

National Infrastructure
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Sir/Madam

Planning Act 2008
Application for a Development Consent Order for the proposed A122 Lower Thames Crossing Project
National Highways
Application Reference TR010032

We are pleased to enclose an application, on behalf of National Highways (the Applicant), under section 37 of the Planning Act 2008 (the 2008 Act) for an order granting development consent in respect of the A122 Lower Thames Crossing (the Project).

The Project relates to the construction of a highway under sections 14(1)(h) and 22 of the 2008 Act.

After submitting a Development Consent Order (DCO) application to the Planning Inspectorate on 23 October 2020 and receiving early feedback on it, the Applicant withdrew the application on 20 November 2020.

The Applicant has undertaken a considerable amount of work in response to feedback from the Planning Inspectorate, stakeholders and the public following the withdrawal of the DCO application in November 2020. This has included undertaking a Community Impacts Consultation, which ran from 14 July to 8 September 2021, and a further Local Refinement Consultation, which ran from 12 May to 20 June 2022.

Alongside this public consultation, extensive technical engagement has continued with stakeholders. A Statement of Engagement (Application Document 5.2) has been prepared to set out the Applicant's approach to engagement with stakeholders alongside consultation (outlined in the Consultation Report, Application Document 5.1). Statements of Common Ground (Application Document 5.4) have been submitted as part of this application which reflect matters agreed and not agreed with stakeholders. A Statement of Commonality (Application Document 5.3) has also been produced to identify where there are common issues being discussed between the different stakeholders.

1 Subject of the application

- 1.1 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(a) of the 2008 Act.
- 1.2 The Project also includes four utilities diversions which each constitute an NSIP for the purposes of the 2008 Act. One of these relates to the diversion of National Grid Electricity Transmission's (NGET) overhead line (ZB route). The works (Work No. OH7) are an NSIP for the purposes of sections 14(1)(b) and 16(1) of the 2008 Act, as they involve the installation of an electric line above ground which is wholly in England. The provisions within section 16(3) do not exempt this work from being an NSIP, as the nominal voltage of the overhead line is over 132kV, the length of the line when installed is greater than 2km and the distance between a new support and the existing line will exceed 60m.
- 1.3 The Project also includes three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act. The diversion of the National Grid Feeder 5 (Phase 1 and 2), and National Grid Feeder 18 high pressure gas pipelines (Works G2, G3, and G4) constitute NSIPs under section 20 of the 2008 Act. This is because the pipelines are to be wholly in England; the construction of those pipelines is likely to have a significant effect on the environment; each will have a design operating pressure of more than 7 bar gauge; and, when constructed, will convey gas for the supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers. Accordingly, for each of these works, each of the conditions in sections 20(2) to (5) of the 2008 Act is satisfied.
- 1.4 Further detail concerning the Project's status as an NSIP can be found in the prescribed form within the Application Form (Application Document 1.2), the Explanatory Memorandum (Application Document 3.2) and Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 of the Environmental Statement (Application Document 6.3).

2 Application fee and documentation enclosed

- 2.1 The application fee amount of £7488 has been submitted by BACS transfer to the account of the Planning Inspectorate.

- 2.2 Following a meeting with the Planning Inspectorate on 29 September 2022, it was agreed that the method of submission would be via electronic file transfer. This contains the full suite of Application Documents as listed in Annex A to this letter, in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.
- 2.3 A completed Section 55 checklist accompanies this letter in Annex B. This provides clear and compelling evidence that the DCO application meets the necessary tests and should be accepted by the Planning Inspectorate.
- 2.4 Both the Geographic Information System (GIS) shapefile and electronic application index were submitted to the Planning Inspectorate via electronic file transfer. The GIS shapefile was submitted to the Planning Inspectorate on 11 October 2022 in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.

3 Application formalities

- 3.1 This Application is made in the form required by section 37(3)(b) of the 2008 Act and the Application Documents comply with the requirements in section 37 of the 2008 Act and those set out in:
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
 - The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)
 - The Department for Communities and Local Government's (2013) Planning Act 2008: Application form guidance
 - The Planning Inspectorate's (2022) Advice Note Six: Preparation and submission of application documents
- 3.2 We request that the Planning Inspectorate publish the Application Documents on the A122 Lower Thames Crossing project page of the National Infrastructure website from submission of the application. We suggest that the following documents should not be published as they contain sensitive information which, if disclosed, may adversely affect the protection of the environment to which the information relates:
- Application Document 6.2, Environmental Statement Figure 8.20 – Ornithology Barn Owl Distribution and Breeding Sites (CONFIDENTIAL) (barn owls are 'Schedule 1' birds under the Wildlife and Countryside Act 1981, which are given the highest level of legal protection)

- Application Document 6.2, Environmental Statement Figure 8.21 – Ornithology Marsh Harrier Distribution (CONFIDENTIAL) (Marsh Harrier are 'Schedule 1' birds under the Wildlife and Countryside Act 1981, which are given the highest level of legal protection)
- Application Document 6.2, Environmental Statement Figure 8.29 – Badger Survey Results (CONFIDENTIAL) (badgers and their setts are legally protected under the Protection of Badgers Act 1992)
- Application Document 6.2, Environmental Statement Figure 8.30 – Badger Bait Marking Survey Results (CONFIDENTIAL)
- Application Document 6.3, Environmental Statement Appendix 8.7 - Ornithology
- Application Document 6.3, Environmental Statement Appendix 8.12 - Badger (Confidential)
- Application Document 6.3, Environmental Statement Appendix 8.19 - Draft Badger Development License Application (Confidential)

4 Description of the Project

- 4.1 The A122 Lower Thames Crossing (the Project) would provide a connection between the A2 and M2 in Kent and the M25 south of junction 29, crossing under the River Thames through a tunnel. The A122 would be approximately 23km long, 4.25km of which would be in tunnel. On the south side of the River Thames, the Project route would link the tunnel to the A2 and M2. On the north side, it would link to the A13, M25 junction 29 and the M25 south of junction 29. The tunnel portals would be located to the east of the village of Chalk on the south of the River Thames and to the west of East Tilbury on the north side.
- 4.2 A non-technical description of the Project is provided in the Introduction to the Application (Application Document 1.3). A more detailed and technical description is provided within Chapter 2: Project Description of the Environmental Statement (Application Document 6.1).

5 Consent flexibility – Rochdale Envelope

- 5.1 The Applicant has considered the National Policy Statement for National Networks, Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4), National Policy Statement for Electricity Networks Infrastructure (EN-5) and the Planning Inspectorate’s (2018) Advice Note Nine: Rochdale Envelope, together with pre-application advice provided by the Planning Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (dDCO) (Application Document 3.1) is fundamental to whether the Project is deliverable.
- 5.2 An important element of the flexibility sought within the DCO is the limits of deviation set out in Article 6 (Limits of deviation) of the dDCO (Application Document 3.1). The DCO submission is based on the maximum extents required to construct the highways, structures (including tunnel portal structures), utilities, environmental works, construction compounds and Utility Logistic Hubs, which may, following detailed design or as a result of ground investigations require adjustments to the Project to be made within these limits of deviation. The limits of deviation therefore ensure the Applicant and its contractors have sufficient flexibility to design and construct the Project, whilst ensuring that such flexibility does not give rise to any materially new or materially different environmental effects to those reported in the Environmental Statement (Application Document 6.1).
- 5.3 The Environmental Impact Assessment (EIA) which has been undertaken in support of the Project has considered and reflected the flexibility sought in the dDCO. The maximum design parameters referenced in the dDCO have therefore been assessed in the Environmental Statement (Application Document 6.1).
- 5.4 Further detail on the Applicant’s approach to the Rochdale Envelope and flexibility within the dDCO is provided within the Introduction to the Application (Application Document 1.3) and Chapter 2: Project Description of the Environmental Statement (Application Document 6.1).

6 Habitats Regulations Assessment (HRA)

- 6.1 This application includes a Habitats Regulations Assessment Report - Screening Report and Statement to Inform an Appropriate Assessment (Application Document 6.5) as required by Regulation 5(2)(g) of the APFP Regulations. The HRA Report identifies all relevant European sites and provides sufficient information for the competent authority to make an appropriate assessment of the implications for any European site.
- 6.2 The HRA Report was prepared having regard to the Planning Inspectorate’s (2022) Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects.

- 6.3 The Applicant has provided an HRA Report that includes information to inform Stage 1 screening for the purposes of the Habitats Regulations. The Applicant has concluded that it cannot rule out likely significant effects on the Thames Estuary and Marshes Special Protection Area and Ramsar; and on the Epping Forest Special Area of Conservation (SAC).
- 6.4 Therefore, the HRA Report includes information to inform the stage 2 Appropriate Assessment to be undertaken by the Secretary of State.
- 6.5 The HRA Report concludes that there would be no adverse effects on the integrity of any European sites. Accordingly, there is no requirement for consideration of a derogation at stage 3 of the HRA process.
- 6.6 At the time of submission, Natural England does not agree with the conclusion of the HRA Report in respect of Epping Forest SAC only and has advised that mitigation measures should be implemented.
- 6.7 The Applicant does not agree that mitigation measures are required, but has considered mitigation measures on a 'without prejudice' basis. A mitigation measure has been shown to be feasible and would reduce the impact to below screening thresholds (see Annex A.7 of the Natural England Statement of Common Ground, Application Document 5.4.1.6).
- 6.8 Natural England has agreed that the mitigation measure would, if required to be implemented by the competent authority, avoid any adverse effects on the integrity of Epping Forest SAC, thereby enabling the competent authority to conclude that there would be no adverse effects on the integrity of Epping Forest SAC and to complete the HRA process at Stage 2 (see Table 2.1 Item 2.1.94 of the Natural England Statement of Common Ground, Application Document 5.4.1.6).

7 Compulsory acquisition

- 7.1 The Applicant is seeking powers to acquire land, rights over land and interests in land, and other related powers including temporary possession of land, to support the delivery of the Project. Details of the plots of land over which powers are being sought and negotiations to date, including those relating to any special category land/Crown land affected, are provided in the Book of Reference (Application Document 4.2) and the Statement of Reasons (Application Document 4.1).
- 7.2 Details of funding to compensate those affected by the exercise of the compulsory powers sought under the dDCO is provided in the Funding Statement (Application Document 4.3).

7.3 The Crown Land Plans (Application Document 2.3) identify the 'Crown Interests' within the Order Limits, including any freehold, leasehold or third-party interests owned by the Crown over other landowners' property. The Special Category Land Plans (Application Document 2.4) identify the special category land within the Order Limits and any replacement land that will be secured under the DCO. The land within the DCO Order Limits also includes land that is common land and open space, these both being types of land that fall within the definition of special category land.

8 Other consents

8.1 Details of other consents and licences not forming part of the DCO application which the Applicant (or others) will be seeking in relation to the construction, operation and maintenance of the proposed Project and associated development are set out in the Consents and Agreements Position Statement (Application Document 3.3).

9 Pre-application consultation

9.1 As required by section 37(3)(c) of the 2008 Act, a Consultation Report (Application Document 5.1) accompanies this application. The Consultation Report details compliance with Chapter 2 of Part 5 of the 2008 Act.

10 Pre-application engagement with the Planning Inspectorate

10.1 The Applicant has actively engaged with the Planning Inspectorate during the pre-application stage (dating back to 2016) to discuss the Project, with a number of meetings and conference calls held. This includes meeting with the Planning Inspectorate on a fortnightly/monthly basis since December 2020.

10.2 In Annex C of this letter, the Applicant has extracted the recorded advice provided by the Planning Inspectorate as set out in the meeting notes published in accordance with section 51 of the Planning Act 2008 since the withdrawal of the previous DCO application in November 2020.

10.3 In order to provide comfort that all aspects of that advice have been considered, the table includes recorded advice provided by the Planning Inspectorate in the penultimate column, with the position or response adopted by the Applicant in the final column. The final column represents the position at the point of the DCO application in October 2022 although in some cases this may not have changed since the time of the meeting.

10.4 In other instances, the Applicant provided an update on matters in the final column and where the Planning Inspectorate have provided no further formal advice or formal comment, this is noted in the penultimate column.

