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Our ref  
2129/4269/30939775  
Your ref  
Your unique reference number: 10018070  
Representation number: 624

By email

Date  
13 January 2014

Dear Sirs

**Application by Thames Water Utilities Limited for the Thames Tideway Tunnel Infrastructure Planning (Examination Procedure) Rules 2010**

We act on behalf of Minerva (Wandsworth) Limited ("Minerva") who are an Interested Party for the DCO examination.

We refer to documents submitted by the Applicant on the 23<sup>rd</sup> December 2013 under reference APP42.5 and APP43. We wish to note the following points:

- 1) at paragraph 2.4.6 of document reference APP43 entitled "Tunnel Limits of Deviation", the Applicant states that "the alignment of the connection tunnel also takes into account discussions held with developers at the Ram Brewery development site..." This is not correct. As stated in our earlier representations, Minerva's preferred solution is for the Applicant to maintain the centre line of the order Limit of Deviation for the proposed Frogmore Connection Tunnel shown on plan 110-DA-GEN-00000-000931 and in any event no more than 10 metres either side of the centre line. It is not agreed and should be clear from Minerva's earlier representations that no agreement on the alignment of the Frogmore Connection Tunnel was reached; indeed there was little discussion with Minerva by the Applicant on the precise alignment of the Tunnel and the potential implications prior to or following the submission of the Application;

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- 2) whilst Minerva agrees that both parties intend for an agreement to be completed to deal with Minerva's objections to the Thames Tideway Tunnel scheme, a draft agreement from the Applicant has not yet been provided despite numerous promises from the Applicant to do so;
- 3) the Applicant's documents referenced APP42.5 and APP43 do not adequately respond to Minerva's request that the Limits of Deviation should be restricted to no more than 10 metres from the centre line or the reasons why such a large Limit of Deviation is required along this part of the tunnel. Although paragraphs 7.1.20 and 7.1.21 of document reference APP42.5 refer to this point, both the statements in the document reference APP43 and the evidence provided by Derek Arnold on behalf of the Applicant at the compulsory acquisition hearing on the 5<sup>th</sup> December 2013 support the case that there is no reasonable justification for the 40 metre extent of the Limits of Deviation proposed. In this respect, Minerva refers to its submission at the open floor hearing on 22<sup>nd</sup> November 2013 and written submission reference RAMB 04 submitted on 2<sup>nd</sup> December 2013;
- 4) in document reference number APP42.5 the Applicant at paragraphs 12.2.3 and 12.2.4 responds to the Panel's request to provide a draft condition which can be included in the DCO to address Minerva's objections. Minerva can accept the Applicant's wording proposed in paragraph 12.2.3 but not the wording proposed at 12.2.4. In respect to the wording at 12.2.4, Minerva refers the Panel to its suggested wording at paragraph 2 of the draft condition attached to Minerva's submission dated 20<sup>th</sup> December 2013;
- 5) Minerva repeats its intention to engage in negotiation of an agreement and requests that the Applicant forwards a draft agreement across to Minerva as soon as possible in order for negotiations to progress. In the meantime, Minerva reserves the right to appear at a forthcoming hearing either on the draft DCO, compulsory acquisition or open floor hearings, if no agreement has been concluded with the Applicant to address its concerns as detailed in its oral and written submissions. As noted by the Panel, Minerva will not withdraw its objections unless and until a binding legal agreement has been completed.

Additionally, Minerva can confirm that Planning Permission, Listed Building Consent and Conservation Area Consent were granted by the London Borough of Wandsworth in relation to the Ram Brewery development on 6 December 2013 (under references 2012/5286, 2012/5290 and 2012/5287). Should the Panel wish to receive any documentation relating to the Ram Brewery development, please address any such requests to Nicholle Kingsley at the above address.

Yours faithfully

**Herbert Smith Freehills LLP**