

Lower Thames Crossing

10.2 Second Notification of Proposed Changes to the Planning Inspectorate

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 10

DATE: July 2023

Planning Inspectorate Scheme Ref: TR010032
Document Ref: TR010032/EXAM/10.2

VERSION: 1.0

Lower Thames Crossing

10.2 Second Notification of Proposed Changes to the Planning Inspectorate

List of contents

	Page number
1 Introduction	1
1.1 Introduction.....	1
1.2 Relationship with other proposed changes.....	3
1.3 Accommodating the changes within the Examination statutory timescales.....	3
1.4 Indicative programme.....	4
1.5 Structure of this document.....	4
2 Proposed changes	6
2.1 Overview of proposed changes.....	6
2.2 Need for and description of proposed changes.....	7
2.3 Land Plot changes.....	7
2.4 Environmental appraisal.....	9
2.5 Proposed changes consultation.....	10
3 Planned amendments	12
3.1 Overview of planned amendments.....	12
3.2 Description of planned amendments.....	13
3.3 Land Plot changes.....	16
3.4 Environmental appraisal.....	19
3.5 Planned Amendment landowner notification.....	19
4 Proposed Change Application	20
5 Compliance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010	21
References	23
Glossary	24

List of tables

	Page number
Table 1.1 Indicative programme for formal change request.....	4
Table 2.1 Summary of proposed changes	6
Table 2.2 Brentwood Road proposed land plot changes	8
Table 2.3 Fen Lane proposed land plot changes.....	8
Table 3.1 Summary of planned amendments	12
Table 3.2 Corrected coordinates for the drainage pipeline and outfall from the North Portal work area.....	15
Table 3.3 EA03 – River Thames proposed land plot changes	17
Table 3.4 EA04 – Condovers Scout Activity Centre proposed land plot changes.....	17
Table 3.5 EA05 – South of Low Street Lane proposed land plot changes.....	18
Table 5.1 Changes to land plot designation affecting permanent rights	21

1 Introduction

1.1 Introduction

- 1.1.1 National Highways (the Applicant) has submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent (the Application) for the A122 Lower Thames Crossing (the Project). The Development Consent Order (DCO) application (the Application) was submitted on 31 October 2022 and accepted for Examination on 28 November 2022.
- 1.1.2 Since the submission of the Application, the Applicant has continued to engage with stakeholders with a view to addressing their comments and agreeing common ground, while also continuing with detailed Project development. The Applicant has previously notified the Examining Authority of three minor changes and, through this ongoing engagement, has now identified seven additional minor modifications to the Application, which the Applicant considers would enhance the Project and respond to feedback from landowners and Statutory Undertakers.
- 1.1.3 The Applicant has undertaken a review of the modifications that it intends to make to the Application. In doing this review, the Applicant has considered the information provided in Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3) ('Advice Note Sixteen') (Planning Inspectorate, 2023). For each modification the Applicant has considered:
- a. Whether the modification would result in a change to the proposals that would require a formal request to change the Application in accordance with Advice Note Sixteen. Modifications that met this criterion are referred to as 'proposed changes' in this document and are subject to the Examining Authority's decision to accept the change.
 - b. Whether these 'proposed changes' would be so substantial as to constitute a materially different project, in accordance with paragraph 2.1 of Advice Note Sixteen. The Applicant considers that none of the identified changes, either individually or collectively, meet this criterion.
 - c. Where a modification (having regard to paragraph 2.4 of Advice Note 16) is not considered to require a formal request to change the Application, these are referred to as 'planned amendments' in this document. Modifications that meet this criterion are subject to the Examining Authority's decision to accept any relevant additional or updated documents.
- 1.1.4 For each modification the Applicant has set out the nature of the modification and the basis of the categorisation (as a 'proposed change' or 'planned amendment'). For 'proposed changes' the information required to be included in a change notification (as set out at Figure 2a of Advice Note 16) is set out in this document and for 'planned amendments', information is provided on the timeline for submission of the amended documents.