11 Other matters

- 11.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the Engineering Drawings and Sections (Application Document 2.9) and Structures Plans (Application Document 2.13).
- 11.2 As the Project includes three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act, a compliance table which meets the requirements of Regulation 6(4) of the APFP Regulations is provided within Annex 1 of the Explanatory Memorandum (Application Document 3.2).
- 11.3 Under Regulation 5(3) of the APFP Regulations, any plans, drawings or sections required to be provided by Regulation 5(2) shall be no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2,500) and, in the case of plans, shall show the direction of north. Under Regulation 5(4), where any plans comprise three or more separate sheets, a key plan must be provided showing the relationship between the different sheets. We can confirm that the relevant application plans which are required to be submitted under Regulation 5(2) meet these requirements.
- 11.4 In accordance with precedent, some additional plans (which are not specifically required by Regulation 5(2)) are provided at a scale smaller than 1:2,500 as it is considered that the chosen scale is clearer and provides the information required. Those plans, including key plans are listed as follows:
- Location Plan is provided at 1:50,000 (Application Document 2.1)
 - Classification of Roads Plans is provided at 1:10,000 (Application Document 2.11)
 - Tunnel Area Plan is provided at 1:5,000 (Application Document 2.12)
 - River Restrictions Plan is provided at 1:5,000 (Application Document 2.14)
 - Tunnel Limits of Deviation Plans is provided at 1:5,000 (Application Document 2.15)
 - Key plans provided under Regulation 5(3) or otherwise, self-evidently, are included at a smaller scale in order to explain the interrelationship between the sheets of plans
 - Environmental Statement Figures provided at various scales between 1:3,750 and 1:187,500 to show the appropriate extent of study areas (Application Document 6.2)

- 11.5 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan identifying: any statutory or non-statutory sites or features of nature conservation; habitats of protected species, important habitats or other diversity features; and water bodies in a river basin management plan. This information is included in the figures within the Environmental Statement (Application Document 6.1):
- Sites of geological or landscape importance (Application Document 6.2)
 - Environmental Statement Figure 7.1 - National Landscape Character including Seascape
 - Environmental Statement Figure 7.2 - Local Landscape Character Areas
 - Environmental Statement Figure 7.3 - Environmental Lighting Zones
 - Environmental Statement Figure 7.4 - Landscape Designations
 - Environmental Statement Figure 10.8 - Local Geological Sites
 - Terrestrial biodiversity (Application Document 6.2)
 - Environmental Statement Figure 8.1 - Designated Sites
 - Environmental Statement Figures 8.2 to 8.33 in relation to terrestrial habitats of protected species, important habitats or other diversity features
 - Marine biodiversity (Application Document 6.2)
 - Environmental Statement Figure 9.1 - Nationally and internationally designated sites within 11km of Order Limits
 - Environmental Statement Figures 9.2 to 9.3 in relation to marine habitats of protected species, important habitats or other diversity features
 - Road drainage and the water environment (Application Document 6.2)
 - Environmental Statement Figures 14.1 to 14.7 in relation to surface water and groundwater
- 11.6 An applicant is also required to provide an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development. This is provided within the Environmental Statement (Application Document 6.1) in Chapter 7: Landscape and Visual, Chapter 8: Terrestrial Biodiversity, Chapter 9: Marine Biodiversity, Chapter 10: Geology and Soils and Chapter 14: Road Drainage and the Water Environment.
- 11.7 There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. Environmental Statement Figures 6.1 to 6.9 (Application Document 6.2) identify statutory and non-statutory sites or features of the historic environment. The assessment of any effects on such sites, features or structures likely to be caused by the proposed development is presented in Chapter 6: Cultural Heritage of the Environmental Statement (Application Document 6.1) and Appendix 6.1: Cultural Heritage Desk-based Assessment (Application Document 6.3).

12 Design Manual for Roads and Bridges

- 12.1 The Design Manual for Roads and Bridges (DMRB) has been revised and updated, and from July 2019 it has been restructured. The DMRB provides standards, advice notes and other documents relating to the design, assessment and operation of trunk roads, including motorways in the United Kingdom. The new DMRB structure covers the following areas: General Principles and Scheme Governance, Sustainability & Environment, Civil Engineering (comprising road layout, pavement, structures and bridges, geotechnics and drainage) and Technology (comprising control and communications technology and road lighting).
- 12.2 As DMRB standards are updated on a frequent basis, it is normal for highways schemes to be based upon DMRB standards which were current at the point of conclusion of the preliminary design, for the purpose of seeking consent and undertaking procurement. Once consent has been granted, the design will be progressed to detailed design, which will be based upon DMRB standards current at that point in time. The detailed design will be prepared in compliance with the requirements set out within the DCO and the secured control documents. Should it be necessary to accommodate changes to DMRB, further approval would be sought in accordance with the framework set out in Schedule 2 of the DCO, or in certain circumstances, National Highways may choose to apply a departure from the DMRB standard. These outcomes are considered unlikely at this stage.
- 12.3 Within the Sustainability and Environment discipline, documents coded LA 101 to LA 104 and LA 120 cover the general principles of environmental assessment, including screening, scoping, assessment and monitoring and environmental management plans. Documents LA 105 to LA 114 set out requirements for assessment, reporting and management of impacts for environmental topics, in accordance with the EIA Regulations.
- 12.4 An environmental Scoping Report was prepared for the Project in 2017, based on the DMRB guidance at that time. The updates to environmental assessment guidance within DMRB, introduce some changes to the methodologies described within the Scoping Report. A review of the latest DMRB requirements for environmental assessment has therefore been undertaken, and each of the topic chapters within the Environmental Statement (Application Document 6.1) includes discussion on the application of the new DMRB guidance to the assessment work completed for the Project. The approach the Applicant has taken to address the new DMRB updates is explained in Chapter 4: EIA Methodology of the Environmental Statement (Application Document 6.1).

In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act and can make them available at the request of the Planning Inspectorate.

The Applicant will keep all Application Documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application, considering questions and comments received from the Examining Authority and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,



Matt Palmer

Executive Director
National Highways

Enclosures:

Annex A: Overview of the Application Documents
Table of Application Documents

Annex B: Section 55 acceptance of applications checklist (completed by the Applicant)

Annex C: Recorded advice provided by the Planning Inspectorate as set out in the meeting notes published in accordance with section 51 of the Planning Act 2008 and position or response adopted by the Applicant

Annex A: Overview of the Application Documents

The reports, drawings and plans that make up the DCO application have been organised into seven volumes as listed in the table below. The seven volumes are explained in further detail in the Introduction to the Application (Application Document 1.3).

	VOLUME	CONTENT
1	Application Form / Information / Background	This document, the completed application form, introduction to the Project, navigation document and electronic application index.
2	Plans / Drawings / Sections	These include plans that illustrate the location of the Project; the land that will be acquired or used, Crown land, special category land; the general arrangement and proposed works; the streets, roads and private means of access to be stopped up, altered, diverted or otherwise provided; streets subject to temporary restrictions of use; engineering sections; speed limits and traffic regulations; proposed classification of new highways and variations to existing highway classifications; location and extent of the tunnel, structures, river restrictions, drainage, and tunnel limits of deviation, temporary works; and hedgerows and tree preservation orders.
3	Draft Development Consent Order	This is the document that sets out the legal powers that the Applicant is seeking to enable it to build, operate and maintain the Project, together with the Explanatory Memorandum explaining the provisions of the DCO. This volume also includes the Consents and Agreements Position Statement which sets out the strategy for obtaining the consents and associated agreements needed to implement the proposed Project, as well as a validation report for the drafting of the DCO.
4	Compulsory Acquisition Information	Documents setting out in tabular form the land to be acquired or used, reports justifying the seeking of compulsory acquisition powers over this land and evidence to support the availability of funding to deliver the Project (including the Funding Statement, Book of Reference and Statement of Reasons).
5	Consultation and Engagement Reports	The Consultation Report which sets out the methodology and outcomes of the consultation undertaken between 2016 and 2022 and how responses to the consultations have been taken into account. This volume also includes the Statement of Engagement, the Statement of Commonality and the Statements of Common Ground. A Statement responding to Local Authority stated positions on Adequacy of Consultation is also included within this volume.

	VOLUME	CONTENT
6	Environmental Impact Assessment (EIA) Information	An assessment of the likely significant effects (both positive and negative) of the Project on the environment and a description of mitigation measures proposed to reduce any negative effects (i.e. the Environmental Statement). This volume includes other environment-related documents including the Non-Technical Summary, Code of Construction Practice (including the Register of Environmental Actions and Commitments, Outline Site Waste Management Plan, Outline Materials Handling Plan and the Preliminary Works Environmental Management Plan), Water Framework Directive Assessment, Flood Risk Assessment, Scoping Opinion and Responses, Habitats Regulations Assessment - Screening Report and Statement to Inform an Appropriate Assessment, the Statement of Statutory Nuisance and the Outline Landscape and Ecology Management Plan. Plans showing environmental features and proposed mitigation are also included.
7	Other Documents	Additional documents that support the DCO application; these are not legally required but provide useful information on the case for the Project. These include the Need for the Project, Planning Statement, Section 106 Agreements – Head of Terms, Project Design Report, Design Principles, Road User Charging Statement, Combined Modelling and Appraisal Report, Traffic Forecasts Non-Technical Summary, Transport Assessment, Health and Equalities Impact Assessment, Sustainability Statement, Wider Network Impacts Management and Monitoring Plan, Framework Construction Travel Plan, Outline Traffic Management Plan for Construction, Preliminary Navigational Risk Assessment, Community Impact Report, Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes, the Benefits and Outcomes Document, Carbon and Energy Management Plan Stakeholder Actions and Commitments Register and the Workers Accommodation Report.

Table of Application Documents

A list of documents within the application is set out below. If you require a copy of any of the Application Documents, or parts of them, please contact the A122 Lower Thames Crossing Project Team, for which contact details are provided in Chapter 4 of the Introduction to the Application (Application Document 1.3). A USB containing these documents will be provided free of charge. For those requiring hard copies, there may be a reasonable charge for printing and distribution.

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
VOLUME 1: Application Form / Information/ Background	1.1	Cover letter with Schedule 55 Checklist for the LTC Project
	1.2	Application Form
	1.3	Introduction to the Application
	1.4	Navigation Document
	1.5	Electronic Application Index
VOLUME 2: Plans / Drawings / Sections	2.1	Location Plan
	2.2	Land Plans
	2.3	Crown Land Plans
	2.4	Special Category Land Plans
	2.5	General Arrangement
	2.6	Works Plans
	2.7	Rights of Way and Access Plans
	2.8	Streets Subject to Temporary Restrictions of Use Plans
	2.9	Engineering Drawings and Sections
	2.10	Traffic Regulation Measures Plans
	2.11	Classification of Roads Plans
	2.12	Tunnel Area Plan
	2.13	Structures Plans
	2.14	River Restrictions Plan
	2.15	Tunnel Limits of Deviation Plans
	2.16	Drainage Plans
	2.17	Temporary Works Plans
	2.18	Hedgerows and Tree Preservation Order Plans
VOLUME 3: Draft Development Consent Order	3.1	Draft Development Consent Order
	3.2	Explanatory Memorandum
	3.3	Consents and Agreements Position Statement
	3.4	Validation Report

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
VOLUME 4: Compulsory Acquisition Information	4.1	Statement of Reasons
	4.2	Book of Reference
	4.3	Funding Statement
VOLUME 5: Consultation Report and related documents	5.1	Consultation Report (including all appendices, e.g. consultation material and statutory notices)
	5.2	Statement of Engagement
	5.3	Statement of Commonality,
	5.4	Statements of Common Ground
	5.5	Statement responding to Local Authority stated positions on Adequacy of Consultation
VOLUME 6: Environmental Impact Assessment (EIA) Information	6.1	Environmental Statement Chapters
	6.2	Environmental Statement Figures
	6.3	Environmental Statement Appendices (including the Code of Construction Practice (which includes the Register of Environmental Actions and Commitments, Outline Site Waste Management Plan, Outline Materials Handling Plan, Preliminary Works Environmental Management Plan) and the Flood Risk Assessment)
	6.4	Environmental Statement Non-Technical Summary
	6.5	Habitats Regulations Assessment -Screening Report and Statement to Inform an Appropriate Assessment
	6.6	Statement of Statutory Nuisance
	6.7	Outline Landscape and Ecology management Plan
VOLUME 7: Other Documents	7.1	Need for the Project
	7.2	Planning Statement (Appendix A presents the National Policy Statement for National Networks Accordance Table. Appendix B presents accordance with the Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) and National Policy Statement for Electricity Networks Infrastructure (EN-5))

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
	7.3	Section 106 Agreements – Heads of Terms
	7.4	Project Design Report
	7.5	Design Principles
	7.6	Road User Charging Statement
	7.7	Combined Modelling and Appraisal Report
	7.8	Traffic Forecasts Non-Technical Summary
	7.9	Transport Assessment
	7.10	Health and Equalities Impact Assessment
	7.11	Sustainability Statement
	7.12	Wider Network Impacts Management and Monitoring Plan
	7.13	Framework Construction Travel Plan
	7.14	Outline Traffic Management Plan for Construction
	7.15	Preliminary Navigational Risk Assessment
	7.16	Community Impact Report
	7.17	Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes
	7.18	Workers Accommodation Report
	7.19	Carbon and Energy Management Plan
	7.20	Benefits & Outcomes Document
	7.21	Stakeholder Actions and Commitments Register

Annex B: Section 55 acceptance of applications checklist (completed by the Applicant)

The Planning Act 2008

Section 55 Acceptance of Applications*

(Appendix 3 of Advice note six: Preparation and submission of application documents)

(1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

(2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

(3) The Secretary of State may accept the application only if the Secretary of State concludes -

(a) that it is an application for an order granting development consent,

(b) deleted

(c) that development consent is required for any of the development to which the application relates,

(d) deleted

(e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and

(f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

(4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to –

(a) the consultation report received under section 37(3)(c),

(b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and

(c) the extent to which the applicant has had regard to any guidance issued under section 50.

(5) In subsection (4) -

“local authority consultee” means –

(a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or

(b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

(5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –

a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and

b) any applicable guidance given under section 37(4) has been followed in relation to the application.

(6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

(7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -

(a) notify that view to the applicant, and

(b) notify the applicant of the Secretary of State’s reasons for that view.

(8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011.

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See Department for Communities and Local Government Application Form Guidance for guidance on how the application form should be completed and what should be included with it.



