

Planning Inspectorate
[online submission only]

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Our ref: AWS/A12/Deadline 7

3rd July 2023

Dear Sirs,

Deadline 7 Submission

Anglian Water makes this submission in relation to the outstanding matters that remain under discussion with the Applicant, as identified in the draft Statement of Common Ground at Deadline 6 [REP6-074] and which remain 'under discussion' in final Statement of Common Ground between Anglian Water and National Highways to be submitted by the Applicant at this deadline (Deadline 7).

ISSUES IN DISCUSSION:

Rivenhall End - removal of access from A12 Service Area (11/11b)

As a result of the A12 widening project, Anglian Water's freehold access to the Rivenhall End water recycling centre (REWRC) will no longer be available to Anglian Water as an alternative means of access to the REWRC. Whilst it is acknowledged that the existing access utilised by Anglian Water from Braxted Road is available, the availability of an alternative means of access across new National Highways land (Plot 11/8a) would provide a reasonable alternative to the loss of the freehold. The final Statement of Common Ground (SoCG) between both parties, acknowledges that an easement over Plot 11/8a, which includes access to the proposed balancing facility, would be agreeable to National Highways, to enable a right of access to REWRC in the event that the existing access from Braxted Road can no longer be utilised by Anglian Water.

Anglian Water considers that an easement over Plot 11/8a offers a suitable alternative access given the loss of the freehold access to REWRC. Anglian Water would welcome the suggested letter of comfort from the Applicant to this effect, to enable this outstanding matter to be agreed prior to the end of the examination period at Deadline 8.

Draft DCO Protective Provisions: Schedule 11 Pt.3 Clause 27 (Retained Apparatus) Para. (7)

Anglian Water has noted the statements made by the Applicant at Issue Specific Hearing 5 (ISH5) with respect to the draft DCO and outstanding matters regarding the Protective Provisions for the protection of Anglian Water. These statements are reiterated in the final SoCG between both parties for submission at Deadline 7.

It is noted that the stand-off distances included in the draft DCO are those which National Highways considers are reflective of previous precedent in the A47 Blofield, Tuddenham, Thickthorn and Wansford orders. Anglian Water recognises that the draft DCO includes stand-off distances used in previous National Highway DCO decisions, however, the "stand-off" distances in those historic DCOs were based on our assessment at those times for assets within

those Order limits and have no precedent value at this time for our assets within the A12 widening Order's limits.

Anglian Water – requested revision to draft DCO Schedule 11 Pt.3 Clause 27 (Retained Apparatus) Para. (7)

(7) For the purposes of sub-paragraph (1) and without prejudice to the generality of the principles set out in that sub-paragraph, works are deemed to be in land near Anglian Water's apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:

(a) 4 metres where the diameter of the pipe is less than 250 millimetres;

(b) 5 metres where the diameter of the pipe is between 250 and 400 millimetres, and

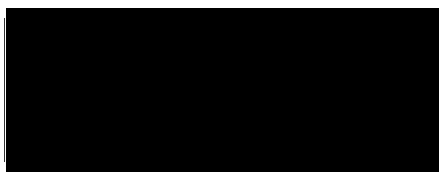
(c) 12 metres where the diameter of the pipe exceeds 400 millimetres.

National Highways does not consider that sufficient justification has been provided for it to accept this departure from the protective provisions in the draft DCO, despite further reasoning being submitted by Anglian Water at Deadline 5 - submission REP5-023. Anglian Water would like to take this opportunity to state that the revised distances have arisen from issues that have emerged on other nationally significant infrastructure projects and by reference to the largest piped asset within the specified Order area.

The factors and risks to our piped assets (both water supply and wastewater assets are within the order limits) are dependent on not just size, but also depth, pressure, and location. Anglian Water would like to reiterate that this particular provision does not prevent National Highways from working within these distances but provides us with increased oversight to ensure we can sufficiently mitigate against the impact of failures if they should occur, such as the scope for working areas, over-pumping setups with generators and so on.

Anglian Water is aware that if agreement is not reached by the end of the examination on this matter, the Secretary of State will need to adjudicate on whether to accept the distances set by the Applicant in the draft DCO or the revised distances proposed by Anglian Water.

Yours sincerely,

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Tessa Saunders
Spatial Planning Advisor – Sustainable Growth