- 1.1.5 In total, this document identifies two ‘proposed changes’ (which would be subject to a future Change Application) and five ‘planned amendments’.
- 1.1.6 This document constitutes Step 1 of Figure 1 of Advice Note Sixteen in which the ‘*Applicant decides to request a change to an application which has already been accepted for examination and informs the ExA [Examining Authority] in writing (the Change Notification), including the relevant information set out in Figure 2*’ (Section 1.4 of this report signposts where each of the requirements of Figure 2a are provided in this notification). The ‘proposed changes’ are described in Section 2 of this document and the accompanying figures.
- 1.1.7 The two ‘proposed changes’ are a result of ongoing discussions with Statutory Undertakers and would affect existing land plot designations. The changes relate to:
- a. EC01 – a request from the network utility supplier to realign Works No. G5 (shown on Sheet 28, Works Plans Volume C: Utilities [**Additional Submission [AS-030](#)**]) east of Brentwood Road to reflect wider network operational changes and support the safe and timely delivery of utilities works
 - b. EC02 – a need for access off Fen Lane, Ockendon for Statutory Undertakers to facilitate future maintenance and operation of utilities works constructed for the Project
- 1.1.8 The five ‘planned amendments’ are a result of ongoing discussions with stakeholders (requiring updates to DCO documents) and relate to:
- a. EA01 – an amendment to the designation of open space land and associated replacement land requirements associated with Claylane Wood
 - b. EA02 – an amendment to the location of the temporary drainage pipeline and outfall, required during the construction phase, from the North Portal work area
 - c. EA03 – a reduction in the rights required over land plots 16-45 and 16-46 which are located on the northern embankment and within the River Thames
 - d. EA04 – a reduction in the land required for construction of temporary utility works affecting the Condovers Scout Activity Centre (‘Condovers’)
 - e. EA05 – a reduction in the land required for the construction of utility works by approximately 1.7 hectares south of the junction of Low Street Lane, Church Road and Station Road near Linford.
- 1.1.9 The proposed changes EC01 and EC02 would not, individually or collectively, result in a materially different project (i.e. the development now being proposed is in substance the same as the development which was originally applied for) and the Applicant considers that there is sufficient time for these changes to be accommodated in the Examination process (as addressed further in Section 1.3 of this report)

- 1.1.10 The Applicant is notifying the Examining Authority of its intention to formally request a change to the DCO application (for the two ‘proposed changes’ EC01 and EC02) and seeking advice from the Examining Authority on the procedural implications. More information on the formal change request can be found in Section 4.
- 1.1.11 The Applicant intends to carry out a targeted non-statutory landowner and Persons with an Interest in Land (PILS) consultation for the two ‘proposed changes’ prior to making the formal change request, having regard to the principles and process set out in Advice Note 16. Further details about the consultation are provided in Section 2.5.
- 1.1.12 For the five planned amendments, the parties with an interest in the relevant land will be notified of the proposed amendments (noting that each of these have arisen from further engagement with landowners) for completeness.

1.2 Relationship with other proposed changes

- 1.2.1 On 16 March 2023, the Applicant submitted a notification of proposed changes [**Additional Submission AS-083**] which related to three further proposed minor changes to the Application.
- 1.2.2 The Applicant has recently concluded the Minor Refinement Consultation, which sought feedback on these three proposed changes. Accordingly, these changes have not, as yet, been submitted into the Examination as a change request, but it is proposed that such a request will be made at or around Deadline 2 (3 August 2023).

1.3 Accommodating the changes within the Examination statutory timescales

- 1.3.1 The Applicant considers, subject to the Examining Authority’s agreement, that the proposed changes can be accommodated within the statutory timescales of the examination for the following reasons:
- a. The proposed changes are not considered complex in nature.
 - b. There are no anticipated new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES).
 - c. The proposed changes do not involve the addition of any further land to the Order Limits.
 - d. The Applicant anticipates there will be very limited public/stakeholder interest due to the localised nature of the changes beyond the small number of affected landowners (who will be consulted in relation to impacts on their land).
 - e. No consents, permits or licences require update as a result of the proposed changes and the proposed changes do not impede the securing of any consents, permits or licences required to undertake the Project.

- f. The proposed changes do not alter compliance with National Policy Statement (NPS) policy and in fact the Applicant considers that the planning balance in favour of the development is improved as a result of these minor changes in response to stakeholder discussions.

1.3.2 The submission of the Change Application on or before Deadline 4 provides sufficient time to review and examine any relevant stakeholder comments relating to the proposed change.

1.4 Indicative programme

1.4.1 The indicative programme for the relevant steps for submitting the formal change request to the Examining Authority is set out in Table 1.1.

Table 1.1 Indicative programme for formal change request

Step	Indicative programme
Notification to the Examining Authority on the proposed changes	3 July 2023
Targeted non-statutory consultation	July – August 2023
Formal change application to be submitted to the Examining Authority	On or around Deadline 4 (19 September 2023)
Examining Authority decision on whether to accept the changes and how they should be examined	At the Examining Authority’s discretion

1.5 Structure of this document

1.5.1 The structure of this document is as follows:

- a. Section 1: Introduction – provides an introduction to the two proposed changes and five planned amendments, including details on the relationship with the three changes previously notified by the Applicant and an indicative programme for submission of the change application (in accordance with point 6 of Figure 2a of Advice Note 16). This section also includes information to establish how, in the Applicant’s view, consideration of the change request can be accommodated within the remaining examination timescales (in accordance with point 5 of Figure 2a of Advice Note 16).
- b. Section 2: Proposed changes – providing a description of, and justification for the two proposed changes including a statement on new or different likely significant environmental effects (in accordance with points 1, 2 and 4 of Figure 2a of Advice Note 16) and details of the land plots affected by the proposed changes. This section also provides details of the proposed approach to the non-statutory landowner consultation and engagement (in accordance with point 6 of Figure 2a of Advice Note 16).

