

**From:** [REDACTED]  
**To:** [A417 Missing Link at Air Balloon](#)  
**Subject:** A417 Missing Link, Request for Update  
**Date:** 16 September 2022 18:13:48  
**Attachments:** [0.png](#)  
[1.png](#)  
[2.png](#)  
[3.png](#)  
[DfT response.pdf](#)

---

Dear Sir/Madam

We act on behalf of Severn Trent Water (STW).

We are instructed to respond to your recent request for an update on outstanding protective provisions in favour of STW in relation to the proposed DCO by National Highways. Specifically, you have asked:

*The Secretary of State notes at the close of the examination Severn Trent Water ("STW") expected the Applicant to continue to engage with STW to reach a final agreed position to cover the on-going approvals process for protection and diversion of STW's assets and to provide acceptable cover for STW's liabilities. Could the Applicant and STW provide an update on the current position?*

STW has been in recent further discussion with National Highways to seek to put in place arrangements that address its residual concerns. It does not wish to add or change its representations made at the end of the examination period but hopes that it may very soon be able to withdraw its objection in the event that final arrangements can be put in place with National Highways very soon.

National Highways has provided STW with a copy of its update (attached) provided to you today.

In advance of today's deadline, STW has agreed a joint statement with National Highways as follows:

*The Applicant and STW have been in discussion regarding the existing protective provisions set out in Part 1 of Schedule 8 to the draft DCO. The parties remain in discussion regarding potential arrangements that if put in place will enable STW to confirm that sufficient protection has been put in place for STW's assets. Final confirmation as to whether such arrangements can be concluded acceptable to both parties will be provided in the next 14 days.*

STW will provide a further update as to any change in circumstances following a final period of discussions over the next week or so and otherwise as soon as possible.

Regards

**Andrew Batterton** Partner  
Head of UK Planning and Compulsory Purchase



**DWF Law LLP**  
Bridgewater Place Water Lane Leeds LS11 5DY  
T +44 333 320 2220 F +44 333 320 4440



We are committed to safeguarding the health and wellbeing of our people, their families, our clients and our stakeholders. Please review our [response to COVID-19](#), how we are taking action regarding travel and events, and how we are operating internally.

**We care about the environment - please think before you print**

**Visiting DWF:** We aim to ensure anyone who visits a DWF office enjoys a positive experience during their time with us. For further information regarding accessibility and any other requirements, contact our Client Support team on 03330 146682, or via [REDACTED]

**IMPORTANT PLEASE READ:** This email and its contents are confidential and may be legally privileged. Only access by the intended recipient is authorised. If you are not the intended recipient, please notify the sender immediately and destroy this email and any attachments. Any unauthorised copying, disclosure or distribution of the material in this email and any attachments is strictly forbidden. Any liability (in negligence, contract or otherwise) arising from any third party taking action or refraining from acting on the basis of any information contained in this e-mail or its attachments is hereby excluded. Copyright in this e-mail (and any attachments created by DWF Law LLP), belongs to DWF Law LLP. DWF Law LLP does not accept service of documents by e-mail, and the use of e-mail does not imply that it is willing to do so, unless otherwise expressly agreed.

**DATA PROTECTION:** whilst interacting with you, it may be necessary for DWF to collect and process personal data that is about you. In order to obtain detailed information on the purposes and principles of personal data processing as well as your data subject rights resulting from it, please refer to our [REDACTED].

DWF Law LLP is a limited liability partnership registered in England and Wales (registered number OC423384) with its registered office at 1 Scott Place, 2 Hardman Street, Manchester M3 3AA. DWF Law LLP is authorised and regulated by the Solicitors Regulation Authority as an Alternative Business Structure. Our professional code of conduct can be accessed at <http://www.sra.org.uk>. DWF Law LLP is listed on the Financial Services Register as an Exempt Professional Firm, able to carry out certain insurance mediation activities (regulated by the Solicitors Regulation Authority). The term 'Partner' is used to refer to a Member of DWF Law LLP or an employee or consultant with equivalent standing and qualification. A list of the Members of DWF Law LLP and of the Non-Members who are designated as Partners is open to inspection at our registered office, 1 Scott Place, 2 Hardman Street, Manchester M3 3AA. The recipient of this e-mail will, at all times, be dealing with DWF Law LLP unless it is clear from the context or specifically attributed to another DWF group entity.

Caroline O'Neil  
Great Minster House  
33 Houseferry Road  
London  
SW1P 4DR

Michael Goddard  
A417 Missing Link Project Director  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6HA

Tel: 0300 470 1234  
16 September 2022

Dear Sir/Madam,

**Re: A417 Missing Link, request for comments from the Applicant.**

Thank you for the recent request, made on behalf of the Secretary of State for Transport, for an update on outstanding Protective Provisions. National Highways are able to provide the following update:

The Applicant provided STW with a suggested approach to the protection of its assets through the protective provisions in the draft DCO (dDCO) and, if needed, a separate agreement, prior to the submission of the application for the scheme. The Applicant considers that the protective provisions in favour of electricity, gas, water and sewerage undertakers in Part 1 of Schedule 8 to the dDCO are adequate for the protection of STW's apparatus. These are in the usual form included in other National Highways DCO for that purpose.

The Applicant notes that STW submitted at Deadline 9 that it had no objection "in principle" to the works in respect of its assets. It was also "content that the protective provisions within the draft DCO provide a reasonable degree of protection". It did point to some "residual concerns that can mostly be managed under the current form of protective provisions provided that the Applicant's approach and proposed works complies with and has regard to all relevant standards, policies and regulatory requirements governing STW's asset" (REP9-030). The provisions of Part 1 of Schedule 8, and in particular paragraphs 9(2) and 9(3), require the Applicant to comply with the undertaker's reasonable requirements (REP9-005), which in the Applicant's view addresses those concerns.

The Applicant understands that all technical matters relating to the diversion of STW's assets have been agreed.

The Applicant has been in discussion with STW to identify what further assurances can be provided, beyond those set out within the dDCO. It is not expected that those discussions will lead to any drafting changes to be requested to the protective provisions on the face of the dDCO. The Applicant therefore considers the protective provisions

within the dDCO to be adequate, and respectfully invites the Secretary of State to make the DCO in the form it was last considered during examination.

Separately, the Applicant and STW have agreed the following joint statement:

The Applicant and STW have been in discussion regarding the existing protective provisions set out in Part 1 of Schedule 8 to the draft DCO. The parties remain in discussion regarding potential arrangements that if put in place will enable STW to confirm that sufficient protection has been put in place for STW's assets. Final confirmation as to whether such arrangements can be concluded acceptable to both parties will be provided in the next 14 days.

I trust this is helpful in assisting the Secretary of State in their decision making.

Kind regards,



Michael Goddard  
Project Director – A417 Missing Link