The Planning Inspectorate
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Annex B: Section 55 Acceptance of Applications Checklist

Section 55 Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent	Yes – The Project is an NSIP within sections 14(1)(h) and 22 of the Planning Act 2008 (the 2008 Act). This Project involves the ‘construction’ of a highway within the meaning of section 22(1)(a). The Project satisfies section 22(2) in that the highway will (when constructed) be wholly located in England, National Highways as strategic highways company will be the highway authority for the highway, and the area of development is		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

<p>words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>greater than the relevant limit set out in subsection (4), which in this case is 12.5 hectares, as speed limits will be in excess of 50mph.</p> <p>The Project also includes four utilities diversions which constitute an NSIP for the purposes of the 2008 Act. One of these relates to the diversion of National Grid Electricity Transmission's overhead line (ZB route). The works (Work No. OH7) are an NSIP for the purposes of sections 14(1)(b) and 16(1) of the 2008 Act, as they involve the installation of an electric line above ground which is wholly in England. The provisions within section 16(3) do not exempt this work from being an NSIP, as the voltage of the overhead line is over 132kV, the length of the line when installed is greater than 2km and the distance between a new support and the existing line will exceed 60m.</p> <p>The Project also includes three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act. The diversion of the National Grid Feeder 5 (Phase 1 and 2), and National Grid Feeder 18 high pressure gas pipelines (Works G2, G3, and G4) constitute NSIPs under section 20 of the 2008 Act. This is because the pipelines are to be wholly in England; the construction of those pipelines is likely to have a significant effect on the environment; each will have a design operating pressure of more than 7 bar gauge; and, when constructed, will convey gas for the supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers. Accordingly, for each of these works, each of the conditions in sections 20(2) to (5) of the 2008 Act is satisfied.</p> <p>As the Project is an NSIP, development consent must be obtained from the Secretary of State to authorise it, and an application for a development consent order must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the 2008 Act.</p> <p>This is consistent with the summary provided in Section 4 of the Application Form (Application Document 1.2) and the Explanatory Memorandum (Application Document 3.2) which concludes the application is for an NSIP.</p>
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3	Summary: Section 55(3)(a) and s55(3)(c)	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the 2008 Act.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>Yes – On 31 October 2017, the Applicant notified the Secretary of State in writing under Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) that it proposed to provide an Environmental Statement in respect of the Project. Under Regulation 10(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant also requested a Scoping Opinion from the Secretary of State in respect of the Project. The notification letter was received by the Planning Inspectorate on 2 November 2017 and the Scoping Opinion was provided on 13 December 2017. A copy of the 31 October 2017 notification letter and the acknowledgment can be found in Appendix C of the Consultation Report (Application Document 5.1). A copy of the Scoping Opinion can be found in Appendix 4.1 of the Environmental Statement (Application Document 6.3).</p> <p>Both the notification and scoping opinion request were submitted prior to the section 42 consultation period which commenced on 10 October 2018.</p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	The Applicant understands that adequacy of consultation representations will be requested by the Planning Inspectorate following submission of the Application.

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes – the Applicant carried out the Statutory Consultation between 10 October and 20 December 2018. A list of persons consulted under section 42(1)(a) as part of this Statutory Consultation is provided in Appendix H of the Consultation Report (Application Document 5.1). Appendix H also includes references to persons consulted under section 42(1)(a)-(b) that were identified and consulted after the Statutory Consultation. The list was compiled using consultees listed in column 1 of the table in Schedule 1 of the APFP regulations and including all those identified by the Planning Inspectorate (on behalf of the Secretary of State) in Appendix 1, Tables A1 to A4 of the Scoping Opinion. The Applicant also consulted the Royal National Lifeboat Institution which was the only non-prescribed body identified by the Planning Inspectorate in Appendix 1, Table A4 of the Scoping Opinion.</p> <p>Full regard has been had to the advice provided in the Annexes to the Planning Inspectorate’s Advice Note Three, in determining the circumstances in which to consult a particular prescribed body. The Applicant adopted a precautionary approach and included that body within the scope of its consultation.</p> <p>These consultees were sent a letter to inform them of the start of the Statutory Consultation. These letters were sent by First Class post on 4 October 2018 with a copy sent by email at the same time. The letter included the deadline for providing feedback to the consultation as well as instructions for how such feedback could be provided. It also included a summary of the proposals and direction to the Project website, where further information on the proposals and the consultation process could be accessed. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p>
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p><u>Supplementary Consultation</u></p> <p>Between 29 January 2020 and 2 April 2020, the Applicant carried out non-statutory Supplementary Consultation on a set of changes to the Project presented at Statutory Consultation. All of the same prescribed consultees identified for Statutory Consultation were written to on 27 January 2020 to inform them of the commencement of the Supplementary Consultation. A copy of the letter is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p>The Supplementary Consultation was originally planned to take place between 29 January and 25 March 2020. The closing date of 25 March 2020 was published on consultation material, including letters sent to statutory consultees and landowners, and on a publicity leaflet issued to local residents. Following announcements and restrictions by the UK Government in response to the COVID-19 pandemic, the Supplementary Consultation was extended by eight days to 2 April 2020. A copy of the press release is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Design Refinement Consultation</u></p> <p>Between 14 July and 12 August 2020, the Applicant undertook further non-statutory consultation on a set of design refinements. All of the prescribed consultees identified for Statutory Consultation were written to on 29 June 2020 to inform them of commencement of Design Refinement Consultation. A copy of the letter is provided in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>Two newly identified prescribed bodies (Thurrock Power and London & Continental Railways) were also written to on 13 July 2020 to notify them of their status under section 42(1)(a) of the 2008 Act and of the commencement of their Statutory Consultation period. A copy of the letter is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Community Impacts Consultation</u></p> <p>Between 14 July and 8 September 2021, the Applicant undertook further non-statutory consultation. All of the prescribed consultees identified for Statutory Consultation were written to on 13 July 2021 to inform them of the commencement of Community Impacts Consultation. Additional prescribed consultees were identified through diligent inquiry</p>
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		<p>before the launch of the consultation and these were also notified by letter. Copies of the letters are provided in Appendix S of the Consultation Report (Application Document 5.1).</p> <p><u>Local Refinement Consultation</u></p> <p>Between 12 May and 20 June 2022, the Applicant undertook a final stage of non-statutory pre-application consultation. All of the previously notified prescribed consultees, as well as any newly identified prescribed consultees, were written to on 11 May 2022 to inform them of the commencement of the Local Refinement Consultation. Copies of the letters are provided in Appendix T of the Consultation Report (Application Document 5.1).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes – The Marine Management Organisation (MMO) was identified as a prescribed consultee for the Statutory Consultation. They were written to on 4 October 2018 at the same stage as consultees identified under section 42(1)(a), receiving the same information as those consultees. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p><u>Supplementary Consultation</u></p> <p>The MMO were written to again on 28 January 2020 to inform them of the commencement of non-statutory Supplementary Consultation on 29 January 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Design Refinement Consultation</u></p> <p>A letter was sent on 29 June 2020 to inform the MMO of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix R of the Consultation Report (Application Document 5.1).</p>

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

		<p><u>Community Impacts Consultation</u></p> <p>A letter was sent on 13 July 2021 to inform the MMO of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021. An example of the letters sent to section 42 consultees at this time is provided in Appendix S of the Consultation Report (Application Document 5.1).</p> <p><u>Local Refinement Consultation</u></p> <p>A letter was sent on 11 May 2022 to inform the MMO of the commencement of the non-statutory Local Refinement Consultation. An example of the letters sent at that time to section 42 consultees is provided in Appendix T of the Consultation Report (Application Document 5.1).</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes – The organisations in the table below were identified as section 43 local authorities. The list includes some local authorities that the Applicant chose to include on the basis that, although they did not qualify as 'host' or 'neighbouring' authorities under the 2008 Act, they had a potential interest in the Project.</p> <p>These consultees were sent a letter on 4 October 2018 to inform them of the start of the Statutory Consultation. The letter contained the same information as was provided to section 42(1)(a) consultees. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p><u>Supplementary Consultation</u></p> <p>All of the local authorities listed below were also written to on 28 January 2020 informing them of the commencement of non-statutory Supplementary Consultation on 29 January 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p>

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

Design Refinement Consultation

A letter was sent on 29 June 2020 to inform all of the local authorities listed below of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix R of the Consultation Report (Application Document 5.1).

Community Impacts Consultation

A letter was sent on 13 July 2021 to inform all of the local authorities listed below of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021. An example of the letters sent to section 42 consultees at this time is provided in Appendix S of the Consultation Report (Application Document 5.1).

Local Refinement Consultation

A letter was sent on 11 May 2022 to inform all of the local authorities listed below of the commencement of the non-statutory Local Refinement Consultation. An example of the letters sent at that time to section 42 consultees is provided in Appendix T of the Consultation Report (Application Document 5.1).

As a result of the proposals presented during the Local Refinement Consultation, two authorities - Ashford Borough Council and Tunbridge Wells Borough Council - became statutory consultees within the meaning of s42(1)(b). These authorities had already been consulted in relation to the Project since Statutory Consultation. In addition, two authorities - Maidstone Borough Council and Tonbridge & Malling Borough Council - became host local authorities as opposed to neighbouring authorities.

Authority	Provision	Category for s43(2)	Description
Ashford Borough Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Medway Council – a local authority within s43(1) that is a 'unitary council' for the purposes of s43(3).
Basildon Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Thurrock Council – a local authority within s43(1) that is a 'unitary council' for the purposes of s43(3).

		Braintree District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Brentwood Borough Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Cambridgeshire County Council	s43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Canterbury City Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Castle Point Borough Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Thurrock Council – a local authority within s43(1) that is a 'unitary council' for the purposes of s43(3).
		Chelmsford City Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Brentwood Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).
		Colchester Borough Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Dartford Borough Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Dover District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		East Sussex County Council	s43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of Kent County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).

		Epping Forest District Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Brentwood Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).
		Essex County Council	s43(1)	C	Land to which the proposed application relates is within the authority's area.
		Folkestone and Hythe District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Gravesham Borough Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Greater London Authority	s42(1)(c)	/	Land to which the proposed application relates is within Greater London.
		Harlow Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Hertfordshire County Council	s43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Kent County Council	s43(1)	C	Land to which the proposed application relates is within the authority's area.
		London Borough of Barking and Dagenham	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of the London Borough of Havering – a local authority within s43(1) that is a 'London borough council' for the purposes of s43(3).
		London Borough of Bexley	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Dartford Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).

		London Borough of Bromley	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Dartford Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).
		London Borough of Enfield	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		London Borough of Havering	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		London Borough of Redbridge	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of the London Borough of Havering – a local authority within s43(1) that is a 'London borough council' for the purposes of s43(3).
		London Borough of Waltham Forest	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Maidstone Borough Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Maldon District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Medway Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Rochford District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Sevenoaks District Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Gravesham Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).

		Southend-on-Sea City Council	s43(2A)	A	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Suffolk County Council	s43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of Essex County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Surrey County Council	s43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of Kent County Council – a local authority within s43(1) that is a 'county council' for the purposes of s43(3).
		Swale Borough Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Medway Council – a local authority within s43(1) that is a 'unitary council' for the purposes of s43(3).
		Tendring District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Thanet District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.
		Thurrock Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Tonbridge and Malling Borough Council	s43(1)	B	Land to which the proposed application relates is within the authority's area.
		Tunbridge Wells Borough Council	s43(2)	A	Part of the boundary of the authority's area is also part of the boundary of Maidstone Borough Council – a local authority within s43(1) that is a 'district council' for the purposes of s43(3).
		Uttlesford District Council	/	/	Consulted on the basis that they were consulted on the draft SoCC.