- c. Section 3: Planned amendments – providing a description and justification for the five planned amendments, including environmental appraisal and details of the land plots affected by the planned amendments.
- d. Section 4: Proposed change application – sets out the information which would be contained within the proposed Change Application.
- e. Section 5: Compliance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – provides details on the land plots affected by the proposed changes and planned amendments in the context of the compulsory acquisition regulations (in accordance with point 3 of Figure 2a of Advice Note 16).

2 Proposed changes

2.1 Overview of proposed changes

2.1.1 Table 2.1 provides a summary of the proposed changes and the rationale and pressing need for making each change (i.e. how they would represent an improvement to the Application).

2.1.2 Although it is not necessary to classify individual changes as ‘material’ or ‘non material’ it represents a useful indicator of the ability to accommodate the changes within the Examination. It is acknowledged that the final decision on materiality rests with the Examining Authority. Having regard to the likely environmental implications for each change and other relevant factors such as the land required to accommodate the change the Applicant considers that each individual change is non-material and collectively (including in combination with the three minor changes previously notified) would not result in a materially different project.

Table 2.1 Summary of proposed changes

Change code	Title of change	Brief summary	Materiality assessment	Improvement to the Application
EC01	Brentwood utilities change – Land Use change and works alignment change	<ul style="list-style-type: none"> Request by the utility network provider (Cadent Gas) to realign Works No. G5 to reflect wider network operational changes and support the safe and timely delivery of utilities works Increase of approximately 428m² to land required for ‘temporary possession of land and permanent rights’ and corresponding reduction of land designated ‘temporary possession of land’ 	Non-material	Change made at the request of the utility owner and will support the safe and timely delivery of utility works for the Project.
EC02	Fen Lane Land Use change	<ul style="list-style-type: none"> Request from NGET and an anticipated request from Cadent, UKPN and Openreach to provide future maintenance and operational access to utility works off Fen Lane, Ockendon, resulting in changes to land designations on affected land plots 	Non-material	Future maintenance and operational access secured for Statutory Undertakers to access works constructed for the Project.

2.2 Need for and description of proposed changes

2.2.1 In accordance with the requirements of points 1 and 2 of Figure 2a of Advice Note 16, this section provides a description of the proposed changes and the rationale and pressing need for making the changes during the examination period.

EC01 – Brentwood Road – Land use change and works alignment change

2.2.2 The Applicant has continued to engage with Cadent Gas, as the utility network owner of the high-pressure gas pipeline (Works No. G5). As part of that process, the network operator has requested an amendment to the alignment of the pipeline. The proposed change relates to wider network operational upgrades that the utility network owner is progressing in this area and will support the safe and timely delivery of utility works required to implement the Project.

2.2.3 The proposal would require the modification of a 100m section of the high-pressure gas pipeline, moving the alignment up to a maximum of 13 metres east where required, moving it further away from Brentwood Road, in the south-western corner of the Orsett Golf Club.

2.2.4 The proposed realignment requires a change to the land designation affecting land plot 28-130 (refer to Sheet 28 of Land Plans Volume C [**Additional Submission AS-010**]), as shown in Table 2.2. The land currently designated as ‘temporary possession land and permanent rights’ will be increased by approximately 428m² and the land designated as ‘temporary possession land’ will be reduced by approximately 428m². The proposed change does not affect the amount of land required to undertake the works.

EC02 – Fen Lane Land Use Change

2.2.5 During ongoing engagement with Statutory Undertakers, a request was made to provide access from Fen Lane, Ockendon to provide future maintenance and operational access to utility networks.

2.2.6 A change is required to the current land designation of land plots south of Fen Lane to provide the access. The land designation would be changed from ‘temporary possession of land’ to ‘temporary possession and permanent acquisition of rights’. Table 2.3 provides details on the proposed changes to land plots and land designation resulting from this proposed change.

2.3 Land Plot changes

2.3.1 The proposed changes at Brentwood Road (EC01) and Fen Lane (EC02) require changes to the land plot details previously provided in the Application. Affected land plots which have changes to their geometry will be superseded and given new plot numbers on their respective sheets in the Land Plans [**Additional Submission AS-010**] (Sheet 28 for EC01 and Sheet 41 for EC02). The land plots will be updated to reflect these changes as shown in Table 2.2 and Table 2.3 below.

