate 1

The Mott family ownership at East Tilbury is shown edged red on Plate 1 and on Plate 2.1 (Appendix A) of the draft SOCG [REP4-205](#) - Deadline 4 submission – 9.92 Draft Statement of Common Ground between (1) National Highways and (2) Melville Mott & Family and amounts to approximately 631.83 acres (255.70ha).

The extent of land-take (permanent, temporary possession and temporary possession with permanent rights) by the Project is overlaid on Plate 1 and on Plate 21 (Appendix A) draft SOCG and shown shaded yellow and amounts to approximately 477.03 acres (193.05ha) – 75% of the land area within the Mott family ownership will be affected by the Project.

The area shaded yellow and hatched black is subject to ongoing land restoration activities, incl. PFA extraction by Ingrebourne Valley Ltd (approx. 245 acres) (158 acres - Goshems & 50 acres) (87 acres Ashfields).

The areas hatched black comprise 50 acres forming part of the Thames Freeport and 28 acres subject to a S.106 agreement as a host site for the translocation of invertebrates and reptiles from the area under restoration.

Plate 2

Mulberry Strategic Land (AP1581)/Iceni Land Capacity Study as part of the long-term promotion of land for strategic development at East Tilbury as part of Thurrock Council’s developing Local Plan (1,425 residential unit/525,000 sq.ft commercial use)

The land has been promoted for these purposes since 2003; at that time by Colonnade as part of promoting the wider landholdings at East Tilbury and Linford across various land ownerships. This promotion continued with Cogent Land and now with Mulberry Strategic Land Ltd.

Area 1A (43 acres) is outside of the Order Limits other than a proposed new WCH route running north/south through the middle of Area 1A.

Area 1B is subject to permanent land take for ecological mitigation by the Applicant (54 acres).

Area 2 is subject to temporary possession, partial permanent acquisition and the imposition of replacement common land (the Drove). Permanent acquisition and replacement common land equate to approx. 6 acres.

Areas 3A to 3D are subject to temporary possession for Compound CA5 (approx. 45 acres).

Plates 3 to 7	Plates 3 to 7 show extracts from the Applicant's Land Use Plans at REP5-006 and REP5-008 (sheets 16, 19, 20, 22 and 23) with the Mott Family's ownership comprised within the areas in the blue boxes.
ISSUE	
Ecological Mitigation Land- Extent	<p>Plates 8 & 9 – show the areas of Open Mosaic Habitat proposed by the Applicant within the blue box.</p> <p>Plate 9 - shows the area of Coalhouse Point Wetland Habitat proposed by the Applicant within the blue box</p> <p>Plates 10, 11 & 12 – shows the area referred to as Tilbury Fields and around the northern portal (open mosaic habitat) within the blue box as proposed by the Applicant.</p> <p>In total, the land area proposed to be permanently acquired for these purposes from our client equates to 264 acres or thereabouts.</p> <p>Further to our representations at Deadline 1 REP1-319 & 320 and Deadline 2 REP2-096 our submissions in respect of the Ecological Mitigation Land proposals are as follows:</p> <ol style="list-style-type: none"> 1) In the Applicant's response under 'Compensation Land (Generally) contained in the draft SOCG REP4-205 between the Applicant and the Mott Family, the Applicant refers to its preference to engage a 'competent authority' e.g. a local authority or similar body who has an established track record of maintaining such habitats. 2) It further states that this assists with compliance risks. 3) The Mott family have managed this land for the over 100 years. 4) They have the labour and machinery and skill set to manage land for a variety of uses and also are engaged in managing land under a new Countryside Stewardship Scheme across their holding. 5) To consider a local authority or similar body as the only competent authorities to manage land for ecological purposes is short sighted and fails to recognise the value that existing landowners who understand this land bring to that arrangement.

