

Anglian Water submits the following comment in response to the Ex'As question 4.3.6.1. issued on 14.1.22 regarding Article 11 " Consent to transfer benefit of Order.

Anglian Water considers that it is entirely appropriate for elements of the benefit of the Order to be transferable, with the undertaker's permission, but without the necessity for consent to be obtained by the Secretary of State. The Order land is subject to the provisions of the DCO, and therefore it is unlikely to make a material difference to a landowner whether, for example, a covenant in, or right over land is to be granted to the undertaker or to a statutory undertaker. The burden is the same. The ability for the undertaker to transfer powers to the statutory undertaker improves the efficiency of the legal dialogue concerning the grant. It avoids the element of "Chinese whispers" and allows the statutory undertaker's legal representatives to treat directly with the landowner's legal representatives, without having to involve the undertaker's legal representatives for no particular added value. It is also appropriate for the liability to pay compensation to remain with the undertaker, since the scheme is not for the benefit of the statutory undertaker, which is seeking to make arrangements to facilitate scheme benefits for the undertaker, and would re-claim any compensation it has to pay from the undertaker in any event. The requirement to seek approval from the Secretary of State would introduce delay to the implementation of the Order which would be contrary to the objectives of the ongoing review of the 2008 Act.