Table 2.2 Brentwood Road proposed land plot changes

Current land plot				Proposed change to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID ¹	Land Use	Area (sqm)	Change
28-130	Temporary possession of land	5,120	Plot deleted	28-XX	Temporary possession of land	4,692	New plot
				28-XX	Temporary possession of land and permanent acquisition of rights	428	New plot

Table 2.3 Fen Lane proposed land plot changes

Current land plot				Proposed change to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID ²	Land Use	Area (sqm)	Change
41-12	Temporary possession of land	25,361	Plot deleted	41-XX	Temporary possession of land and permanent acquisition of rights	3,114	New plot
				41-XX	Temporary possession of land	21,919	New plot
				41-XX	Temporary possession of land	328	New plot
41-17	Temporary possession of land	2,947	Plot deleted	41-XX	Temporary possession of land and permanent acquisition of rights	53	New plot
				41-XX	Temporary possession of land	2,894	New plot
41-20	Temporary possession of land	293	Plot deleted	41-XX	Temporary possession of land and permanent acquisition of rights	193	New plot
				41-XX	Temporary possession of land	52	New plot
				41-XX	Temporary possession of land	48	New plot

¹ Plot ID numbers will be allocated as the modifications are made to the Land Plans [Additional Submission [AS-010](#)]

² Plot ID numbers will be allocated as the modifications are made to the Land Plans [Additional Submission [AS-010](#)]

2.4 Environmental appraisal

2.4.1 In accordance with point 4 of Figure 2a of Advice Note 16, the Applicant has undertaken a review and appraisal of the proposed changes in the context of all topics within the Environmental Impact Assessment to understand if any of the proposed changes, either individually or cumulatively, would give rise to any materially new or materially different environmental effects beyond those already reported in the Environmental Statement [**Application Documents APP-139 to APP-485**].

EC01 – Brentwood Road – Land Use change and works alignment change

2.4.2 The proposed change at Brentwood Road, encompasses the movement of the high-pressure gas pipeline (Works No. G5) by up to 13 metres to the east. This area sits within the south-west corner of the Orsett Golf Club and would require a minor alteration to the landscape design (specifically woodland edge to achieve a similar level of planting along the edge of Orsett Golf Club to provide screening for users of the golf course) presented in the ES Figure 2.4: Environmental Masterplan Section 10 (6 of 10) [**Application Document APP-164**] Sheet 5.

2.4.3 The proposed change would occur during construction and does not alter the conclusions of significance presented in ES Chapters 5–16 [**Application Documents APP-143 to APP-154 and Additional Submission AS-044**] either during construction or operation.

2.4.4 The Applicant concludes that change EC01 – Brentwood Road would not result in any materially new or materially different likely significant environmental effects.

EC02 – Fen Lane Land Use Change

2.4.5 The proposed change of land use at Fen Lane from ‘temporary possession of land’ to ‘temporary possession and permanent acquisition of rights’ does not change the assessment of environmental effects presented in ES Chapters 5–16 [**Application Documents APP-143 to APP-154 and Additional Submission AS-044**] either during construction or operation.

2.4.6 The Applicant concludes that change EC02 – Fen Lane would not result in any materially new or materially different likely significant environmental effects.

2.5 Proposed changes consultation

Introduction

- 2.5.1 The Applicant intends to carry out a non-statutory landowner and PILS consultation to ensure that all parties with a potential interest in the land plots affected by changes EC01 and EC02 are made aware of them and have the opportunity to provide comments in advance of any submission of the formal change request to the Examining Authority.
- 2.5.2 The Applicant seeks the views of the Examining Authority on the scope and nature of the proposed landowner consultation. This is outlined below.

Proposed consultation activities

Scope of consultation

- 2.5.3 The targeted landowner and PILS consultation will be limited to EC01 and EC02. There will be a summary description of each proposed change, what it is, why it is needed and what the impacts, including environmental, would be. As part of the consultation, the Applicant will be asking for specific consent to the proposed change (see further at Section 5 of this document).

Consultation activities

- 2.5.4 Advice Note Sixteen advises at paragraph 2.3 that: *'In the interests of fairness, it will normally be necessary for applicants to consult on a proposed change to an application. The ExA will advise the Applicant about the need, scale and nature of consultation that may need to be undertaken in response to the Applicant's Change Notification'* and at paragraph 3.3 that *"...Before making any Change Application (see Step 4 of Figure 1) the Applicant should have carefully considered the need to consult on the proposed change, taking account of any procedural advice provided by the ExA in response to the Change Notification (see Step 2 of Figure 1) and the provisions of the CA Regulations. The ExA will provide advice about who it considers should be consulted, but as a starting point the Inspectorate recommends that applicants should consult all those persons prescribed in the PA2008 under section 42 (a) to (d) who would be affected by the proposed change (giving a minimum of 28 days from the receipt of the information for responses). If a targeted approach to the identification of those affected by the request to change the application is adopted then detailed justification should be provided why it is deemed unnecessary to consult all of the prescribed persons (for example, in the case of Statutory Undertakers, by confirming that the proposed change would not affect their functions).*
- 2.5.5 The Applicant is taking a targeted approach to this consultation. Unlike the previous consultations that have included Order Limit changes, this consultation only proposes land designation changes in the two discreet areas associated with the proposed changes. There are no material changes to environmental effects previously assessed and reported in the Application as a result of these changes.