9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p>Yes – As part of the land affected by the Project falls within Greater London, the Greater London Authority is a statutory consultee under section 42(1)(c).</p> <p>The Greater London Authority was written to on 4 October 2018 to notify them of the commencement of Statutory Consultation on 10 October 2018. The letter contained the same information as was provided to section 42(1)(a) consultees. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p><u>Supplementary Consultation</u></p> <p>The Greater London Authority were written to again on 28 January 2020 to inform them of the commencement of non-statutory Supplementary Consultation on 29 January 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Design Refinement Consultation</u></p> <p>A letter was sent on 29 June 2020 to inform the authority of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020. An example of the letters sent to section 42 consultees at this time is provided in Appendix R of the Consultation Report (Application Document 5.1).</p> <p><u>Community Impacts Consultation</u></p> <p>A letter was sent on 13 July 2021 to inform the authority of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021. An example of the letters sent to section 42 consultees at this time is provided in Appendix S of the Consultation Report (Application Document 5.1).</p> <p><u>Local Refinement Consultation</u></p> <p>A letter was sent on 11 May 2022 to inform the authority of the commencement of the non-statutory Local Refinement Consultation. An example of the letters sent at that time to section 42 consultees is provided in Appendix T of the Consultation Report (Application Document 5.1).</p>
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10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes – the Applicant carried out a process of diligent inquiry in order to identify all section 42(1)(d) consultees who fall within the categories set out in section 44 of the 2008 Act. Such persons are listed in the Book of Reference (Application Document 4.2) and Appendix J of the Consultation Report (Application Document 5.1) and have been consulted about the DCO application in accordance with section 42 of the 2008 Act. Appendix J sets out the point at which each person with an interest in land was notified of their status, corresponding to the phases of consultation described below, and the period which those persons were given to respond to the proposals. A number of these parties were written to on 9 October 2018 at the start of the Statutory Consultation period. Copies of the letters sent to section 44 persons with an interest in land are provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p>After the launch of Statutory Consultation, the Applicant identified additions to its records of section 42(1)(d) persons with an interest in land. All such parties were notified by letter of their status under section 42 and of the ongoing consultation. The content of the letter was substantively the same as that issued to section 42 persons with an interest in land notified at the commencement of Statutory Consultation.</p> <p>There were further phases of consultation with newly identified persons with an interest in land, held between the launch of Statutory Consultation and the submission of this application. These are set out below. In each instance, all such parties were provided with at least the 28-day statutory minimum to consider the proposals and submit a response.</p> <p>On 15 August 2019 the Applicant issued letters of notification to newly identified section 42(1)(d) persons with an interest in land. The letter informed those parties that they had been identified as section 42 consultees and that they were invited to provide feedback on the proposals presented during Statutory Consultation. A deadline for responses of 25 October 2019 was stated.</p> <p>More information on the process of researching and compiling a database of land interests is provided in Section 4.3 of the Consultation Report (Application Document 5.1). Information about the process of consulting with newly identified persons with an interest</p>
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⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p>in land over time is provided in Chapter 5 of the Consultation Report (Application Document 5.1). This includes details of the duration provided for consultees to submit a response and the number of persons with an interest in land consulted at each phase under section 42(1)(d) that are listed in the Book of Reference (Application Document 4.2). Appendix J provides a list of the persons with an interest in land that were identified and Appendix O of the Consultation Report (Application Document 5.1) provides a list of additional recipients of consultation notification letters.</p> <p><u>Supplementary Consultation</u></p> <p>The Applicant held a non-statutory Supplementary Consultation on its proposals between 29 January and 2 April 2020. The Applicant used this consultation as an opportunity to consult under section 42(1)(d) a further group of persons with an interest in land that had been identified through diligent inquiry in the period after the launch of the consultation period held between August and October 2019. A letter was sent to all such persons on 27 January 2020, informing them that they had been identified as a section 42(1)(d) land interest and how they could provide feedback on the proposals presented during the Supplementary Consultation and the Statutory Consultation .</p> <p>Letters were also sent before the commencement of the Supplementary Consultation to each of the persons with an interest in land that had previously been consulted under section 42(1)(d). An example of the letters sent to existing section 42(1)(d) consultees at this time is provided in Appendix Q of the Consultation Report (Application Document 5.1).</p>
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		<p><u>Design Refinement Consultation</u></p> <p>The Applicant undertook further non-statutory consultation on a set of design refinements to the Project from 14 July to 12 August 2020. Further updates had been made to the Project's understanding of affected land interests, resulting in the identification of additional section 42(1)(d) consultees. All such parties were written to on 29 June 2020, providing them with advance notification that they had been identified as statutory consultees and would have an opportunity to submit their feedback between 14 July and 12 August 2020. A further letter was sent on 13 July to each of the land interest holders, to notify them that the consultation period would begin on 14 July 2020. An example of the letter sent to these consultees is included in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>A letter was also sent to each of the previously identified and consulted section 42(1)(d) persons with an interest in land on 13 July 2020. The recipients were invited to provide feedback on proposals presented during the Design Refinement Consultation. An example of the letters sent to existing section 42(1)(d) persons with an interest in land at this time is provided in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>Following the launch of Design Refinement Consultation, the Applicant identified further individuals and organisations with an interest in land that are listed in the Book of Reference (Application Document 4.2). This was due to the Applicant's ongoing diligent inquiry into land affected by the Project. These consultees were written to on 16 July 2020 and were given an extension, to 19 August 2020, to respond to the consultation noting that they were written to following the launch of the Design Refinement Consultation. An example of the letter sent on 16 July 2020 can be found in Appendix K of the Consultation Report (Application Document 5.1).</p> <p><u>Community Impacts Consultation</u></p> <p>From 14 July 2021 to 8 September 2021 the Applicant undertook a further phase of non-statutory consultation (the Community Impacts Consultation) on a suite of documents relating to the Project, including a series of proposed changes affecting the Order Limits. These changes, as well as ongoing diligent inquiry, resulted in the identification of additional section 42(1)(d) consultees. These parties were written to on 13 July 2021, notifying them of the consultation process and the opportunities for them to provide a response. An example of the letter sent to these parties at that time is provided in Appendix K of the Consultation Report (Application Document 5.1).</p>
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		<p>A further letter was sent to each of the previously identified and consulted section 42(1)(d) persons with an interest in land on 13 July 2021. The recipients were invited to take part in the Community Impacts Consultation. An example of the letters sent to existing section 42(1)(d) persons with an interest in land at this time is provided in Appendix S of the Consultation Report (Application Document 5.1).</p> <p>Following the launch of the Community Impacts Consultation, the Applicant identified further individuals and organisations with an interest in land that are listed in the Book of Reference (Application Document 4.2). This was due to the Applicant's ongoing diligent inquiry into land affected by the Project. These parties were written to during the consultation period, and in each case were given at least the statutory minimum period of 28 days to provide a response to the consultation.</p> <p><u>Local Refinement Consultation</u></p> <p>Between 12 May and 20 June 2022, the Applicant undertook a final stage of non-statutory pre-application consultation (the 'Local Refinement Consultation') on changes to the Project proposals. These changes, as well as ongoing diligent inquiry, resulted in the identification of additional s42(1)(d) consultees. These parties were written to on 12 May 2022, notifying them of the consultation process and the opportunities for them to provide a response. An example of the letter sent to these parties at that time is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p>A letter was also sent to each of the previously identified and consulted section 42(1)(d) persons with an interest in land on 12 May 2022. The recipients were invited to take part in the Local Refinement Consultation. An example of the letters sent to existing section 42(1)(d) persons with an interest in land at this time is provided in Appendix T of the Consultation Report (Application Document 5.1).</p> <p>Following the launch of the consultation, it was established that the delivery of letters to a number of new and existing s42(1)(d) persons with an interest in land had been delayed by around two days. The Applicant acted on this by writing again to all recipients, on 24 May, to explain that they were being provided with an extended deadline of 22 June 2022 to respond to the consultation. Examples of these letters are provided in Appendix K and Appendix T.</p>
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		<p>After the conclusion of the Local Refinement Consultation and as a result of ongoing diligent inquiry, the Applicant identified a further 57 individuals and organisations that were the owners of an interest in land affected by the Project. All such parties were notified by letter on 17 August 2022 of their status under section 42, and were provided with the opportunity to respond to the proposals included in the recently concluded Local Refinement Consultation or to any preceding phase of pre-application consultation. An example of the letters sent at this time is provided in Appendix K.</p> <p>As a result of the Applicant’s ongoing diligent inquiry into land interests affected by the Project, a further 58 persons with an interest in land were identified in September 2022. Given the late stage at which these people were identified, there was insufficient time remaining to consult them and have regard to their responses prior to submission of the DCO application. Nevertheless, the Applicant did write to each of these people in October 2022, confirming that they had now been identified as owning an interest in land that was affected by the Project. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p>
Section 45: Timetable for s42 consultation		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes – The Statutory Consultation took place between 10 October and 20 December 2018 (71 days), a period which exceeds the 28-day minimum required under section 45 of the 2008 Act. All prescribed consultees under section 42, including the MMO and GLA, were notified of the deadline for submitting a response to the consultation in time for the commencement of the consultation, as described above. A copy of the letter sent to section 44 persons with an interest in land is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p>The Applicant carried out further phases of consultation under section 42 with newly identified persons with an interest in land throughout the pre-application phase, and as the Applicant researched and acted on new information regarding affected parties. All such parties were provided with at least the 28-day statutory minimum period to respond to the Project proposals. The consultation letters which were sent to newly identified persons with an interest in land were based on the letters used for the Statutory Consultation which took place between October and December 2018.</p>

		<p><u>Additional persons with an interest in land consultation – 2019</u></p> <p>As a result of ongoing diligent inquiry, On 15 August 2019, the Applicant consulted an additional tranche of section 42(1)(d) persons with an interest in land. The recipients were provided with a deadline of 25 October 2019 to respond to the Statutory Consultation proposals, meaning a total of 70 days to respond. A copy of the letter sent at that time is provided in Appendix K.</p> <p><u>Supplementary Consultation</u></p> <p>For Supplementary Consultation, a new tranche of section 42(1)(d) persons with an interest in land were written to under section 42 on 27 January 2020 to inform them of the start of Supplementary Consultation which took place between 29 January and 2 April 2020 (64 days). The recipients of these letters were also invited to provide feedback on the proposals presented during Statutory Consultation in 2018. Letters were also sent before the commencement of the Supplementary Consultation to each of the persons with an interest in land that had previously been consulted under section 42(1)(d). An example of the letter sent to newly identified section 42(1)(d) consultees at this time is provided in Appendix K of the Consultation Report (Application Document 5.1).</p> <p>In response to restrictions on social gatherings aimed at curbing the spread of COVID-19, the Supplementary Consultation period was extended to end on 2 April 2020. Several measures were put in place to notify consultees of the extension to the consultation period, including updates to the consultation website, social media posts and engagement with stakeholder organisations. A copy of the press release can be found in Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Design Refinement Consultation</u></p> <p>For Design Refinement Consultation, additional section 42(1)(d) persons with an interest in land were written to on 29 June 2020, providing them with advance notification that they had been identified as statutory consultees and would have an opportunity to submit their views on the Project between 14 July and 12 August 2020 (29 days). A further reminder letter was sent on 13 July to each of these parties, to notify the recipients that the consultation period would begin the following day on 14 July 2020. An example of the letter sent to these consultees is included in Appendix R of the Consultation Report (Application Document 5.1).</p>
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	<p>A letter was also sent to each of the previously identified and consulted section 42(1)(d) persons with an interest in land on 13 July 2020. The recipients were invited to take part in the Design Refinement Consultation. An example of the letters sent to section 42(1)(d) persons with an interest in land at this time is provided in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>Following the launch of Design Refinement Consultation, the Applicant identified further individuals and organisations with an interest in land that are listed in the Book of Reference (Application Document 4.2). This was due to the Applicant's ongoing diligent inquiry into land affected by the Project. These consultees were written to on 16 July 2020 and were given an extended consultation period between 18 July and 19 August 2020 (33 days). An example of the letter sent on 16 July 2020 can be found in Appendix K of the Consultation Report (Application Document 5.1).</p> <p>During the Design Refinement Consultation period, some landowners contacted the Applicant to report that they had not received the letter sent on 13 July 2020. The company that arranged the delivery of the letters confirmed that Royal Mail was issued with the letters for delivery and there is no record of the letters being returned to sender or registered as undelivered. The Applicant wrote to these section 42(1)(d) consultees again, between 27 July and 5 August 2020, providing them with the original letter. The Applicant also offered these specific consultees a one-week extension to the consultation period, meaning they had until Wednesday 19 August 2020 to provide a response. An example of the cover letter sent to these consultees is included in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>Following the close of the Design Refinement Consultation (after 12 August 2020), additional landowners contacted the Applicant to confirm they had not received the letter dated 13 July 2020. The Applicant subsequently wrote to these landowners again between 19 August 2020 and 28 August 2020 and allowed 28 days to respond to the Design Refinement Consultation. An example of the letter sent to these landowners is included in Appendix R of the Consultation Report (Application Document 5.1).</p> <p>Further prescribed consultees were also identified and consulted under section 42 and given at least 28 days to respond to the proposals at this stage. Additional details can be found in Appendix A of the Consultation Report</p>
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		<p><u>Community Impacts Consultation</u></p> <p>For the Community Impacts Consultation, an updated tranche of section 42(1)(d) persons with an interest in land were written to under section 42 on 13 July 2021 to inform them of the start of the Community Impacts Consultation, which took place between 14 July and 8 September 2021 (56 days). The recipients of these letters were also invited to provide feedback on the proposals presented during the earlier consultations. Letters were also sent at that time to each of the persons with an interest in land that had previously been consulted under section 42(1)(d). An example of the letter sent to section 42(1)(d) consultees at this time, is provided in Appendix S of the Consultation Report (Application Document 5.1).</p> <p>Following the launch of the Community Impacts Consultation, the Applicant identified further individuals and organisations with an interest in land that are listed in the Book of Reference (Application Document 4.2). This was due to the Applicant's ongoing diligent inquiry into land affected by the Project. These consultees were written to on dates between 22 July 2021 and 10 August 2021 and therefore given a period of at least 28 days to provide a response to the consultation. An example of the letter sent in this period can be found in Appendix S of the Consultation Report (Application Document 5.1).</p> <p>Further prescribed consultees were also identified and consulted under section 42 and given at least 28 days to respond to the proposals at this stage. Additional details can be found in Appendix A of the Consultation Report</p> <p><u>Local Refinement Consultation</u></p> <p>Between 12 May and 20 June 2022 (39 days), the Applicant undertook a final stage of non-statutory pre-application consultation (the 'Local Refinement Consultation') on further changes to the Project proposals. These changes, as well as ongoing diligent inquiry, resulted in the identification of additional s42(1)(d) consultees. These parties were written to under section 42, on 12 May 2022, notifying them of the consultation process and the opportunities for them to provide a response. After it was established that the delivery of notification letters had been delayed by a period of two days, each party was written to on 24 May 2022 to explain that the deadline for submitting a response to the consultation had been extended by two days, to 22 June 2022. An example of the letters sent to these parties, at the launch of the consultation and to inform them of the extended deadline, are provided in Appendix K of the Consultation Report (Application Document 5.1).</p>
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		<p>Further statutory consultees were also identified and consulted under section 42 and given at least 28 days to respond to the proposals at this stage. Additional details can be found in Appendix A of the Consultation Report.</p> <p><u>August 2022 consultation for additional persons with an interest in land</u></p> <p>After the conclusion of the Local Refinement Consultation and as a result of ongoing diligent inquiry, the Applicant identified a further 57 individuals and organisations that were the owners of an interest in land affected by the Project. All such parties were notified by letter on 17 August 2022 of their status under section 42, and were provided with the opportunity to respond to the proposals included in the recently concluded Local Refinement Consultation or to any preceding phase of pre-application consultation. These parties were provided with a period of 30 days to respond to the consultation proposals. A copy of the letter is provided in Appendix K of the Consultation Report (Application Document 5.1).</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes – Pursuant to section 46, the Applicant provided notification to the Planning Inspectorate on behalf of the Secretary of State on 9 October 2018, prior to the start of Statutory Consultation, of the proposed application via email, letter and provided electronic copies of the consultation material on a USB storage device. The email also included a secure weblink to electronic copies of the material produced for consultation, as well as examples of letters that were sent to section 42 consultees. A copy of this notice and the Planning Inspectorate's acknowledgement of receipt on 31 October 2018 are provided in Appendix L of the Consultation Report (Application Document 5.1). The information below was supplied on 9 October 2018 before commencement of consultation under section 42 on 10 October 2018, as required by section 46(2) of the 2008 Act.</p> <p>The information provided to the Secretary of State consisted of the following:</p> <ul style="list-style-type: none"> • Lower Thames Crossing Guide to Consultation • Examples of section 42 letters sent to consultees • Consultation leaflets • Response form • SoCC • Lower Thames Crossing Response to Consultation 2017

