

LOWER THAMES CROSSING DEVELOPMENT CONSENT ORDER

PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT

BARKING POWER LTD ('BPL')

10 MARCH 2023

Principle issue in question	The brief concern held by the party (which should be included in a Relevant Representation and reported on in full in a Local Impact Report/ Written Representations or oral submissions);	what in the view of the party needs to change/ be amended/ included, so as to overcome the disagreement	the likelihood of the concern being addressed during the Examination stage	(New) SoCG cross reference
Compensatable Event	<p><b>Works G8 and G9, Part 7, DCO</b></p> <p>BPL has no objection to the DCO per se. It is concerned with the proposed timing of the works G8 and G9 (Part 7 to the DCO), being works proposed by the project to remove a section of BPL's pipeline. BPL is required to carry out decommissioning of adjoining sections of pipeline and seeks assurance that works G8 and G9 will not be carried out during BPL's decommissioning of its adjoining pipeline, such as to impede BPL's decommissioning</p>	<p>Assurance, whether by protective provisions or Formal agreement by LTC that (i) LTC will consult with BPL regarding its proposed programme for works G8 and G9; (ii) will seek to ensure such programme does not interfere with BPL's programme for its pipeline decommissioning work; and (iii) should a compensatable event arise due to LTC's failure to consult and have regard to BPL's decommissioning programme (resulting in</p>	<p>Engagement in the DCO examination will be required to ensure the DCO and related arrangements provide confidence to BPL that it is able to programme its decommissioning works to the affected pipeline. In addition, where the parties' respective works coincide such that there is a delay to BPL's works arising from LTC's works and which give rise to a compensatable event, then BPL will require compensation for any loss.</p>	2.1.6, 2.1.7, 2.18 and 2.1.9

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	works. National Highways is asked to maintain liaison with BPL regarding timing of works G8 and G9, to use reasonable endeavours to avoid impeding BPL's decommissioning works to the pipeline and to acknowledge the compensatable loss caused to BPL should works G8 and G9 interfere with and delay BPL's pipeline decommissioning works	interference with BPL's programme), LTC will compensate BPL for its resulting loss arising from works G8 and G9 interfering with/delaying BPL's pipeline decommissioning works.	As such there is a need for an appropriate mechanism to be secured, such as Protective Provisions, through engagement in the DCO application process by BPL	