2.5.6 Consequently, the Applicant is proposing a targeted approach of only writing to landowners and PILs directly affected by these proposed changes. The Applicant is proposing a similar format to the three previous tranches of landowner consultations conducted prior to submission of the Application, as detailed in Chapters 7 and 8 of the Consultation Report [**Application Document APP-064**]. This will take the form of an explanatory letter and accompanying figures.

2.5.7 The consultation activities are proposed to include the following:

- a. Those landowners, PILs and Statutory Undertakers directly affected by changes EC01 and EC02 will be written to informing them of the consultation and how they can provide feedback.
- b. There will be an explanatory letter and accompanying figures for EC01 and EC02 and a response form. Responses to the consultation can be submitted via email or post.
- c. Relevant parties will be emailed and letters will be issued physically, for accessibility purposes.
- d. Local authorities will be notified of the landowner and PILS consultation shortly before launch.

Summary of consultation responses

2.5.8 A summary of the consultation responses will be submitted with the formal change application confirming who has been consulted in relation to the proposed changes and how they have been consulted in accordance with Advice Note Sixteen. The summary of consultation responses will also set out the feedback received and how the Applicant has considered this feedback.

3 Planned amendments

3.1 Overview of planned amendments

- 3.1.1 The Applicant has identified five amendments to the Project, as summarised in Table 3.1 below and described in Section 3.2, which relate to points of clarification and/or corrections requiring the submission of amended DCO documents rather than constituting a request to change the Application.
- 3.1.2 Whereas the proposed changes described in Section 2 would seek additional land rights to those proposed in the application, each of the planned amendments would either reduce the powers which the Applicant is seeking over the Order land and / or is correcting a minor error in the application as submitted.
- 3.1.3 The Applicant intends to submit amended DCO application documents associated with the planned amendments detailed in Table 3.1 at Deadline 3.

Table 3.1 Summary of planned amendments

Amendment code	Title of change	Brief summary	Improvement to the Application
EA01	Claylane Wood	<ul style="list-style-type: none"> Remove the replacement land designation (Works No. OSC2 and OSC3) as a result of new information received and engagement regarding Claylane Wood open space classification 	Reduction in replacement land requirements following confirmation that Claylane Wood should not be designated as open space.
EA02	Correction to the location of the temporary drainage pipeline and outfall, required during the construction phase, from the North Portal work area	<ul style="list-style-type: none"> In order to correct a drafting error, revised coordinates are provided, moving the pipeline and outfall to the east where they would sit within an area in respect of which the Applicant is seeking powers of temporary possession over land. 	Removes drafting error which was inconsistent with the Land Plans
EA03	Reduction in the rights required over land plot 16-46 and part of 16-45, from 'temporary possession of land with permanent acquisition of rights' to 'temporary possession of land'	<ul style="list-style-type: none"> No permanent works are proposed in these land plots, hence the permanent acquisition of rights is not required. 	Removes permanent acquisition of rights over land that would be needed only temporarily

Amendment code	Title of change	Brief summary	Improvement to the Application
EA04	Condovers Scout Activity Centre Order Limit reduction	<ul style="list-style-type: none"> Reduction in Order Limits of approx. 79m² at the Condovers Scout Activity Centre at the request of the Thurrock District Scout Council due to potential impact the works may have on the existing use of the site and potential safeguarding issues while the activity centre is in use 	Reduction in Order Limits
EA05	South of Low Street Lane Order Limit reduction	<ul style="list-style-type: none"> Reduction in land required for the construction of utilities south of Low Street Lane, Linford, resulting in a reduction in Order Limits 	Reduction in Order Limits

3.2 Description of planned amendments

EA01 – Claylane Wood – removal of precautionary replacement land designation

- 3.2.1 Claylane Wood is located to the north of the A2 in Gravesham. The Applicant is seeking powers to permanently acquire land at Claylane Wood in connection with the A2 improvement works, new Gravesend East junction link roads, new Project link roads and new Public Rights of Way (Works Nos. 2B, 2H, 2I, 2S, 2Q). Powers of temporary possession and permanent acquisition of rights are also sought over Claylane Wood for overhead lines, gas and multi-utility works (Works Nos. OH1, OHT1, G1b, G2, G3, MU17).
- 3.2.2 Claylane Wood was identified as open space in the DCO application on a precautionary basis due to evidence of the public using it beyond Bridleway NS174, which passes through the woodland. Replacement land (Works Number OSC3) was also included in the DCO application to the north of Claylane Wood on a precautionary basis, should the Secretary of State consider the land within Claylane Wood to be open space for the purposes of section 131 and 132 of the Planning Act 2008.
- 3.2.3 Claylane Wood is privately owned. It is not identified in Gravesham Borough Council's Open Space Assessment (April 2016) and does not benefit from an open space planning policy designation.
- 3.2.4 Since the DCO application was submitted in October 2022, the Applicant has continued to engage with the landowner of Claylane Wood. The Applicant met with the landowner and their agent on 31 January 2023. At the meeting, the Applicant was asked to install signs on the landowners' behalf to prevent further trespass over the land. This was completed on 27 March 2023. The signs state that the land is private and '*no public access*' is permitted. Where bridleway NS174 meets the eastern and western edges of the woodland signs have been installed stating the land is private and '*please keep to Bridleway NS174*'.

