

BY RECORDED DELIVERY

Secretary of State of Environment, Food
and Rural Affairs
3rd Floor
Seacole Block
2 Marsham Street
London
SW1P 4DF

FAO Anthony Hynes

14 November 2019

Dear Sirs

The United Utilities Water Limited (Eccles Wastewater Treatment Works) Compulsory Purchase Order 2016 ("Order")

Notification of completion of an Asset Protection Agreement with The Manchester Ship Canal Company Limited ("MSCCL") and withdrawal of certain Inquiry Documents

We refer to the proposed Order which we understand is currently before the Secretary of State for consideration.

As you will be aware, United Utilities Water Limited ("UU") made the Order pursuant to its powers under section 155 of the Water Industry Act 1991 and a Public Inquiry was heard before an Inspector during 2018. At the end of the Public Inquiry all "in principle" objections were withdrawn in respect of the Order and the underlying scheme.

One issue remaining before the Inspector was the scope of protections to be afforded to MSCCL as the statutory undertaker for the Manchester Ship Canal. To this end, MSCCL and UU put forward to the Inspector alternative draft versions of the Order, on the basis that it was not possible to agree the terms of the Asset Protection Agreement before the close of the Public Inquiry. In MSCCL's case, two alternative draft versions of the Order were put forward in its closing submissions (comprising the documents bearing inquiry document references MP/INQ/66, MP/INQ/67, MP/INQ/69 and MP/INQ/70). The two alternate versions of the Order dealt with circumstances both in which an Asset Protection Agreement had not been completed before the Order was confirmed and alternatively where one had been. In UU's case it put forward one version of the Order which would apply whether an Asset Protection Agreement was entered into or not before the Order was confirmed (comprising the documents bearing inquiry document references AA/INQ/83.1 and AA/INQ/83.2).

Since the Public Inquiry, MSCCL and UU have continued discussions in relation to the Asset Protection Agreement. We are pleased to confirm that an Asset Protection Agreement has now been agreed and entered into by UU and MSCCL. Accordingly:

MSCCL no longer seeks to rely upon the proposed schedule of protective provisions which was submitted to the Public Inquiry in circumstances where an Asset Protection Agreement had not been entered into (comprising the documents bearing inquiry document references MP/INQ/67 and MP/INQ/69).

For the avoidance of doubt, in the event that the Order is confirmed by the Secretary of State:

- MSCCL maintains its case that it should be so confirmed in the form of inquiry document reference MP/INQ/66 and MP/INQ/70 (being respectively tracked and clean

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copies of the schedule of protective provisions in circumstances where an Asset Protection Agreement had been entered into); and

- UU maintains its case, that it should be so confirmed in the form of inquiry document reference AA/INQ/83.1 and AA/INQ/83.2 (being respectively tracked and clean copies of the schedule of protective provisions showing the changes proposed since the Order was originally submitted to the Secretary of State a copy of which is found at CD/CPO/1).

Pinsent Masons LLP on behalf of UU and BDB Pitmans LLP on behalf of MSCCL have jointly agreed the contents of this letter.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be passed to the Secretary of State for her consideration.

Yours faithfully,

Pinsent Masons LLP on behalf of United Utilities Water Limited

cc: Helen Wilson, Programme Officer
Secretary of State for Transport

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