		<ul style="list-style-type: none"> • Case for the Project • Approach to Design, Construction and Operation • Map books • Preliminary Environmental Information Report (PEIR) • Preliminary Environmental Information Summary • Environmental Impact Assessment (EIA) Scoping Report • Traffic Forecasting Report • Traffic Forecasts Non-Technical Summary • Section 47 Notice • Section 48 Notice • 'Your Property and Blight' • 'Your Property and Compulsory Purchase' • 'Your Property and Discretionary Purchase' <p><u>Supplementary Consultation</u></p> <p>On 28 January 2020, a letter and email were sent to the Planning Inspectorate, notifying the Planning Inspectorate of the commencement of the non-statutory Supplementary Consultation. The email included a secure weblink to electronic copies of the material produced for consultation, as well as examples of letters that were sent to statutory consultees, including newly identified persons with an interest in land. A copy of this letter can be found within Appendix Q of the Consultation Report (Application Document 5.1).</p> <p><u>Design Refinement Consultation</u></p> <p>On 3 July 2020, a letter and email were sent to the Planning Inspectorate, notifying the Planning Inspectorate of the further non-statutory Design Refinement Consultation undertaken between 14 July and 12 August 2020. The Design Refinement Consultation materials were issued to the Planning Inspectorate on the same day as the letter by electronic file transfer using Business Collaborator. Examples of some of the letters that were sent to consultees, including the letter issued to newly identified persons with an interest in land consulted on a statutory basis under section 42 of the Planning Act during the Design Refinement Consultation, were also provided. A copy of the letter issued to the Planning Inspectorate can be found within Appendix R of the Consultation Report (Application Document 5.1).</p>
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		<p><u>Community Impacts Consultation</u></p> <p>In advance of the launch of the Community Impacts Consultation, the Applicant notified and engaged with the Planning Inspectorate in relation to its proposals for the consultation, which took place between 14 July and 8 September 2021. Copies of the consultation materials were also shared with the Planning Inspectorate in advance.</p> <p><u>Local Refinement Consultation</u></p> <p>On 10 May 2022 a letter and email were sent to the Planning Inspectorate, notifying the Planning Inspectorate of the further non-statutory Local Refinement Consultation undertaken between 12 May and 20 June 2022. The consultation materials were issued to the Planning Inspectorate on the same day as the letter. Examples of some of the letters that were sent to consultees, including the letter issued to newly identified landowners that were consulted on a statutory basis under section 42 of the Planning Act, as part of the Local Refinement Consultation, were also provided. A copy of the letter issued to the Planning Inspectorate can be found within Appendix T of the Consultation Report (Application Document 5.1).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes – During the planning stage of Statutory Consultation, the Applicant prepared a SoCC that set out how it proposed to consult with people living in the vicinity of the land potentially affected by the Project. The SoCC was published on 10 October 2018 and is provided at Appendix G of the Consultation Report (Application Document 5.1).
14	Were ‘B’ and (where relevant) ‘C’ authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that ‘B’ and (where applicable) ‘C’ authorities received the consultation documents?	Yes – Before finalising and publishing the SoCC, the Applicant carried out a formal consultation between 1 August and 2 September 2018 with each of the local authorities within the meaning of section 43(1) of the 2008 Act. Other local authorities across the region that had a potential interest in the Project were also included in this consultation, owing to the wider regional significance of the Project. More information on this consultation is provided in Appendices D, E and F of the Consultation Report (Application Document 5.1).

		The draft SoCC was issued by email and post to each of the identified local authorities on or before 1 August 2018. Copies of the relevant correspondence are provided in Appendix E. The letter stated that the deadline for returning comments on the draft SoCC was 2 September 2018, a period that exceeds the minimum 28 days prescribed by section 47 of the 2008 Act.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes – Appendix F of the Consultation Report (Application Document 5.1) sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and how the Applicant had regard to them.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes – the Applicant published the SoCC on the Lower Thames Crossing consultation website on 10 October 2018. It was subsequently made available for inspection for the duration of the Statutory Consultation (10 October–20 December 2018) at the following deposit locations:</p> <ul style="list-style-type: none"> • Brentwood Library, New Road, Brentwood, CM14 4BP • Grays Library, Thameside Complex, Orsett Road, Grays, RM17 5DX • Romford Central Library, St Edwards Way, Romford, RM1 3AR • Tilbury Hub, Civic Square, Tilbury, RM18 8AD • Dartford Library, Central Park, Market Street, Dartford, DA1 1EU • Gravesend Library, Windmill Street, Gravesend, DA12 1BE • Maidstone Library, Kent History and Library Centre, James Whatman Way, Maidstone, ME14 1LQ • Rochester Library, Rochester Community Hub, Eastgate, Rochester, ME1 1EW <p>Details of the opening times of these venues can be found in Section 4.5 of the Consultation Report (Application Document 5.1).</p> <p>The SoCC was also available for reference at each of the Public Information Events carried out during the Statutory Consultation period. It could also be downloaded from the Lower Thames Crossing consultation website throughout the consultation period and after it. More information on these events, including their dates and locations, can be found in Section 4.5 of the Consultation Report (Application Document 5.1).</p> <p>By making the SoCC available through these channels, the Applicant ensured that it was reasonably convenient for people living in the vicinity of the land potentially affected by the Project to access the document.</p>

		<p>Newspapers</p> <p>The Applicant published a 'Section 47' notice explaining where the SoCC and other consultation documents could be inspected, along with other information on the Statutory Consultation. The notice was published in four local newspapers circulating in the vicinity of the land potentially affected by the Project, as well as one national newspaper and one trade journal serving the fishing industry.</p> <table border="1" data-bbox="875 416 1559 951"> <thead> <tr> <th colspan="2">Publication of the Section 47 statutory notice</th> </tr> <tr> <th>Names</th> <th>Publication date</th> </tr> </thead> <tbody> <tr> <td colspan="2">National newspaper</td> </tr> <tr> <td>The Times</td> <td>10 October 2018</td> </tr> <tr> <td colspan="2">Local newspapers</td> </tr> <tr> <td>Essex Chronicle</td> <td>4 October 2018</td> </tr> <tr> <td>Kent Messenger</td> <td>4 October 2018</td> </tr> <tr> <td>Thurrock Gazette</td> <td>4 October 2018</td> </tr> <tr> <td>Yellow Advertiser</td> <td>12 October 2018</td> </tr> <tr> <td colspan="2">Trade journals</td> </tr> <tr> <td>Fishing News</td> <td>11 October 2018</td> </tr> </tbody> </table> <p>Copies of these Section 47 newspaper notices can be found within Appendix N of the Consultation Report (Application Document 5.1).</p>	Publication of the Section 47 statutory notice		Names	Publication date	National newspaper		The Times	10 October 2018	Local newspapers		Essex Chronicle	4 October 2018	Kent Messenger	4 October 2018	Thurrock Gazette	4 October 2018	Yellow Advertiser	12 October 2018	Trade journals		Fishing News	11 October 2018
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17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	Yes – Paragraph 15 of the SoCC sets out that the Project constitutes EIA development and paragraph 16 confirmed how the Preliminary Environmental Information Report (PEIR) would be published and consulted on. The PEIR and Preliminary Environmental Information Summary produced were publicised during Statutory Consultation from 10 October to 20 December 2018. The documents were made available online and paper copies could be viewed at the deposit locations listed in question 16 above. A copy of the published SoCC can be found in Appendix G of the Consultation Report (Application Document 5.1).																						

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes – the Applicant carried out its Statutory Consultation in accordance with the proposals set out in the SoCC published on 10 October 2018. Appendix G of the Consultation Report (Application Document 5.1) includes a checklist of the proposals included in the SoCC and an explanation of how each was fulfilled through Statutory Consultation.													
Section 48: Duty to publicise the proposed application															
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes – the Applicant publicised the proposed application in accordance with the requirements of section 48 of the 2008 Act and Regulation 4 of the APFP Regulations. More information on that process is provided in subsequent rows of this table. Copies of all section 48 notices that were published in newspapers and trade journals are included in Appendix N of the Consultation Report (Application Document 5.1).													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 33%;"></th> <th style="width: 33%; text-align: center;">Newspaper(s)</th> <th style="width: 29%; text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="129 708 197 1145">a)</td> <td data-bbox="197 708 860 1145">for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td data-bbox="860 708 1671 1145"> <p>Yes – The section 48 notice was published for two successive weeks in four local newspapers circulating in the vicinity of the land:</p> <p>The Essex Chronicle The Kent Messenger The Thurrock Gazette The Yellow Advertiser</p> <p>Appendix N of the Consultation Report (Application Document 5.1) includes a table indicating the dates and publications used for statutory notices, as well as copies of the newspaper notices.</p> </td> <td data-bbox="1671 708 2074 1145"> <p>4 and 11 October 2018 4 and 11 October 2018 4 and 11 October 2018 10 and 17 October 2018</p> </td> </tr> <tr> <td data-bbox="129 1145 197 1361">b)</td> <td data-bbox="197 1145 860 1361">once in a national newspaper;</td> <td data-bbox="860 1145 1671 1361"> <p>Yes - The section 48 notice was published in The Times newspaper.</p> <p>Appendix N of the Consultation Report (Application Document 5.1) contains a copy of the section 48 statutory notice as published in the Times.</p> </td> <td data-bbox="1671 1145 2074 1361"> <p>10 October 2018</p> </td> </tr> </tbody> </table>						Newspaper(s)	Date	a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<p>Yes – The section 48 notice was published for two successive weeks in four local newspapers circulating in the vicinity of the land:</p> <p>The Essex Chronicle The Kent Messenger The Thurrock Gazette The Yellow Advertiser</p> <p>Appendix N of the Consultation Report (Application Document 5.1) includes a table indicating the dates and publications used for statutory notices, as well as copies of the newspaper notices.</p>	<p>4 and 11 October 2018 4 and 11 October 2018 4 and 11 October 2018 10 and 17 October 2018</p>	b)	once in a national newspaper;	<p>Yes - The section 48 notice was published in The Times newspaper.</p> <p>Appendix N of the Consultation Report (Application Document 5.1) contains a copy of the section 48 statutory notice as published in the Times.</p>	<p>10 October 2018</p>
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b)	once in a national newspaper;	<p>Yes - The section 48 notice was published in The Times newspaper.</p> <p>Appendix N of the Consultation Report (Application Document 5.1) contains a copy of the section 48 statutory notice as published in the Times.</p>	<p>10 October 2018</p>												

c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Yes – The section 48 notice was published in the London Gazette. Appendix N of the Consultation Report (Application Document 5.1) contains a copy of the section 48 statutory notice as published in the London Gazette.	10 October 2018
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Yes – The section 48 notice was published in: Lloyd's List Fishing News Appendix N of the Consultation Report (Application Document 5.1) includes a table indicating the dates and publications used for statutory notices, as well as copies of the trade journal notices.	10 October 2018 11 October 2018
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes – A copy of the published section 48 notice within Appendix N of the Consultation Report (Application Document 5.1) contains the information required as set out below.	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	1
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the	4	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	4

	place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	5 and 6	h)	details of how to respond to the publicity	7
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	7 and 8			
21	Are there any observations in respect of the s48 notice provided above?				
	N/A				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	Yes – Chapters 4 and 6 of the Consultation Report (Application Document 5.1) confirm that EIA consultation bodies identified prior to the launch of the Statutory Consultation were issued with a copy of the section 48 notice (as part of the section 42 Statutory Consultation) at the same time that it was published in local and national media on 4 October 2018, pursuant to Regulation 13 of the EIA Regulations. Since the end of Statutory Consultation, the Applicant has identified a number of additional organisations that are consultation bodies for the purposes of Regulation 13 of the EIA Regulations. A copy of the section 48 notice published at Statutory Consultation has therefore been served on these entities. Section 4.3 of the Consultation Report lists these bodies and provides further information on the process followed to identify and notify them of their status.			

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		<p>A copy of the letter and section 48 notice sent to relevant consultees at the launch of the Statutory Consultation is provided in Appendix K of the Consultation Report (Application Document 5.1) Copies of letters and the section 48 notice sent to additional relevant consultees at later stages of the pre-application period are also provided in that appendix.</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>		
<p>23</p>	<p>Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Yes – the Applicant has had regard to relevant responses received in relation to the Statutory Consultation under sections 42, 47 and 48 of the 2008 Act. Chapter 11 of the Consultation Report (Application Document 5.1) provides a summary of the matters raised by consultees, noting the consultee strands (for example, section 42 local authorities) that raised each matter in their responses. It also provides an explanation of how the Applicant has had regard to each issue, in accordance with section 49 of the 2008 Act.</p> <p><u>Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation</u></p> <p>Chapter 12 of the Consultation Report (Application Document 5.1) sets out the responses received through the Supplementary Consultation undertaken between 29 January 2020 and 2 April 2020. Chapter 13 outlines responses to the Design Refinement Consultation undertaken between 14 July and 12 August 2020. Chapter 14 outlines responses to the Community Impacts Consultation, and Chapter 15 outlines responses to the Local Refinement Consultation. In each case, the relevant chapter sets out how the Applicant has had regard to those responses.</p>

Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Section 2.5 of the Consultation Report (Application Document 5.1) states that the Applicant has had regard to statutory guidance on the pre-application process. Further information and evidence to support the statements made in Section 2.5 are provided throughout the Consultation Report (Application Document 5.1), primarily in Chapter 4, Chapter 10, and the appendices referred to in those chapters.</p> <p>Appendix A of the Consultation Report (Application Document 5.1) contains a checklist detailing how the Applicant has complied with the pre-application guidance.</p>
25	Summary: section 55(3)(e)	
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes – The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations. Section 4 of the Application Form (Application Document 1.2) explains why the application falls within the remit of the Planning Inspectorate.</p> <p>Section 6 of the Application Form (Application Document 1.2) provides a brief statement that describes the location of the proposed route and a more detailed description is provided in Chapter 2: Project Description of the Environmental Statement (Application Document 6.1).</p> <p>The location of the proposed Project is shown on the Location Plan (Application Document 2.1).</p>
27	Is it accompanied by a Consultation Report?	Yes – The Consultation Report is included as Application Document 5.1.

