

Following the submission of the Statement of Common Ground in early June 2022, Anglian Water has been seeking to resolve the matters between the parties. As many of the matters are also the subject of other NSIP applications currently at Decision stage Anglian Water contacted National Highways to seek to progress the unresolved matters.

A meeting was arranged for 10 June 2022 and at the meeting Anglian Water team proactively concluded several points such that National Highways were asked to draft a joint response to the Secretary of State consultation. Anglian Water received that draft response on 14 June and sought to clarify a few points so that the Secretary of State and those advising him on the A428 Black Cat to Caxton Gibbet decision were clear on the joint steps and position Anglian Water and National Highways had agreed.

Importantly for the A47 Wansford scheme there remained one substantive issue on deferment between the parties that if not addressed in the decision could significantly impact Anglian Water's funding and our customers. In summary and with reference to the Statement of Common Ground submitted at Deadline 7a and Version 6 of the draft DCO published on 29 June 2022, Anglian Water have sought and understand National Highways have agreed:

1. An approach now set out in Schedule 9 Part 3 paragraph 21 of the Protective Provisions which ensures National Highways clearly establish with Anglian Water whether diversion works are being undertaken utilising powers within the prospective DCO or under NRSWA or other powers.

2. That in respect of Schedule 9 Part 3 paragraph 30 of the Protective Provisions, Anglian Water is content that as contract discussions are ongoing for diversion works that those discussions do not now need to be conducted using Anglian Water's Inflow system used by other developers. Anglian Water would advise though that in not using Inflow, promoters may find that work on diversions, new connections and other assets may be less coordinated with consequent delays in time or an increase in costs.

3. That property matters are progressing and with regard to the change to the application and the Rule 17 letter, following a meeting on 29 June 2022 Anglian Water understand the change has no material effect on Anglian Water as a beneficiary of the Deed of Grant.

On the final issue of deferment Anglian Water has now reviewed the deferment issue in detail and considered the potential options at the Recommendation/ Decision and Post DCO decision stages to ensure Anglian Water and our customers are in a 'no better no worse' position than if the scheme and others being taken forward by National Highways had not taken place.

Anglian Water considers that the modern regulatory and financial context means there is no financial benefit to water companies in the deferment of the renewal of apparatus diverted by way of the DCO. Anglian Water accepts that the wording of the deferment provisions in the draft DCO (draft Article 37(6), Schedule 9 Part 1 paragraph 10(5) and Schedule 9 Part 3 paragraph 28(5)) are flexible. The existing statutory position and the protective provisions therefore only permits deductions where such financial benefit is demonstrated. Anglian Water has therefore decided to discontinue its objection to the A47 Wansford to Sutton scheme deferment provisions per se and will instead seek to put the undertaker to proof of financial benefit (should it seek to make deductions) at the project cost reconciliation stage.

In conclusion, Anglian Water has been able, through intervention with National Highways to secure revisions and clarifications to the DCO Order and also to support improvements in National Highways practices and collaboration set out above. Consequently, with the above approach to deferment Anglian Water is now able to confirm the objections set out in the Statement of Common Ground submitted at deadline 7a have been resolved