	<p>6) In terms of compliance risk, we would submit that in all likelihood, local authorities or other similar bodies, will sub contract this work to others with no 'buy-in' as to how it fits with adjoining land management and the issues that arise in this area; including unauthorised access and consequent management.</p> <p>7) Further, it is an arguable point as to whether a single local authority or similar body is able to deal with such a large land area in addition to the areas already under their control and therefore it is submitted that the current landowners can provide a suitable risk management tool for the Applicant in spreading risk across the landowners hosting mitigation land.</p> <p>8) It is a case of the right person leading to the correct management and we consider that our client is appropriately skilled and has significant understanding of the management of this land to be considered an appropriate entity to manage species rich grassland and open mosaic habitats.</p> <p>9) The mechanism for ensuring the landowner is obliged to meet the mitigation objectives; where that landowner wishes to retain the freehold and is willing to enter into such arrangements, can be achieved either through a s.253 Agreement or conservation covenant or similar agreement; legally binding on all parties.</p> <p>10) Those agreements will need to recognise the management cost of undertaking work and compensation for a change in land use and its affect on value but as a matter of principle, the proposal to acquire the freehold is objected to where landowners are willing to enter into such agreements.</p>
<p>Ecological Mitigation Land - Land Swap</p>	<p>Plates 13, 14 & 15 - show the proposed land swap as submitted under Deadline 3 - REP3-174</p> <p>It shows two areas of arable land of approx. 5.79 acres and 5.47 acres shaded blue in exchange for the removal of an area of arable land shaded orange 11.91 acres (which also forms the upper part of Area 1B of the Mulberry Strategic Land land capacity study area (as shown on Plate 2) from the Applicant's proposals.</p> <p>In order to mitigate 1) loss of farmland and 2) loss of future development land, our submissions are as follows (and with reference to our Deadline 3 submissions):</p> <p>1) Amendment to mitigation boundaries as proposed by our client;</p>

	<p>2) To provide for a commitment to include drainage route through blue land to serve retained land to north - whether or not the mitigation boundaries are amended. The natural drainage point will require rights to be reserved over any land acquired by the Applicant of land immediately west of East Tilbury.</p>
<p>Northern Portal Access Track</p>	<p>Plate 16 - General Layout</p> <p>Plate 17 - Land Plan showing permanent acquisition of route</p> <p>Plate 18 - route of haul road under MUT4</p> <p>Plate 19 - route of MUT4 and MUT27</p> <p>In this respect please also refer to our submission under Deadline 1 REP1 - 320 - section 4.</p> <p>Our submissions are as follows:</p> <ol style="list-style-type: none"> 1) We consider that there is an alternative means of providing legal rights for the Applicant's proposed use and future maintenance responsibilities without the need for freehold acquisition of the route and our client objects to the proposed permanent acquisition. 2) If rights for permanent acquisition are granted, without prejudice to our client's objection, we consider that our client should be granted the right to any future uplift in value that may be associated with the use of this route as a potential link road to adjoining land for any purpose outside of the consented Lower Thames Crossing project. 3) In either scenario, on the basis that the Applicant has provided for a right of access for our client to their retained land under the Stakeholder Actions and Commitments Register ('SACR') SACR-006 that a technical working group is formed to include our client to agree the construction specification of this route.
<p>Emergency Vehicle RVP</p>	<p>Plates 19, 20, 21 show the Applicant's proposed and our client's proposed alternative location of the RVP.</p> <p>Our submission is as follows:</p> <p>A technical working group should be formed between our client, the Applicant and the Emergency Services and Safety Partners Steering Group (ESSPSG) to agree mutually acceptable location for the RVP; to include</p>

	agreement on the specification of construction and access off the Northern Portal Access Track.
Linford Borehole & Water Pipeline	<p>Plates 23 & 24 show the route of the proposed temporary water pipeline coloured blue as temporary possession with permanent rights.</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>Our submissions are as follows:</p> <ol style="list-style-type: none"> 1) 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. 2) With reference to the Applicant’s state position (as set out above) in respect of removal of the pipe, a technical working group with Applicant, contractors, our client and Mulberry Strategic Land Ltd 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>Retained Land & River Thames Jetty/Wharf Access</p>	<p>Plate 25 shows the general location of the section 106 land and jetty/wharf complex associated with the current land restoration operations at Goshems Farm.</p> <p>Plates 26, 27 & 28 - show in broad terms, the routes that our client requires to be secured under the Project and through any land permanently acquired by the Applicant.</p> <p>The current jetty complex provides for a capacity of up to six barges in any 24 hour period; with each barge capacity equally approximately 1,500 tonnes of inert soil. This is the equivalent of removing approximately 300 bulk tipper lorries from the highway network in every 24 hour period and represents a significant benefit and asset for current land restoration operations and any future use of the river in this general area of Thurrock.</p> <p>With reference to 7.4 Project Design Report – Part D: General Design North of the River – Tilbury to the A13 Junction APP-511, on page 13 the Applicant states <i>‘Landfilling operations - These will continue after the Project is complete so access will need to be maintained and Project works designed for future loading.</i></p> <p><i>‘Landfills allow the Project to retain as much spoil onsite as reasonably practicable to limit number of vehicle movements. Integrate access, such as to existing jetties, into landscape restoration works’</i></p> <p>As the ExA will note, no such access route has been allowed for in the Tilbury Fields design for access to river frontage to allow for access to either the current wharf/jetties or any future location; principally through Plot 16-39 either from Station Road to the east of the LTC alignment or from extending the route of access from the proposed Northern Portal Access Track.</p> <p>We also draw the ExA’s attention to the fact that our clients land within Plots 16-40, 16-41 and 16-44 is not proposed to be permanently acquired by the Applicant and it is our client’s stated position that there may be reasons for relocation of the existing wharf/jetty complex to another river frontage location within our client’s ownership that this required route of access must also provide for in the future.</p> <p>Our submissions are as follows:</p> <ol style="list-style-type: none"> 1) The SACR v3.0 (SACR 006) provides for use of the Northern Portal Access Track for access to our client’s retained land during construction and permanent access post construction