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes – A key plan is provided in each set of plans, showing the relationship between the different sheets. The exceptions to this are the Location Plan (comprising one sheet), Tunnel Area Plan (comprising one sheet) and the Tunnel Limits of Deviation Plans (comprising three sheets which are to be read from south to north) (Application Documents 2.1, 2.12 and 2.15, respectively).
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes – The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below.

Information		Document		
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	<p>Yes – The application is accompanied by an Environmental Statement, including associated Figures, Appendices and a Non-Technical Summary (Application Documents 6.1 to 6.4).</p> <p>A copy of the Planning Inspectorate’s Scoping Opinion comments (provided on 13 December 2017) and the Applicant ’ responses can be found in Appendix 4.1 of the Environmental Statement (Application Document 6.3).</p>	b)	<p>The draft Development Consent Order (DCO)</p> <p>Yes – The application is accompanied by the draft Development Consent Order in the validated statutory instrument template (Application Document 3.1). The Validation Service has provided confirmation the draft Development Consent Order is in the validated statutory instrument template and this is presented in the Validation Report (Application Document 3.4) but has not produced a template report, likely due to its size.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Yes – The application is accompanied by the Explanatory Memorandum (Application Document 3.2) which explains the purpose and effect of the provisions in the draft DCO (Application Document 3.1).	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Yes – The application is accompanied by the Book of Reference (Application Document 4.2).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	Yes – The application is accompanied by a Flood Risk Assessment within Appendix 14.6 of the Environmental Statement (Application Document 6.3).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Yes – The application is accompanied by a Statement of Statutory Nuisance (Application Document 6.6).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Yes – The application is accompanied by a Statement of Reasons (Application Document 4.1) and a Funding Statement (Application Document 4.3).	i)	A Land Plan identifying:- the land required for, or affected by, the Proposed Development; where applicable, any land over which it is proposed to exercise powers of Compulsory	Yes – The application is accompanied by Land Plans (Application Document 2.2) which accord with Regulation 5(2)(i) of the APFP Regulations. Special category land and replacement land are shown in the Special Category Land Plans (Application Document 2.4).

			Acquisition or any rights to use land; any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and any special category land and replacement land	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
j)	A Works Plan showing, in relation to existing features:- the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Yes – The application is accompanied by Works Plans which accord with Regulation 5(2)(j) of the APFP Regulations. The Works Plans are provided in Application Document 2.6, Volume 2 Plans, Drawings and Sections of the DCO application.	k) Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Yes – Rights of Way and Access Plans are provided in Application Document 2.7, Streets Subject to Temporary Restrictions of Use Plans in Application Document 2.8 and Traffic Regulation Measures Plans are provided in Application Document 2.10, Volume 2 Plans, Drawings and Sections of the DCO application. These plans accord with Regulation 5(2)(k) of the APFP Regulations.
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	

l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; habitats of protected species, important habitats or other diversity features; and water bodies in a river basin management plan, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Yes – Plans identifying information in relation to Regulation 5(2)(l) of the APFP Regulations can be found in the following Environmental Statement Figures:</p> <ul style="list-style-type: none"> Sites of geological or landscape importance (Application Document 6.2) Environmental Statement Figure 7.1 – National Landscape Character including Seascape Environmental Statement Figure 7.2 – Local Landscape Character areas Environmental Statement Figure 7.3 – Local Landscape Character Environmental Light Zones Environmental Statement Figure 7.4 – Landscape Designations and Features Environmental Statement Figure 10.8 – Local Geological Sites Terrestrial biodiversity (Application Document 6.2) 	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Yes – Environmental Statement Figures 6.1 to 6.7 (Application Document 6.2) identify statutory and non-statutory sites or features of the historic environment. The assessment of any effects on such sites, features or structures likely to be caused by the proposed development is presented in Chapter 6: Cultural Heritage of the Environmental Statement (Application Document 6.1) and Appendix 6.1: Desk-based Assessment (Application Document 6.3).</p>
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	<p>Environmental Statement Figure 8.1 – Designated Sites</p> <p>Environmental Statement Figures 8.2 to 8.33 in relation to terrestrial habitats of protected species, important habitats or other diversity features</p> <p>Marine biodiversity (Application Document 6.2)</p> <p>Environmental Statement Figure 9.1 – Nationally and Internationally Designated Sites Within 11km of Order Limits</p> <p>Environmental Statement Figures 9.2 to 9.3 in relation to marine habitats of protected species, important habitats or other diversity features</p> <p>Road drainage and the water environment (Application Document 6.2)</p> <p>Environmental Statement Figures 14.1 to 14.7 in relation to surface water and groundwater</p> <p>Chapter 7: Landscape and Visual, Chapter 8: Terrestrial Biodiversity,</p>			
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		Chapter 9: Marine Biodiversity, Chapter 10: Geology and Soils, and Chapter 14: Road Drainage and the Water Environment of the Environmental Statement (Application Document 6.1) provide the accompanying environmental assessments.		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Yes – Crown Land Plans are provided in Application Document 2.3, Volume 2 Plans, Drawings and Sections of the DCO application.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping
				Yes – The following Volume 2, Plans, Drawings and Sections are provided under Regulation 5(2)(o) of the APFP Regulations: Location Plan (Application Document 2.1) General Arrangement (Application Document 2.5) Streets Subject to Temporary Restrictions of Use Plans (Application Document 2.8) Engineering Drawings and Sections (Application Document 2.9) Traffic Regulation Measures Plans (Application Document 2.10) Classification of Roads Plans (Application Document 2.11) Tunnel Area Plan (Application Document 2.12) Structures Plans (Application Document 2.13) River Restrictions Plan (Application Document 2.14) Tunnel Limits of Deviation Plans (Application Document 2.15)

			Drainage Plans (Application Document 2.16)
			Proposed landscaping is also shown within Environmental Statement Figure 2.4 – Environmental Masterplan (Application Document 6.2).
	Is this of a satisfactory standard?		Are they of a satisfactory standard?
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<p>Yes – As the proposed Project is for highway related development, the application must include section drawings in accordance with Regulation 6(2) of the APFP Regulations. This information is provided in:</p> <p>Engineering Drawings and Sections (Application Document 2.9). These include drainage outfall levels.</p> <p>Tunnel Limits of Deviation Plans (Application Document 2.15).</p> <p>As the Project includes three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act, the Applicant has prepared a compliance table which meets the requirements of Regulation 6(4) of the APFP Regulations. This can be found in Annex 1 to the Explanatory</p>	<p>q)</p> <p>Any other documents considered necessary to support the application</p> <p>Yes – The application is accompanied by the following documents which are considered necessary to support the application, as listed in Section 23 of the Application Form (Application Document 1.2):</p> <p>Cover Letter with Section 55 Checklist (Application Document 1.1)</p> <p>Introduction to the Application (Application Document 1.3)</p> <p>Navigation Document (Application Document 1.4)</p> <p>Electronic Application Index (Application 1.5)</p> <p>Consents and Agreements Position Statement (Application Document 3.3)</p> <p>Validation Report (Application Document 3.4)</p> <p>Statement of Engagement (Application Document 5.2)</p> <p>Statement of Commonality (Application Document 5.3)</p>

	<p>Memorandum (Application Document 3.2).</p> <p>The Project requires the diversion of certain electricity transmission and distribution overhead lines. These have been assessed as to whether any would constitute a NSIP in their own right. For completeness, though it is not a requirement of Regulation 6, this is included in Annex 2 of the Explanatory Memorandum (Application Document 3.2) (Assessment of proposed above ground electricity line works for the purposes of section 16 of the Planning Act 2008). This concludes the Project has one overhead line which constitutes an NSIP, i.e., Work No. OH7.</p>		<p>Statements of Common Ground (Application Document 5.4)</p> <p>Statement responding to Local Authority stated positions on Adequacy of Consultation (Application Document 5.5)</p> <p>Need for the Project (Application Document 7.1)</p> <p>Planning Statement (Application Document 7.2)</p> <p>Section 106 Agreements – Heads of Terms (Application Document 7.3)</p> <p>Project Design Report (Application Document 7.4)</p> <p>Design Principles (Application Document 7.5)</p> <p>Road User Charging Statement (Application Document 7.6)</p> <p>Combined Modelling and Appraisal Report (Application Document 7.7)</p> <p>Traffic Forecasts Non-Technical Summary (Application Document 7.8)</p> <p>Transport Assessment (Application Document 7.9)</p> <p>Health and Equalities Impact Assessment (Application Document 7.10)</p> <p>Sustainability Statement (Application Document 7.11)</p> <p>Wider Network Impacts Management and Monitoring Plan (Application Document 7.12)</p> <p>Framework Construction Travel Plan (Application Document 7.13)</p> <p>Outline Traffic Management Plan for Construction (Application Document 7.14)</p>
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				Preliminary Navigational Risk Assessment (Application Document 7.15) Workers Accommodation Report (Application Document 7.16) Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes (Application Document 7.17) Workers Accommodation Report (Application Document 7.18) Carbon and Energy Management Plan (Application Document 7.19) Benefits & Outcomes Document (Application Document 7.20) Stakeholder Actions and Commitments Register (Application Document 7.21)
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the	Yes - This application includes a Habitats Regulations Assessment Report - Screening Report and Statement to Inform an Appropriate Assessment (Application Document 6.5) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA Report identifies all relevant European sites and provides sufficient information for the competent authority to make an appropriate assessment of the implications for any European site.		

	implications for the site if required by Regulation 48(1)? ¹⁴	
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	Following a meeting with the Planning Inspectorate on 29 September 2022, it was agreed that the method of submission would be via electronic file transfer. Therefore, paper copies are not be required as per the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents and following announcements and restrictions by the UK Government in response to the COVID-19 pandemic.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	The statutory guidance Planning Act 2008: Application form guidance has been used to prepare the Application Form (Application Document 1.2). The Applicant believes that the application has been prepared to the standards that the Planning Inspectorate considers satisfactory.
34	Summary - s55(3)(f) and s55(5A)	

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁶ ?	The application fee was paid by the Applicant prior to the application being submitted.
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Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

Lower Thames Crossing

1.1 Covering letter Annex C Section 51 Advice

APFP Regulation 5(2)(q)

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

Volume 1

DATE: October 2022

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/1.1

VERSION: 1.0

Lower Thames Crossing

1.1 Covering letter Annex C Section 51 Advice

List of contents

	Page number
1 Introduction	1

List of tables

Page number

Table 1 Section 51 formal advice issued by the Planning Inspectorate and the position or response by the Applicant	2
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1 Introduction

- 1.1.1 National Highways ('the Applicant') has extracted the recorded advice provided by the Planning Inspectorate as set out in the meeting notes published in accordance with section 51 of the Planning Act 2008 since the withdrawal of the previous DCO application in November 2020.
- 1.1.2 In order to provide comfort that all aspects of that advice have been considered, the table includes recorded advice provided by the Planning Inspectorate in the penultimate column, with the position or response adopted by the Applicant in the final column. The final column represents the position at the point of the DCO application in October 2022 although in some cases this may not have changed since the time of the meeting.
- 1.1.3 In other instances, the Applicant provided an update on matters in the final column and where the Planning Inspectorate have provided no further formal advice or formal comment, this is noted in the penultimate column.
- 1.1.4 Table 1 is in chronological order from November 2020 up to the section 51 meeting dated 25 August 2022. It is noted that more recent meetings have taken place between the Applicant and the Planning Inspectorate on 13 September and 29 September 2022 as well as a tripartite meeting with local authorities on the 22 September 2022, however these are not included in this document as the meeting notes were not finalised in time to be incorporated for DCO submission.
- 1.1.5 Full notes are available on the Lower Thames Crossing page of the Planning Inspectorate website:
<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/lower-thames-crossing/?ipcsection=advice>.