- 3.2.5 Following the meeting, the Applicant received a letter from Caxtons Chartered Surveyors on behalf of the landowner dated 24 March 2023. The letter confirms ‘*Claylane Wood is not, and never has been public open space*’ and that ‘*...trespassers enter the wood from time to time*’ but the landowner regularly takes measures to prevent access over their land.
- 3.2.6 As a result of this new information and the measures taken to prevent unsolicited access over the privately owned land, the Applicant is satisfied that Claylane Wood is not open space. Accordingly, the Applicant is now proposing to remove the replacement land designation (Works No. OSC2 and OSC3) from the Application, as the land is no longer required as replacement land for open space in the context of sections 131 and 132 of the Planning Act 2008.
- 3.2.7 This update would not require any change to the land powers for the Project because the Applicant still requires powers to permanently acquire the land for landscaping and environmental mitigation (woodland edge planting, species rich chalk grassland and annual wildflower grassland – Works No E9 [**Additional Submission [AS-024](#)**]).
- 3.2.8 Although the land would no longer be designated as replacement open space it will remain accessible to the public as part of the Applicant’s wider landscaping and walkers, cyclists and horse riders’ proposals.
- 3.2.9 The removal of the replacement land (Work No. OSC2 and OSC3) provided in connection with Claylane Wood is not considered to constitute a change to the DCO application. This update is consistent with the position set out in Planning Statement Appendix D: Open Space [**Application Document [APP-499](#)**] (which notes the identification of the land as replacement land was only precautionary) and no change to the Order Limits or proposed land use in this location is required.
- EA02 – Correction to the location of the drainage pipeline and outfall from the North Portal work area**
- 3.2.10 The coordinates in Schedule 15 (Deemed Marine Licence) to the draft DCO [**Additional Submission [AS-038](#)**] were incorrectly stated (indicating a location too far to the west) due to a drafting error.
- 3.2.11 Correcting the coordinates would bring the Deemed Marine Licence in line with the environmental assessment which assesses these works taking place in the corrected specified area detailed in Table 3.2.
- 3.2.12 The width of the working area has been corrected to 50m (required to accommodate the full working area required for the dumb barge as well as the area of material placement alongside the trench) rather than a width of 10m as erroneously indicated by the current coordinates in Schedule 15, also to bring in this location into accordance with the environmental assessment.
- 3.2.13 The corrected coordinates are provided below in Table 3.2.

Table 3.2 Corrected coordinates for the drainage pipeline and outfall from the North Portal work area

Work area	Point	ETRS89 (decimal degrees)	
		Latitude	Longitude
Outfall	Centre	51.45411	0.413840
Discharge pipeline	North-west	51.45592	0.412669
	North-east	51.45607	0.413354
	South-west	51.45217	0.414314
	South-east	51.45226	0.415010

EA03 – Reduction in the rights required over Land Plots 16-45 and 16-46 in the River Thames

- 3.2.14 These land plots (within the River Thames) were shown in the Land Plans [Additional Submission [AS-008](#)] as requiring temporary possession of land with permanent acquisition of rights (blue shading). However, no permanent acquisition of rights is required over land plots 16-46, and a substantial reduction in the land over which permanent acquisition of rights is required is proposed over land plot 16-45. Only ‘temporary possession of land’ is required to allow for the construction and operation of the outfall during the construction period only.

EA04 – Condovers Scouts Activity Centre – Order Limit reduction

- 3.2.15 As part of further discussions with Thurrock District Scout Council concerns were raised about the proposed temporary possession and permanent rights required to the south-east corner of the Condovers site for utility works associated with a temporary water connection (Works No. MUT8) for the Northern tunnel entrance compound (Works No. CA5).
- 3.2.16 Thurrock District Scout Council were concerned about the potential impact the works may have on the existing use of the site and potential safeguarding issues while the activity centre is in use. These concerns were raised in their Relevant Representation [Relevant Representation [RR-1082](#)].
- 3.2.17 The Applicant has engaged with the utility provider and reviewed the utility works proposed in this location and has identified the opportunity to remove approximately 79m² of land from the Order Limits to address the Thurrock District Scout Council’s concerns. This will ensure the Activity Centre can continue to use the area removed from the Order Limits. Plot 23-31 will be superseded and given a new plot number on Sheet 23 of the Land Plans [Additional Submission [AS-010](#)] which will be updated to reflect this change as shown in Table 3.4 below. Details of the land plot changes are shown in Table 3.4 below.

