

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: KT/2023/131280/01-L01
Your ref: 20035862
Date: 15 December 2023

Dear Examining Authority

Lower Thames Crossing (TR010032) Development Consent Order Application

Please find to follow our Deadline 9A submission.

Explanatory Memorandum [[Version 7](#)]: Article 68 Interface with waste operation permits

With reference to paragraph 5.289, neither of the examples given are of Development Consent Orders and their provisions work differently to the agreed Article 68. In particular, article 6 of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 is a Transport and Works Act Order which we did not agree to. Therefore, we don't consider this to be an appropriate precedent to refer to.

Star Dam- Stakeholder Actions and Commitment Register [[Version 7](#)]

In response to Stakeholder Action and Commitment Register SACR-024 Star Dam Flood Defence Structure we would like to make the following comments. Our existing vehicular access route to Star Dam from the north (over parcel 22-40) currently follows "tracks" along the existing field margins and is not a formalised access track, so there needs to be provision made to retain that given it will be through an ecological receptor site. We would need to maintain this vehicular access to maintain Star Dam under our permissive powers under section 165 of the Water Resources Act 1991. We don't own this asset or the land.

Furthermore, following a review of this commitment it has come to light that we are concerned about the compatibility of the proposed "New or Improved Bridleway", reference number 13/3, running along part of the eastern shoulder of Star Dam [[REP7-044](#)]. The eastern shoulder of Star Dam was not designed for exposure to frequent traffic via cyclists and horses. Such traffic greatly increases erosion and loads for which the asset was not designed. This scenario will end up in increased maintenance activity and expenditure compared with the current business as usual scenario. If maintenance activities weren't undertaken then this could lead to a compromise of the asset's structural integrity and possible failure to perform as intended during a tidal flood event.

The designation of Bridleway 13/3 along the existing vehicular access route taken by our Field Operations staff presents additional hazards of possible interaction of horses and vehicles amongst a land use proposed for ecological mitigation and relocation of other species.

Please find further background to this issue and potential ways to overcome this in Annex A.

I hope this is helpful.

Yours sincerely

Richard Penn
Environment, Planning and Engagement Manager
Direct e-mail [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)

Annex A Lower Thames Crossing proposals & “Star Dam” – East Tilbury, Essex

1. Background

- Star Dam was built by Anglian Water Authority (our predecessor) in the early 1980s as part of the Thames Tidal Defence scheme.
- This asset is c.70m long and comprises of a clay embankment with an integral reinforced “L-section” concrete wall (see Fig. 1)
- This asset serves to block any floodplain flows from the Coalhouse Point area reaching Tilbury Town (c2km to the west), as happened during the East Coast tidal surge on 1 February 1953.
- This asset is currently maintained by us under our permissive powers under S165 of the Water Resources Act 1991. Our vehicular access route to Star Dam is shown in Appendix 1.
- We are not the asset owner – we do not own or lease any of the land upon which the footprint of the asset rests.

Fig. 1 Star Dam (taken 2019)



Looking North



Looking South



Aerial View – note asset runs N-S in the centre
(www.google.co.uk/maps)

2. Lower Thames Crossing Proposals

- Rights of Way & Access Plans Regulation 5(2)(k) Sheets 19 & 22 (Appendix 2) show a proposed “*New or Improved Bridleway*”, reference number 13/3, running along part of the eastern shoulder of Star Dam.
- It is presumed that proposed Bridleway 13/3 runs along the eastern shoulder of Star Dam as the asset is the only means of crossing the ordinary watercourse that flows westwards under the asset via a 300mm dia. culvert.
- It is presumed Bridleway 13/3 takes its current alignment so it can meet with proposed “Footpath Designated to Bridleway” 13/2 that approaches from Coalhouse Fort to the east.
- Bridleway 13/3 is also seen to overlay the same access track currently used by the EA for vehicular access to Star Dam

3. Challenges

- The eastern shoulder of Star Dam was not designed for exposure to frequent traffic via cyclists and horses. Such traffic greatly increases erosion and loads for which the asset was not designed.
- This scenario will end up in increased maintenance activity expenditure compared with the current business as usual scenario. If such activities weren't undertaken then this could lead to a compromise of the asset's structural integrity and possible failure to perform as intended during a tidal flood event
- Such proposals would otherwise require a bespoke Flood Risk Activity Permit (FRAP) under the Environmental Permitting Regulations 2016 had they been proposed via another party. Under such proposals as they stand, we would not be able to grant a FRAP. Within the order limits the applicant would need to apply to us under the Protective Provisions to carry out the works.
- Designation of Bridleway 13/3 along the existing vehicular access route taken by our Field Ops staff presents additional hazards of possible interaction of horses and vehicles amongst a land use proposed for ecological mitigation and relocation of other species (see Appendix 3).

4. Opportunities

- The proposed bridleway 13/3 is realigned so that it heads south and west away from Star Dam. Lower Thames Crossing (LTC) would then need to work out how to link towards Coalhouse Fort but link towards 13/2 avoiding the eastern shoulder of Star Dam.
- LTC may wish to build a bridge over the ordinary watercourse, but they'd still need to send users around the northern end of the asset which would erode it. An alternate proposal would be needed there.
- LTC could acquire the land upon which Star Dam sits and become the asset owner and maintain / repair/raise as instructed by us based upon annual visual condition inspections.

Appendix 1 – Existing EA Vehicular Access Route to Star Dam



Appendix 3 – Lower Thames Crossing “Ecological habitat creation and receptor site for protected species” (shown as black cross hatching)