Table 1 Section 51 formal advice issued by the Planning Inspectorate and the position or response by the Applicant

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Date of advice given on 26/11/2020		
Context	<p>On 13 November 2020, the Planning Inspectorate contacted the Applicant to establish that the Planning Inspectorate would be progressing to issue a decision to not accept the application and identified the main issues that had arisen from the consideration of the application. The Applicant was provided with an opportunity to signpost where in the submitted application documents information relevant to the main issues were set out. The applicant provided a document that contained signposting on 17 November 2020. The Planning Inspectorate continued to progress to issue a decision to not accept the application informing the Applicant of this on 18 November 2020. The Applicant decided to withdraw the application on 20 November 2020.</p>	
<p>Environmental effects arising from changes to levels of traffic and mitigation – Highways</p>	<p>The Planning Inspectorate considered that the construction phase assessment provided in the Transport Assessment focuses on the M25, A2, A226 and A1089 and little information is provided on the implications of any changes in traffic flows on other local roads. Highway diversions, realignments and closures are listed in the DCO for several local roads during the construction period, but the effects arising from those during the various phases of the construction period are not quantified or considered in detail.</p>	<p>The Transport Assessment (Application Document 7.9) assesses and quantifies the impact of the Project during both construction and operation on the strategic and local highway networks. Chapter 8 of the Transport Assessment contains details of the 11 traffic modelling phases of construction which are then assessed. The assessment considers the forecast impact on all roads included in the Project's transport model, including local roads. Given the scale of the Project, that assessment is one of the most sophisticated assessments undertaken for a road project in the UK.</p> <p>The ES assesses the effects of these forecast changes in traffic, including on noise and vibration, air quality and population and human health (Application Document 6.1). The Community Impact Report (Application Document 7.16) describes construction traffic and environmental effects at a local ward level and is supported by a number of maps which help illustrate activities and effects.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate considered that the construction traffic management proposals and other mitigation measures in the Transport Assessment, ES Appendix 2.1, Code of Construction Practice ('CoCP') and Register of Environmental Actions and Commitments (REAC) relevant to construction traffic are largely generic and lacking in detail. It is not apparent whether the mitigation measures would, or could, be consistent with the traffic modelling, with the transport assessment or with the assessments of likely environmental effects in the (Environmental Statement ('ES')).</p> <p>The Planning Inspectorate considered that the adequacy of the assessments of likely environmental effects arising from changes in traffic level during the construction period does not appear to have been demonstrated.</p> <p>Application documents should provide enough information of the likely significant effects on the environment, or that appropriate mitigation is likely to have been identified.</p>	<p>Following on from these assessments, information and construction phase mitigation is provided in a tailored manner and proportionate level of detail in the:</p> <ul style="list-style-type: none"> • Code of Construction Practice (CoCP) (Application Document 6.3), including the Register of Environmental Actions and Commitments (Application Document 6.3) • Framework Construction Travel Plan (FCTP) (Application Document 7.13) • Outline Traffic Management Plan for Construction (OTMPfC) (Application Document 7.14) <p>The OTMPfC (Application Document 7.14) in particular secures traffic management measures which would be implemented during the construction of the Project, and which have been designed to minimise disruption on the road network.</p> <p>The OTMPfC and the construction impact assessment presented in the Transport Assessment have been developed and finalised through an iterative process to help refine the anticipated resource levels and to reduce the forecast impacts on the road network. The traffic management measures set out within the OTMPfC (Application Document 7.14) have been included within the assessment presented in the Transport Assessment (Application Document 7.9) (with the exception of those listed in Table 8.E in the Transport Assessment which have been excluded from the assessment, under specific circumstances).</p> <p>The Community Impacts Consultation in July 2021 clearly presented and included extensive details of the Project's proposed construction programme. This included a Construction Update which provided an overview of the programme, Ward Impact Summaries, which presented information at a ward level and drafts of control documents including the OTMPfC, the FCTP, the Outline Materials Handling Plan and CoCP. The Consultation Report (Application Document 5.1) provides responses to the consultation.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate considered that the extent to which advice from local authorities, residents and businesses on construction traffic and related matters has been obtained or incorporated is not clear.</p>	<p>Local authorities were also provided in spring 2021 with earlier drafts of the OTMPfC, the FCTP, the Outline Materials Handling Plan.</p> <p>There have been regular meetings with local authorities to discuss construction traffic impacts and proposed mitigation. This is set out further in the Statement of Engagement (Application Document 5.2) and in the Statement responding to Local Authority stated positions on Adequacy of Consultation (Application Document 5.5).</p> <p>Local highway authorities (and key stakeholders such as the Port of Tilbury London Limited (PoT), and DP World) have been provided with GIS shapefiles for each of the 11 construction traffic modelling phases, which enables detailed interrogation of the forecast flow changes on all roads within the Project’s transport model’s fully modelled area.</p> <p>Overall, this engagement has enabled a number of refinements to the Project’s proposed control measures. For example, as set out in the OTMPfC (Application Document 7.14):</p> <ul style="list-style-type: none"> • The inclusion of additional HGV bans for the Projects construction traffic. Refinement of construction access routes to compounds • Update to several commitments relating to stakeholder consideration, their requirements and how subsequent Traffic Management Plans (TMPs) will take these requirements into account. Refer to Table 2.2 and 2.3 within the OTMPfC • Commitments to management of PROW during construction including closures and diversions. Refer to Appendix B of the OTMPfC. • In response to concerns raised by local authorities that there was not an adequate forum to engage with contractor during construction on matters relating to traffic, the commitment to establish a Traffic Management Forum has been included within the OTMPfC.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<ul style="list-style-type: none"> To address concerns raised by local authorities on co-ordinating with multiple contractors, the Project has committed to appoint a Traffic Manager during construction to coordinate management and act as an interface with the local authorities. <p>The context of these issues raised by local authorities and the details of what has been discussed with the Applicant is included in the local authority SoCGs (Application Document 5.4).</p>
Navigation	<p>The ES identifies that certain materials for the construction of the tunnels could be delivered by river transport via an existing jetty at Goshem’s Farm. ES Chapter 2 paragraph 2.5.26 states that in the worst-case scenario, the jetty would be refurbished and used for the transport of materials. The Planning Inspectorate considered that the ES has not consistently stated how this jetty would be used and there are discrepancies within the ES as to the number of barges per day which would deliver this material, as well as some discrepancy in respect of the current usage of the jetty, which only has planning permission up until 2022.</p> <p>The Planning Inspectorate considered that the application is not clear as to whether there would be an increase in barge / other river vessel movements as a result of the construction of the Proposed Development and the extent to which this might impact on the navigation of the river Thames.</p> <p>Within the Scoping Opinion, the Secretary of State (‘SoS’), Marine Management Organisation (‘MMO’) and the Port of London Authority (‘PLA’) requested that if the River Thames is to be used to transport material, a navigation assessment should be included within the ES in order to determine the effects of these movements (in terms of both commercial and recreational craft).</p>	<p>The Project no longer proposes to use jetty facilities and would instead maximise the utilisation of nearby port facilities.</p> <p>Proposals for the use of the river by the Project, including for import of construction materials are set out in the outline Materials Handling Plan (oMHP) (Application Document 6.3), in particular section 6 on materials movement. This is then aligned across all assessments within the application, including the ES (Application Documents 6.1 to 6.3), Habitats Regulations Assessment (Application Document 6.5) Transport Assessment (Application Document 7.9 – section 8.11), and the preliminary Navigational Risk Assessment (Application Document 7.15). The use of the river by Project vessels and material supply vessels has been considered in the Environmental Impact Assessment. Within each topic chapter of the ES, a section is included on ‘use of the river’. These sections explain the relevance, if any, of vessel movements to the topic in question, and, where relevant, include a qualitative assessment of any effects. As a result of these assessments, no significant environmental effects resulting from vessel movements have been identified.</p> <p>As noted in ES Chapter 2 Section 2.7 on materials movement, estimates have been made for the number of material supply vessels likely to be required for each three-month period (quarter of a year) during construction. These range between two and 21 vessels per quarter and come to a total of 238 vessels over the five-year construction phase. The highest predicted annual</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Statutory consultation responses from the PoT and the PLA reflect their concern at the lack of a navigation assessment.</p> <p>No navigation assessment has been undertaken. Appendix 4.1 states that a navigation assessment is not required as “it is assumed that barge movements would be limited to two a day”, but this contradicts other information as set out above. ES Chapter 13 in respect of a navigational assessment is noted, however the Planning Inspectorate considered that this lacks detail and relates to marine and riparian assets only.</p> <p>Whilst no new jetty is to be constructed, as would have been the case at the time of the Scoping Opinion, the existing one would be refurbished, used and decommissioned and navigational impacts on the river Thames remain an issue which the Planning Inspectorate considered could be assessed and presented as part of the application.</p>	<p>number of material supply vessels is 63 in 2026. As a comparison, the PoT handled an average of 3,260 vessels per year between 2014 and 2019. The predicted annual number of material supply vessels for the Project in its busiest year is less than 2% of the PoT’s annual average between 2014 and 2019. The total number of predicted material supply vessels for construction of the Project over five years is less than 1.5% of the PoT’s average over an equivalent time period. Tilbury2 opened in 2020, enabling the PoT to increase its capacity, with an expected doubling of the annual tonnage it handles from 16 million to 32 million tonnes over 15 years.</p> <p>A Preliminary Navigational Risk Assessment (Application Document 7.15) assesses and quantifies the navigation risk posed by the Project during construction and operation. That particular assessment focusses on navigational risk and as the Project is proposing to utilise existing and consented capacity, there are existing navigational risk controls in place for the import of materials. That assessment has been agreed with the PLA and PoT . Project-specific navigational risks are assessed in that document (see further below). As set out in the outline Materials Handling Plan (oMHP) (Application Document 6.3), the Project recognises the opportunity that the use of the river for material transportation presents for reducing impacts of vehicle movements. As such, subject to the exceptions listed in the oMHP (Application Document 6.3), the Project shall utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal Construction Area. This commitment translates into 35% of the total bulk aggregates across the project being imported via port facilities. In addition, the oMHP includes a commitment to further utilise river transport where this would not give rise to materially new or materially different environmental impacts.</p>

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Site Waste Management Plan	<p>The Planning Inspectorate considered that there are elements of a generic site waste hierarchy within the documentation but limited information as to the actual implications of the waste handling implications on a 23km long site with twin bore tunnels under the Thames. Even where a high percentage of materials is to be retained for reuse (in accordance with the hierarchy) would still require extensive movements of large tonnage to / from excavation to stockpile / sorting / treatment locations before reuse over an extended area and which may or may not need to cross the river between the respective tunnel portals.</p>	<p>An assessment of materials and waste is made in ES Chapter 11: Material Assets and Waste (Application Document 6.1) which addresses the implications of the waste handling for the Project.</p> <p>The impacts of the movement of material and waste are assessed in the Transport Assessment (Application Document 7.9) and controlled through the OTMPfC (Application Document 7.14).</p> <p>An outline Materials Handling Plan (oMHP) (Application Document 6.3) sets out the approach and high-level principles for handling construction materials and waste. The document describes methods of transportation for bulk materials, whilst considering multimodal transport options including the use of rail and river to minimise road miles, where reasonably practicable, and the use of internal haul routes.</p> <p>An Outline Site Waste Management Plan (oSWMP) (Application Document 6.3) is provided as part of the DCO application. It sets out the overarching principles and procedures that would be applied for the management of waste during the construction of the Project. It also defines specific roles and responsibilities to ensure waste is managed effectively.</p> <p>If the DCO is granted, an Environmental Management Plan (Second Iteration) would have to be prepared (substantially in accordance with the aforementioned management plans), consulted upon and approved by the SoS. The applicant would then have to implement that approved plan, providing further comfort on the implementation of materials handling processes. The Materials Handling Plan and Site Waste Management Plan would be updated in line with the iterations of the Environmental Management Plan.</p>
Assumptions on river use	<p>The Planning Inspectorate considered that the ES considers a 'road only' outlier position but this is not a substitute for an actual handling strategy which would need to consider multi-modal approach (see TfL considerations) and this all deferred for later</p>	<p>The Transport Assessment is not based on a "road only" scenario. Instead, it is based on a reasonable worst-case scenario which comprises assumptions about river use.</p> <p>As set out in the outline Materials Handling Plan (oMHP) (Annex B of the CoCP (Application Document 6.3)), the Project</p>

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	<p>consideration which means that mitigations have not been fully assessed. This interfaces with the Transport Assessment and Navigation elements identified above for the construction period particularly as it sets the 'significance' threshold as being at 1% of landfill capacity in the whole of England rather within the study area. There are a number of unfinished paragraphs and missing cross reference in the Materials and Waste section of the ES which make it difficult to read fully.</p>	<p>recognises the opportunity that the use of the river for material transportation presents for reducing impacts of vehicle movements. As such, subject to the exceptions listed in the oMHP (Annex B of the CoCP (Application Document 6.3)), the Project shall utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal Construction Area. This commitment translates into 35% of the total bulk aggregates across the project being imported via port facilities. In addition, the oMHP includes a commitment to further utilise river transport where this would not give rise to materially new or materially different environmental impacts.</p> <p>The assumptions set out in the oMHP are reflected in the assumptions that have been used to assess the impact of the Project's construction that are presented within Chapter 8 of the Transport Assessment (Application Document 7.9) and Chapter 2 of the ES (Application Document 6.1) and the subsequent technical chapters of the ES. The use of the river by Project vessels and material supply vessels has been considered in the ES. Within each topic chapter of the ES, a section is included on 'use of the river'. These sections explain the relevance, if any, of vessel movements to the topic in question, and, where relevant, include a qualitative assessment of any effects. As a result of these assessments, no significant environmental effects resulting from vessel movements have been identified. For completeness, Chapter 11 of the ES sets out the impact on landfill capacity in accordance with DMRB. It is identified that 2.59% of the landfill capacity in the study area will be taken up.</p>
<p>Habitats Regulations Assessment (HRA)</p>	<p>For the supporting information to provide sufficient information to allow the competent authority to undertake an appropriate assessment, first it must be established whether the Proposed Development could result in likely significant effects on any European sites alone or in-combination with other plans or proposals. Paragraph 4.2.24 of the HRA Stage 1 Screening states</p>	<p>A Habitats Regulations Assessment Report – Screening Report and Statement to Inform an Appropriate Assessment ('the HRA report', Application Document 6.5) provides an assessment of the likely significant effect of the Project on European Sites providing sufficient objective evidence that the requirements of Regulation</p>

