

## THE A122 (LOWER THAMES CROSSING) DEVELOPMENT CONSENT ORDER

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### Principal Areas of Disagreement Summary Statement (Version 2)

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Interested Party	Northumbrian Water Limited (operating as Essex & Suffolk Water)
PINS Ref.	TR010032
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ESW acknowledges that the parties are close to agreement on the issues set out below. However, until the side agreement reflecting this is completed (i.e. the protections are legally binding), ESW is unable to withdraw its objections to the Application and, notwithstanding anything stated to the contrary in the Statement of Common Ground, this table sets out the principal areas of disagreement and the necessary amendments ESW is seeking to the draft DCO to address them.

Number	Principal Issue in Question	SoCG reference	The brief concern held by Essex & Suffolk Water which was reported on in full in Written Representations and subsequent submissions	What needs to; change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
1	Linford Well – compulsory acquisition	2.1.2 2.1.9	<p>The draft DCO includes powers of compulsory acquisition over plot 24-133, which is owned by Northumbrian Water Limited (of which ESW is a trading name). Plot 24-133 contains ESW's Linford Well which is key apparatus forming part of ESW's statutory undertaking. ESW has obligations under its abstraction licence in relation to the Linford Well, which is required to be restored to public water supply in ESW's draft Water Resources Management Plan 2024.</p> <p>ESW has set out its position concerning this issue, principally in:</p> <ul style="list-style-type: none"> <li>- REP1-265 Written Representations, particularly paragraphs 5.3-5.7, 6.3-6.8 and 7.22,</li> <li>- REP6-157 Summary of Oral Submission at Compulsory Acquisition Hearing 4, and</li> <li>- REP7-224 – Response to CAH4 Action Point 5, notably at paragraphs 2.1-2.3, 5.1 and paragraph 12 of proposed protective provisions.</li> </ul>	<p>National Highways need to remove plot 24-133 from the DCO or agree adequate protections for ESW's statutory undertaking through an agreement. Failing that, the protective provisions in the draft DCO need to be amended in the form of those within REP7-224 – Response to CAH4 Action Point 5, proposed protective provisions.</p>	<p>Close to agreement but subject to completion of legally binding agreement.</p>

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			<p>ESW has also made further comments in subsequent submissions, including:</p> <ul style="list-style-type: none"> <li>- REP1-268 Summary of Oral Submissions at Issue Specific Hearings 1 and 2, paragraph 5</li> <li>- REP5-110 Comments on Applicant's submissions at Deadline 4, paragraph 8</li> <li>- REP6-156 Responses to CAH Action Points – paragraph 2.1</li> <li>- REP7-223 – Comments on Applicant's Submissions at Deadline 6, throughout</li> </ul>		
2	Linford Well – water quality, pollution and contamination	2.1.2 2.1.9	<p>The aquifer for the Linford Well is unconfined with a high water table and, therefore, is at a higher risk of contamination causing a detrimental impact on water quality and, consequently, the output from the Linford Well. ESW need to ensure the water/water source is not polluted or contaminated by the construction or operation of the works to be authorised by the DCO in order to protect future public water supply.</p> <p>ESW has made comments on this point in its submissions, including:</p> <ul style="list-style-type: none"> <li>- REP1-265 – Written Representations, paragraphs 7.1-7.22</li> <li>- REP1-268 – Summary of Oral Submissions at Issue Specific Hearings 1 and 2, paragraph 5</li> </ul>	<p>National Highways need to agree adequate protections through an agreement to ensure that contamination of the aquifer does not arise during construction or operation of the works. Failing that, the protective provisions in the draft DCO need to be amended in the form of those within REP7-224 – Response to CAH4 Action Point 5, proposed protective provisions which requires a Pollution Risk Plan (and associated protective measures) to be agreed prior to construction and includes</p>	<p>Close to agreement but subject to completion of legally binding agreement.</p>

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			<ul style="list-style-type: none"> <li>- REP5-110 – Comments on Applicant’s Submissions at Deadline 4 – paragraphs 18-19</li> <li>- REP6-156 – Responses to CAH Action Points, paragraph 3.14</li> <li>- REP6-157 – Summary of Oral Submissions at Compulsory Acquisition Hearing 4, paragraphs 2.1, 3.22-3.27 and 5.4</li> <li>- REP7-223 Comments on Applicant’s Submissions at Deadline 6, page 3 response to REP6-088</li> <li>- REP7-224 – Response to CAH4 Action Point 4, paragraphs 3.1-3.2 and paragraph 25 of proposed protective provisions</li> </ul> <p>At Deadline 9, in its document ESW 18 – Comments on Applicant’s submissions at Deadline 8, ESW stated it would expand on its concerns about contamination generally and in the context of the Applicant’s response to the Examining Authority’s question ExQ3_6.1.5. That question related to potential contamination of groundwater by the water required to operate the tunnel boring machine.</p> <p>ESW wishes to reiterate that its general concern remains that if there is any contamination of the groundwater source during the Applicant’s construction works (not</p>	<p>provisions for indemnity against losses or damages.</p>	

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			<p>merely from operation of the tunnel boring machines) there is potential for that contamination to be drawn into the well making the water quality worse than at present. In the event of contamination during construction, continuous abstraction of water at the Linford Well to serve the TBMs has the potential to make the effect of any contamination on the existing water quality at the well worse. That is why ESW has sought (eg in its draft protective provisions) the ability to stop or reduce flow to the TBMs while investigating. Given its obligations under WRMP 24 to bring the Linford Well back into public use, as explained in its Written Representations (REP1-265) ESW is concerned that the construction and operation of the project does not cause contamination that makes the water at the Linford Well more difficult to treat than at present for public potable water supply.</p>		
3	Diversions of other ESW apparatus	2.1.1 2.1.4 2.1.5 2.1.6 2.1.8 2.1.10 2.1.11	<p>The powers in the DCO provide for the diversion and realignment of numerous other pieces of ESW apparatus. These are of concern to ESW due to the scale of these diversions, the importance of the apparatus and the current timescales for supply of materials and undertaking works.</p> <p>ESW has made further comments on this point in subsequent submissions, including:</p>	National Highways need to agree adequate protections through an agreement. Failing that, the protective provisions in the draft DCO need to be amended in the form of those within REP7-224 – Response to CAH4 Action Point 5, proposed protective provisions which	Close to agreement but subject to completion of legally binding agreement.

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		2.1.12 2.1.13	<ul style="list-style-type: none"> <li>- REP1-265 – Written Representations, paragraphs 8.1-8.9</li> <li>- REP6-156 – Responses to CAH Action Points, paragraphs 3.1-3.15</li> <li>- REP7-224 – Response to CAH4 Action Point 5, paragraphs 4.1-4.4 and the attached proposed protective provisions</li> <li>- REP8-154 – Response to the Examining Authority’s Commentary on the draft Development Consent Order, paragraphs 15 and 16</li> <li>- REP8-157 – Comments on Applicant’s Submissions at Deadline 7, paragraphs 3 and 4</li> </ul>	provides for greater co-operation and consultation between the parties ahead of formal plan approval timescales.	