

THE A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

Deadline 9A Submission – Comments on Applicant’s submissions at Deadline 9

Interested Party	Northumbrian Water Limited (operating as Essex & Suffolk Water)
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The following table contains the responses of Northumbrian Water Limited (operating as Essex & Suffolk Water) ("ESW") to the Applicant's submissions at Deadline 9 of the Examination.

<u>Applicant's submission</u>	<u>Relevant text</u>	<u>ESW response</u>
<p>REP9-XXX</p> <p>9.213 - Applicant's Responses to Interested Parties' comments on the Draft Development Consent Order at Deadline 8</p>	<p><i>The Applicant understands that ESW's primary contention remains as set out in [REP1-265]. ESW seeks the removal of plot 24-133, the Linford Well site, from the Order limits so as not to interfere with ESW's statutory undertaking, including abstraction licence obligations and commitments relating to future water supply.</i></p> <p><i>The Applicant has been in ongoing discussion with ESW and has provided responses to the representations ESW has made in its: Post-event submissions, including written submission of oral comments, for CAH4, Section 3.4 [REP-6-088]; Deadline 7 Hearing Actions, Section 3.3. [REP7-185]; Responses to Examining Authority's EXQ2 Appendix F: 10 Road Drainage, Water Environment and Flooding, response to ExQ2_Q10.3.1 [REP6-112]; and Comments on WRs Appendix B: Statutory Undertakers [REP2-047].</i></p> <p><i>A side agreement is currently being negotiated which already incorporates the majority of the provisions referred to in ESW's submitted form of protective provisions [REP7-224] and the Applicant does not consider a bespoke set of Protective Provisions to be necessary. The Examining Authority should note that the majority of amendments are already agreed or immaterial in nature.</i></p> <p><i>The Applicant wishes to make clear that the existing</i></p>	<ol style="list-style-type: none"> 1. ESW acknowledges that the parties are close to agreement on a number of issues. 2. However, until the side agreement reflecting this is completed (i.e. the protections are legally binding), ESW continues to request that the bespoke protective provisions it included within the document Response to CAH4 Action Point 5 (REP7-224) to be included in the DCO. This is because the current standard protective provisions do not address ESW's concerns as set out in its Written Representations (REP1-265), including, as is acknowledged here by the Applicant its concerns as to water quality. Additionally, in ESW's view, the commitments within the REAC also do not go sufficiently far to address such concerns.

<u>Applicant's submission</u>	<u>Relevant text</u>	<u>ESW response</u>
	<p><i>Protective Provisions in Part 1 of Schedule 14 to the draft Order [REP8-006] are reasonable and offer adequate protection to ESW in all material respects, other than on water quality which is already covered by existing REAC commitments (see 3.4.14 of [REP6-088]). The existing provisions are well precedented and adequately protected water undertakers such as ESW.</i></p> <p><i>Overall the Applicant is engaged in positive discussions. The Applicant hopes that an agreement can be reached prior to the close of Examination. However, should an agreement not be reached, the Applicant maintains that the Protective Provisions already within the Order provide sufficient protection to ESW.</i></p>	
REP9-XXX 3.1 Draft DCO	ESW notes that bespoke protective provisions for ESW have not been added as a separate new Part to Schedule 14.	3. See response in paragraphs 1 and 2 of this document.