	<p>2) The general arrangement plans do not currently show the route or specification of this access</p> <p>3) The SACR must therefore be expanded to commit to a further route of permanent access to the wharf and jetties on any part of our client's retained river frontage land.</p> <p>To preclude use of this jetty complex as a consequence of the Applicant's project would result in the loss of a significant river asset and a potentially significant compensation claim for the loss of such an asset in perpetuity.</p> <p>Furthermore, in the absence of any access to our clients retained land in Plots 16-40, 16-41 and 16-44, there will be a further severance claim against the Applicant.</p>
<p>Access to land south of Station Road</p>	<p>Plates 29 & 30 - show the remainder of our client's ownership (edged red and not shaded yellow) that sit outside of the Order Limits and the Mulberry Strategic Land capacity plan referred to above.</p> <p>Plates 31 & 32 – show the Applicant's general layout of the CA5 Compound and a general route of access as required by our client to retained land south of Station Road from the north and retained land within the current planning application site (Thurrock Council planning application reference 16/01232/OUT).</p> <p>Plate 33 – shows the same general route of access required overlaid onto the Mulberry Strategic Land plan.</p> <p>Our submissions are as follows:</p> <p>1) We required a SACR commitment that the corridor outside of the current proposed CA5 boundaries to the east will be retained throughout the Project with no temporary occupation by the Applicant that would prevent the Mott family or Mulberry Strategic Land (or their successors) from establishing a route to land south of Station Road from the land to the north.</p> <p>2) A further commitment is required to agree with the Applicant's contractor the minimum width required for that use to ensure the fencing boundaries of CA5 are erected in an agreed position.</p>

Special Category Land	<p>Plates 34 & 35 - show the existing route of the old Drove shaded blue - and the proposed replacement land shaded grey.</p> <p>Our client objects to the permanent acquisition of land for this purpose and the replacement of the Drove on their freehold land.</p>
WCH Routes	<p>Plate 36 - is an extract of the Applicant's WCH route plans from REP2-073 and show the existing rights of way</p> <p>Plate 37 – is an extract of the Applicant's WCH route plans from REP2-073 and show the existing and proposed rights of way</p> <p>Plate 38 - shows the relationship of the proposed rights of way on Tilbury Fields to our client's retained land and jetty/wharf and the required access as set out above.</p> <p>Plate 39 - shows the severance issues of permanent acquisition for proposed WCH routes on land that is both outside the Order Limits and where a ransom strip would in effect be created with such permanent acquisition on our client's land north of Station Road and which is subject to temporary possession by the Applicant and therefore is relevant in the context of our clients ownership and occupation post construction.</p> <p>Plate 40 - shows the location of our client's residential property at Goshems Farmhouse adjacent to the new proposed WCH route</p> <p>Plate 41 - shows the location of the proposed routes bisecting/severing Mulberry Strategic Land development parcels 1A, 1B, 3A-3D</p> <p>ISSUES:</p> <p>Referring to 7.4 Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders APP-512:</p> <p>2.1.4 – '<i>A latent demand to walk and cycle in the Tilbury area was theorised</i>' – we are unclear as to how such a significant additional burden as created by the proposed rights of way can be based on a theorised baseline.</p> <p>The Project Design documents refer to design anticipating future development but there has been no regular stakeholder engagement as far as we are aware with landowners or their development partners as to in the development of the Applicant's WCH routes and how those would fit with retained land use, wider issues associated with management and</p>

security and the impact of the landowner's quiet use and enjoyment of their retained property.

