

4 December 2023

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

**A122 LOWER THAMES CROSSING (REF: TR010032)
DEADLINE 8 WRITTEN REPRESENTATIONS**

**REPRESENTATIONS ON THE APPLICANT'S DRAFT DEVELOPMENT CONSENT ORDER & CODE OF
CONSTRUCTION PRACTICE**

We write on behalf of all our landowner clients as affected by the Lower Thames Crossing in respect of the Applicant's draft Development Consent Order [REP7-090](#) and Code of Construction Practice [REP7-122](#).

We have set out relevant extracts from the above documents in the Annex below for ease of reference.

We acknowledge that under draft Article 35, the undertaker may not remain in possession of land taken under temporary possession and will be required to remove all temporary works and restore the land.

However, we have a general concern that some works falling under Art.35 (5) which the undertaker is not required to remove may prevent restoration of land to its condition prior to use by the undertaker. For example, ground strengthening works (c) or soil reprofiling works (f) may restrict the undertakers ability to satisfy the reasonable expectations of the landowner to return land to its original condition.

Furthermore, whilst Art.35 (4) refers to the undertaker not remaining in possession after a period of one year following the completion date of the authorised development or the date of completion of the work for which temporary possession was taken, we consider that Art.35 should also provide a direct reference/provision in Art.35 for the removal of *Preliminary Works* (as defined) within a period of one year if preliminary works have been carried out and the main works phase of the Project does not take place, for whatever reason that those main works are not to be commenced or if they have been stopped. For example, the reference to *receipt and erection of construction plant and equipment for advanced compound areas* in the definition of Preliminary Works could mean significant structures have been erected.

Holland Land & Property Limited, [REDACTED]
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Yours faithfully



**M R Holland MRICS
Director
HOLLAND LAND & PROPERTY LTD
(Agents for landowner Affected Parties)**

Annex 1

extracts under draft Code of Construction Practice [REP7-122](#)

Preliminary Works

1.2.11 Following the DCO grant there would be preparatory works, referred to in the draft DCO as preliminary works taking place in 2024. The main construction period for the Lower Thames Crossing would start in early 2025, with the road being open for traffic in late 2030.

6.12 Clearance and reinstatement of sites on completion

6.12.1 Sites will be reinstated, in accordance with article 35 (temporary possession) of the DCO and in line with the requirements in Schedule 2, Part 1 of the DCO

Definition of Preliminary Works from draft Development Consent Order v9.0 [REP7-090](#)

“preliminary works” means operations consisting of archaeological investigations and pre construction ecological mitigation (including in connection with those investigations or mitigation vegetation clearance), environmental surveys and monitoring, investigations for the purpose of assessing and monitoring ground conditions and levels, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment for advanced compound areas, diversion and laying of underground apparatus (except any excluded utilities works) for advanced compound areas, accesses for advanced compound areas (and vegetation clearance in connection with those accesses), and the temporary display of site notices or information

Article 35 extract from draft Development Consent Order v9.0 [REP7-090](#)

(4) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—

(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 11, or

(b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 (powers of entry) of the 1965 Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

(a) replace a building removed under this article;

(b) restore the land on which any permanent works have been constructed under paragraph (1)(d);

(c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;

(d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development;

(e) remove or reposition any apparatus installed for or belonging to statutory undertakers or necessary mitigation works;

(f) restore the land on which any soil reprofiling work has occurred; or

(g) remove any temporary works where this has been agreed with the owners of the land.