EA05 – South of Low Street Lane – Order Limits reduction

- 3.2.18 Following a review of proposed utility works in this area, the Applicant identified an opportunity to reduce the land required for construction by approximately 1.7 hectares.
- 3.2.19 Access to undertake Work Nos. MUT8 and MU29 (as shown on Sheet 23 of Works Plans Volume C: Utilities [**Additional Submission AS-030**]), to the west of the area removed from the Order Limits, will now be accessed solely from Coopers Shaw Road.
- 3.2.20 The reduction would remove land designated as ‘temporary possession of land and permanent acquisition of rights’ (0.1ha) and ‘temporary possession of land’ (1.6ha) from the Order Limits. Affected land plots which have changes to their geometry will be superseded and given new plot numbers on Sheet 23 of Land Plans Volume C [**Additional Submission AS-010**] which will be updated to reflect this change as shown in Table 3.5 below. Table 3.5 provides further detail on the required land plot changes.

3.3 Land Plot changes

- 3.3.1 Affected land plots which have changes to their geometry will be superseded and given new plot numbers on their respective sheets in the Land Plans [**Additional Submission AS-010**]. The land plots will be updated to reflect these changes as shown in Table 3.3, Table 3.4 and Table 3.5 below.

Table 3.3 EA03 – River Thames proposed land plot changes

Current land plot				Proposed change to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID ³	Land Use	Area (sqm)	Change
16-45	Temporary possession of land with permanent acquisition of rights	136,392	Change in land use	16-XX	Temporary possession of land with permanent acquisition of rights	26	New plot
				16-XX	Temporary possession of land	136,366	New plot
16-46	Temporary possession of land with permanent acquisition of rights	14,479	Change in land use	16-46	Temporary possession of land	No change	Change in land use

Table 3.4 EA04 – Condozers Scout Activity Centre proposed land plot changes

Current land plot				Proposed change to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID ⁴	Land Use	Area (sqm)	Change
23-31	Temporary possession of land and permanent acquisition of rights	144	Plot deleted	23-XX	Temporary possession of land and permanent acquisition of rights	65	New plot

³ Plot ID numbers will be allocated as the modifications are made to the Land Plans [Additional Submission [AS-008](#)]

⁴ Plot ID numbers will be allocated as the modifications are made to the Land Plans [Additional Submission [AS-010](#)]

Table 3.5 EA05 – South of Low Street Lane proposed land plot changes

Current land plot				Proposed change to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID ⁵	Land Use	Area (sqm)	Change
23-19	Temporary possession of land and permanent acquisition of rights	14,974	Plot deleted	23-XX	Temporary possession of land and permanent acquisition of rights	14,970	New plot
23-27	Temporary possession of land and permanent acquisition of rights	3,090	Plot deleted	23-XX	Temporary possession of land and permanent acquisition of rights	2,840	New plot
23-34	Temporary possession of land and permanent acquisition of rights	1,751	Plot deleted	23-XX	Temporary possession of land and permanent acquisition of rights	978	New plot
23-36	Temporary possession of land	14,185	Plot deleted	23-XX	Temporary possession of land	77	New plot
23-37	Temporary possession of land	3,498	Plot deleted	23-XX	Temporary possession of land	1,010	New plot

⁵ Plot ID numbers will be allocated as the modifications are made to the Land Plans [**Additional Submission [AS-010](#)**]

3.4 Environmental appraisal

EA01 – Claylane Wood

- 3.4.1 As the proposed amendment is to the designation only, and not to the use of the land, it does not change the results of the environmental impact assessment.

EA02 – Correction to the location of the drainage pipeline and outfall from the North Portal work area

- 3.4.2 The correction to the coordinates stated in the draft DCO [**Additional Submission AS-038**] does not change the results of the environmental impact assessment.

EA03 – Reduction in the rights required over Land Plots 16-44, 16-45, 16-46 and 16-60 in the River Thames

- 3.4.3 The removal of permanent acquisition of rights from these land plots does not affect the results of the Environmental Impact Assessment as no permanent works were assessed in this area.

EA04 – Condovers Scouts Activity Centre – Order Limit reduction

- 3.4.4 The assessment reported in Chapter 13 of the Environmental Statement [**Application Document APP-151**] identified a slight adverse impact on Condovers Scout Activity Centre as a result of temporary disruption associated with utilities diversions and permanent rights over land. The reduction in land acquisition now proposed, although beneficial, would not affect the significance of the reported environmental effect, which would remain as slight adverse.

EA05 – South of Low Street Lane – Order Limit reduction

- 3.4.5 The Order Limit reduction in this area relates only to access for utility works. This amendment is considered to be negligible in the context of the construction works assessed and reported in the Environmental Statement [**Application Document APP-140**]. Therefore, the reported environmental effects would remain unchanged.