However this turns to a wider point of Need v Want - does the Applicant's Project need to provide these additional routes and/or upgrades to cycleways/bridleways? It appears to go beyond what the Project is and strays into wider wishes of other stakeholders where those would normally fall within either development masterplans or as separate discussions on specific routes outwith of the Project or future development.

For example, 4.1.2 references that there is a '*real drive to encourage more walking and cycling and the promotion and aspiration of such by local authorities*' but is that really a task that is required of the Project in front of us?

4.3.5 also refers to connections around the Coalhouse Fort and Tilbury Fort area as being a priority of the local authority - but is it a necessity of the Project?

There has only been one specific meeting with our client and the Applicant on 31 March 2022 in respect of WCH route issues and this resulted in no engagement from the Applicant that sought to address our client's issues.

In addition to our comments at that meeting (minuted) as to the issues as we raised subsequently in our Procedural Deadline C submissions (see below), we also raised that the Applicant's proposals have significant impacts upon the Mulberry Land development proposals and it was minuted that '*both parties need to liaise carefully to ensure any impacts are minimized*'.

No such liaison on the comments raised at that meeting or in subsequent consultation responses has taken place.

Furthermore, 6.1.12 on page 80 of the Project Design Report Part E it states that '*this strategy has been developed through extensive dialogue with local user groups, local authorities and land owners...*'

We disagree and are not clear how such a conclusion could have been reached in the Report.

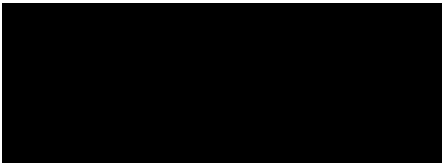
We again refer to our Procedural Deadline C submissions setting out the issues:

	<ul style="list-style-type: none">(i) The extent of new WCH routes proposed and the statutory basis for the additional WCH routes proposed; including the upgrading of footpaths to bridleways;(ii) The anticipated effects of new WCH routes on the quiet enjoyment of the affected landowner's property and use of the same;(iii) The additional burden created by new additional WCH routes on the cost of management and security of land and property where additional WCH are proposed and adjoining land and property;(iv) The additional burden created by increased anti-social behaviour and concern regarding safety and biosecurity. Criminal activities arise from misuse of existing public rights of way. Any suggested enhanced public benefit arising from additional routes is outweighed by the impact to food security and impact on the Landowner's freehold and farming businesses.(v) Without prejudice to any standing objection to the proposed WCH routes, the principle of the Applicants proposed acquisition of freehold land on which additional WCH routes are proposed and the responsibility for maintenance of these post construction. <p>Our submissions are as follows and we also refer the ExA to our oral submissions at ISH10 Traffic and Transportation on 24 October 2023:</p> <ul style="list-style-type: none">1) Without prejudice to our client's general objection to the proposed new rights of way, if the Applicant's proposed new rights of way remain part of the Project either as proposed or as amended, we would require confirmation of the oral undertaking given to the Examination at CAH3 that the Applicant adopts an alternative approach to permanent acquisition of freehold land for any new rights of way (public or permissive) and commits to an approach under a formal SACR commitment based on the dedication of new rights of way so that the freehold remains in the hands of the existing freeholder2) Our client maintains their general objection to upgrading to bridleways and sees no justification for these proposals. The management issue that arises in preventing unauthorised motorised access if upgraded to bridleway as the apparatus for gating such
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	<p>routes has proved ineffective at preventing the former, for example motorbikes</p> <p>3) We are unable to find any reference to an impact assessment on private landowners carried out by the Applicant.</p> <p>4) The proposed 'Goshems Link' dissects two areas of land outside of the Order Limits and creates additional burden on the existing area around Goshems Farmhouse.</p> <p>5) The Station Road WCH track severs access through the land holdings north and south of Station Road for future development and existing access into land north of Station Road.</p> <p>Please note that as requested by the ExA in action points arising from ISH10, we are submitting separate submissions at Deadline 6 in respect of those requests.</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)