3.5 Planned Amendment landowner notification

- 3.5.1 The Applicant has proactively engaged with the parties with land interests affected by the planned amendments EA01–EA05. In the case of EA01, EA04 and EA05, it is the landowners that have requested the planned amendment and where relevant, the reduction in Order Limits.
- 3.5.2 In all cases, the parties with an interest in the land have either already been notified by the Applicant of the planned amendment or are in the process of being notified. The Applicant proposes no formal engagement with other parties for these planned amendments.

4 Proposed Change Application

- 4.1.1 Should the Applicant progress with a formal change request in respect of the two proposed changes identified in Section 2 of this document following procedural advice from the Examining Authority and consultation (under Steps 2 and 3 of Figure 1 of Advice Note 16) the request will, in accordance with Figure 2b of Advice Note 16, include:
- a. Information on the proposed change, including:
 - i. A confirmed or updated description of the proposed change
 - ii. A confirmed or updated rationale and explanation of the pressing need for the proposed change
 - iii. 'Before' and 'after' excerpts of the relevant plans/drawings
 - iv. Information about any new/altered works
 - v. Implications for compulsory acquisition/temporary possession of land
 - b. A full schedule of all DCO application documents and plans listing reviews to each document/plan or a no change statement
 - c. Identifying if there is any impediment to securing any consents/licences required (alongside the draft DCO [**Additional Submission [AS-038](#)**])
 - d. Clean and tracked changed version of the draft DCO and a revised Explanatory Memorandum
 - e. Implications for compulsory acquisition/temporary possession of land and if the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the 2010 Regulations) are engaged and if so the information prescribed by Regulation 5 of the CA Regulations
 - f. Environmental appraisal of the proposed changes including the assessment individually and cumulatively, and publicity in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)
 - g. A Consultation Report providing details of the engagement and consultation on the proposed changes and how they have been considered, attaching copies of the responses received

5 Compliance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

- 5.1.1 As explained earlier in this document the effect of the two ‘proposed changes’ is that the Applicant would be seeking further powers of compulsory acquisition over land within the Order Limits. The impacted plots are identified in Table 5.1 below.
- 5.1.2 None of the ‘planned amendments’ described in Section 3 of this document would involve the compulsory acquisition of additional land, or rights in land, within the Order Limits.

Table 5.1 Changes to land plot designation affecting permanent rights

Change Code	Land Plot	Existing land designation	Proposed new land designation
EC01	28-130	Temporary possession of land	Temporary possession of land reduced by approx. 428m ² and a new plot created for temporary possession and permanent acquisition of rights with an area of approx. 428 m ² .
EC02	41-12	Temporary possession of land	Temporary possession of land and permanent acquisition of rights for approx. 3,114m ² . Approx. 2.2ha remains temporary possession of land.
EC02	41-17	Temporary possession of land	Temporary possession of land and permanent acquisition of rights for approx. 53m ² . Approx 2,890m ² remains temporary possession of land.
EC02	41-20	Temporary possession of land	Temporary possession of land and permanent acquisition of rights for approx. 193m ² of land. Approx. 99m ² remains temporary possession of land.

- 5.1.3 Whilst these further powers of compulsory acquisition are sought over land which is already within the Order Limits, the Applicant understands that the Planning Inspectorate’s view in similar circumstances on other schemes is that any change which involves an ‘upgrade’ in land powers over those previously anticipated, including from temporary possession to permanent acquisition of land or rights over land (but not so as to include the temporary possession of land only), would amount to the compulsory acquisition of additional land, triggering the 2010 Regulations.
- 5.1.4 The Applicant will therefore be seeking to obtain consent from all persons with an interest in the land described in Table 5.1, to include such further powers of compulsory acquisition within the DCO application. If consent cannot be obtained from all persons, the Applicant will comply with the procedural requirements set out in the 2010 Regulations.

- 5.1.5 This involves submitting details of the proposed provision authorising the compulsory acquisition of further land to the Examining Authority (including the information required by Regulation 5 of the 2010 Regulations), which then has 28 days to decide whether to accept the provision as part of the DCO application. If accepted, the Applicant would give notice confirming when and where information about the proposed provision can be inspected and the deadline for submitting representations about the proposed provision.
- 5.1.6 This process would, if required, be separate to and would be subsequent to the consultation on the proposed changes set out in Section 2.5.

References

Department for Communities and Local Government (2015). Planning Act 2008: Guidance on Changes to Development Consent Orders.

Gravesham Borough Council's Open Space Assessment (April 2016). Accessed June 2023. <https://www.gravesham.gov.uk/downloads/file/257/open-space-assessment>

Planning Inspectorate (2023). Requests to change applications after they have been accepted for examination (Version 3, March 2023). Accessed June 2023.

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>.

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO [Additional Submission AS-038].
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the DCO application for development consent.
Applicant		The Applicant is National Highways, a UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order Application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Persons with an Interest in Land	PILS	–
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.

Term	Abbreviation	Explanation
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2022 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Company Limited registered in England and Wales number 09346363