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	<p>that no in combination assessment was carried out where changes/effects are ‘nugatory’. The Planning Inspectorate considered that the nature of what constitutes ‘nugatory effects’ is not evidenced, defined or quantified and therefore it is not clear on the distinction between: an impact effect pathway not existing or being possible to completely remove by application of avoidance measures; and, an impact-effect pathway resulting in an effect which is less than significant. The latter effects must be assessed alone and in combination before screening out likely significant effects. It is not therefore clear if the in-combination assessment is sufficient.</p> <p>The Planning Inspectorate considered that the above point also has implications for the effects considered further in a shadow appropriate assessment and therefore it is not apparent that this is sufficient.</p> <p>The Planning Inspectorate also considered that a number of the assessments provided lack supporting evidence, in particular the assessments of recreational pressure, disturbance from noise and light, groundwater changes, surface water changes, air quality effects from construction traffic emissions (this assessment is omitted entirely), effects of invasive non-native species (this assessment is omitted entirely), and air quality effects from vessel emissions. The points made above in relation to the Transport Assessment, assessment of navigation effects, and details of construction phase mitigation also have implications for the basis of the assessments in the HRA.</p>	<p>63 of the Conservation of Habitats and Species Regulations 2017 have been satisfied.</p> <p>The HRA report has been updated to provide further clarity on which pathways have been considered and whether or not likely significant effects can be discounted at stage 1 and adverse effect on integrity (AEoI) at stage 2, either alone or in combination.</p> <p>The assessment of some pathways has been refined to provide further evidence e.g., some pathways previously screened out at Stage 1 have been carried through to Stage 2 in order to provide a greater degree of assessment.</p> <p>Natural England has been consulted extensively and agrees the approach to the assessment of LSE and AEoI. The Statement of Common Ground (‘SoCG’) with Natural England (Application Document 5.4) confirms that they agree with all of the screening conclusions other than two, which are still under discussion, but both parties are confident that the issues under discussion can be resolved in the timescales of examination.</p> <p>The SoCG also confirms that Natural England agree with all of the stage 2 Appropriate Assessment conclusions other than two. One of the Stage 2 conclusions is under discussion but both parties are confident that the issues under discussion can be resolved in the timescales of examination. The other stage 2 conclusion is matter that is not agreed, but it is agreed that if mitigation that has already been defined is implemented, then agreement with the conclusion would be achieved. The Applicant is therefore presenting that mitigation measure on a “without prejudice” basis to provide comfort that both the Applicant and Natural England do not consider a derogations case is required.</p> <p>Terminology has been amended to use “inconsequential” as opposed to “nugatory” or “<i>de minimis</i>” and the terminology defined.</p>

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	<p>The Planning Inspectorate considered that the Screening and integrity matrices are not of a satisfactory standard to allow examination. In particular, a number of very different effects are grouped together in the screening and integrity matrices, which results in the supporting footnotes lacking any detail on some of the effects within the grouping. The screening matrices have some errors in the footnotes referring to unrelated paragraphs in the main report. The integrity matrices do not show either an 'x' or '√' as per the key and while the footnotes aid interpretation this makes them less clear.</p>	<p>The HRA has been carried out on the proposed development that includes the Project proposals in relation to transport, navigation and construction phase mitigation.</p> <p>The screening and integrity matrices were amended to provide sufficient detail and clarity but have since been replaced by summary tables following the update of Planning Inspectorate Advice Note 10. The tables have been shared in draft with the Planning Inspectorate to ensure they meet the expectations in terms of detail and clarity.</p>
<p>Adequacy of Consultation Responses</p>	<p><u>Guidance Considerations</u></p> <p>DCLG Application Form Guidance (2008) and DCLG Guidance on the preapplication process are relevant.</p> <p>During the meeting, the Planning Inspectorate highlighted which parts of this guidance were relevant to the Applicant. This included paragraphs 20, 68, 92, 93, 81, 15, 19, 114 and 112 of the DCLG Guidance on the pre application process, and paragraph 6 of the DCLG Application Form Guidance (2008).</p> <p>The Planning Inspectorate stated that concern is noted, given the scale and extent of the proposals, about the likely amount of work required to address the shortfalls identified in the application and undertake the necessary consultations. Particular attention is drawn to elements of the Guidance in respect of the sufficiency of the information given and the desirability of providing feedback on the outcomes of consultations undertaken on the scheme as successively modified.</p> <p><u>Sufficiency of Information</u></p>	<p>The Applicant has followed all relevant guidance in relation to consultation and engagement. Since submitting a DCO application in October 2020, the Applicant has undertaken a Community Impacts Consultation and Local Refinement Consultation and continued close technical engagement with stakeholders. This has provided appropriate information to allow stakeholders to develop an informed view of the project and its impacts and providing feedback on how the information received has been used to shape and influence the Project.</p> <p>During the latest consultations, a “You said, we did” document and a “response to consultation” document provided a summary of what consultees had said during the preceding rounds of consultation and how the Applicant had responded. The Consultation Report (Application Document 5.1), submitted as part of this DCO application, provides feedback on how consultee comments have been considered and adopted in the Project.</p> <p>Chapter 8 of the Consultation Report and Appendix V provide a detailed explanation of the issues contained in the Adequacy of Consultation Representations submitted by local authorities and</p>

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	<p>The Planning Inspectorate considered that the Adequacy of Consultation Representations ('AoCRs') received raised issues relating to the sufficiency of the information provided and the consequent ability of consultees to be able to develop an informed view of the project and to understand its impacts.</p> <p>Comments on the sufficiency of information were made in the following:</p> <ul style="list-style-type: none"> • A joint AoCR from Gravesham Council, Havering LB and Thurrock Council. • Kent County Council AoCR. • Havering LB AoCR. • Comments from the Kent AoNB unit attached to Gravesham Council's AoCR; and, • Appendix 3 of Gravesham Council's AoCR, including comments from Natural England and the Environment Agency. <p><u>Feedback on consultation</u></p> <p>The Planning Inspectorate considered that the AoCRs received raised issues relating to the adequacy of informing those who have contributed to the consultation of the results of the consultation exercise, how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted.</p> <p>Comments on the lack of feedback from consultation were made in the following:</p> <ul style="list-style-type: none"> • Gravesham Council AoCR. • Thurrock Council AoCR. 	<p>the various ways in which the Applicant has sought to address or respond to them.</p> <p>The Statement of Engagement (Application Document 5.2) sets out the detailed technical engagement the Applicant has had in the pre-application period to allow stakeholders to develop an informed view of the project and its impacts. National Highway's engagement programme has run in parallel with and is complimentary to its formal statutory and non-statutory consultations.</p> <p>The Statement responding to Local Authority stated positions on Adequacy of Consultation (Application Document 5.5) provides a summary response to concerns raised by local authorities regarding the adequacy of consultation in their written statements to the Planning Inspectorate dated September 2022.</p>

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	<ul style="list-style-type: none"> Joint AoCR from Gravesham Council, Havering LB and Thurrock Council. Kent County Council AoCR; and, Appendix 3 of Gravesham Council's AoCR includes comments from Val Hyland Consulting. 	
Landscape and Ecology Management Plan	<p>The application contains an Environmental Masterplan (EM) which forms an intrinsic part of the ES and is relevant to the assessment of Landscape and Visual effects and Biodiversity effects. The REAC (LV029) makes provision for a Landscape and Ecology Management Plan (LEMP) to be secured through Requirement 5 of the Development Consent Order (DCO) for the establishment of vegetation as shown on the EM (and ecological management through Requirement 4 of the DCO). The Planning Inspectorate considered that given the scale of the Project and associated landscape and ecological works (including new tree/woodland planting, translocation of ancient woodland soils, green bridges, hedgerows and new and enhanced areas of grassland) and the importance for these to function effectively over the long term, the absence of an outline LEMP as part of the application to demonstrate how this would be achieved is a concern.</p>	<p>An Outline Landscape and Ecology Management Plan (oLEMP) (Application Document 6.7) sets out the proposed management of the landscape and ecological elements of the Project. It focuses on the management requirements for the land parcels within the Order Limits acquired permanently that perform specific landscape and ecological mitigation functions.</p> <p>The oLEMP formed part of the Community Impacts Consultation and has been updated following consideration of those responses as demonstrated in the Consultation Report (Application Document 5.1) and further technical engagement.</p>
Consultees identified on a precautionary basis	<p>Southfleet Parish Council is located in Dartford. If Dartford is a host local authority, Southfleet Parish Council should be identified as a s42(1)(a) body being a relevant parish council under Schedule 1 of the APFP Regulations.</p> <p>The Planning Inspectorate considered that further explanation would be helpful to justify if the following were consulted and in what capacity:</p> <ul style="list-style-type: none"> Commissioner of Police of the Metropolis 	<p>The Applicant sets out which of these additional bodies were consulted on and in what capacity in section 8.9 of Chapter 8 of the Consultation Report (Application Document 5.1).</p>

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	<ul style="list-style-type: none"> • Southfleet Parish Council • Orsett Hospital Minor Injuries Unit • Port of Gravesend • Harlaxton Gas Networks Limited* • Murphy Gas Networks Limited* • Eclipse Power Network Limited* • Energy Assets Networks Limited* • Fulcrum Electricity Assets Limited* • Murphy Power Distribution Limited* • Vattenfall Networks Limited* <p>It is noted that the licences held by some of these bodies (those marked with ‘*’) cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>Southern Water and Thames and Medway Canal Association are s42(1)(d) as well as s42(1)(a) bodies.</p>	
<p>Minor errors and omissions</p>	<p>The Planning Inspectorate provided the Applicant with minor errors and omissions on the following:</p> <ul style="list-style-type: none"> • Book of Reference (Doc 4.2) • Land Plans (Doc 2.2) • Works Plans (Doc 2.6) • ES (Docs 6.1 and 6.2) • Loading errors • Searchable PDFs 	<p>The Applicant has corrected these and other errors and omissions.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
17/12/2020		
Summary of key points discussed, and advice given: Progressing engagement with stakeholders	No further formal advice or formal comment.	At the meeting the Applicant outlined its approach to progressing engagement with its stakeholders, such as the local authorities, environmental statutory bodies and statutory undertakers. The Applicant highlighted that it was taking the time to build a robust and realistic engagement programme and was reviewing the types of information that it was sharing with appropriate stakeholders. The Applicant confirmed that it had shared the application documents with stakeholders and was wanting to work collaboratively on the next steps.
13/01/2021		
Project summary	No further formal advice or formal comment.	The Applicant explained at the meeting that it was a significant project for the strategic road network (SRN) that would accelerate economic growth and improve journey times. Critical elements of the project included connecting the new road onto the SRN, road user charging, and substantial utilities diversions, some of which would constitute Nationally Significant Infrastructure Projects ('NSIPs') in their own right. The discussion noted the significant scale and complexity of this scheme and considered whether and where additional expectations might be placed on the application documents to support and justify the proposals.
Engagement to date and future engagement strategy	No further formal advice or formal comment.	At the meeting the Applicant outlined its engagement strategy pre-withdrawal. It felt that its engagement activities had been extensive, having shared substantial information with stakeholders and the public, and having made significant changes to the scheme in light of feedback. The Applicant acknowledged that these key relationships were critical to exploring how more information could be appropriately shared.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>In response to a discussion about the Applicant’s future stakeholder engagement strategy where the Applicant stated that there would be a presumption in favour of sharing developing documents with stakeholders where appropriate ahead of completion to enable collaboration, the Planning Inspectorate asked for clarification as to the definition of stakeholders in this context.</p>	<p>At the meeting the Applicant confirmed that stakeholders comprised directly affected local authorities (LA), statutory undertakers and statutory environmental bodies, key business members (including Ports). The Applicant noted that this engagement sat alongside consultation activities with a wider audience (such as those persons with an interest in the Development Consent Order (DCO) land.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant confirmed that it had shared its developing application documents with key stakeholders on 2 December 2020 and had offered meetings to stakeholders thereafter to discuss feedback. The Applicant described a similar structure to its proposed engagement timeline relating to future updates and key documents such as the transport assessment.</p>
	<p>The Planning Inspectorate queried whether the Applicant would employ non-disclosure agreements as part of its stakeholder engagement, given that this was a concern raised by some LAs pre-withdrawal.</p>	<p>At the meeting the Applicant understood that the concerns raised by LAs pre-withdrawal related specifically to their ability to share information and analysis with Parish councils, and traffic modelling information with their members. The Applicant confirmed that it had taken steps to accommodate this going forward.</p>
	<p>The discussion noted the potential to hold tripartite meetings between The Applicant, the Planning Inspectorate and stakeholders including Natural England. The Planning Inspectorate advised that the purpose, agenda and outcomes of such meetings should usefully be clearly defined in advance but that tripartite meetings had occurred on other projects.</p>	<p>A tripartite meeting was held on 30th September 2021 between the Applicant, the Planning Inspectorate and a number of local authorities including Thurrock Council, Gravesham Borough Council, London Borough of Havering, Kent County Council, Essex County Council and Medway Council.</p> <p>A further tripartite meeting was held on 22nd September 2022 with representatives from Thurrock Council, Gravesham Borough Council, London Borough of Havering, Kent County Council, Essex County Council and Medway Council</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
<p>Planned action in response to section 51 advice following withdrawal</p>	<p>Following a discussion about how the Applicant was in the process of assessing how the information could be presented in a more accessible way (particularly information relating to the use of the river and ports), the Planning Inspectorate advised the Applicant to ensure that the expected movements of barges were presented in its application.</p>	<p>Details of the assessment of barges and the preliminary Navigational Risk Assessment are given in the 'navigation' theme under the advice given on 26/11/2020 above.</p>
	<p>In response to a discussion about whether the submission of unsigned SoCGs would be useful, the Inspectorate noted the general principle that frontloading information to the examination is to be welcomed. The discussion noted the potential tension between alienating stakeholders by early submission of unsigned SoCG and assisting the Examination in a timely way.</p>	<p>In response to the Planning Inspectorate's comments about front loading of information, the Applicant has included a number of SoCGs (Application Document 5.4), highlighting where those drafts are agreed or unsigned.</p>
	<p>In response to the Applicant advising the Planning Inspectorate that it was considering a further public consultation focussing on construction and construction traffic issues, the Planning Inspectorate advised that the Applicant should be mindful not to exclude other issues from consultation where matters may give rise to the need for further consultation.</p>	<p>Since submitting a DCO application in October 2020, the Applicant has undertaken a Community Impacts Consultation and Local Refinement Consultation and continued close technical engagement with stakeholders. Both public consultations covered a wide range of important matters and were not focused solely on construction and construction traffic issues. The Statement responding to Local Authority stated positions on Adequacy of Consultation (Application Document 5.5) sets out the consultation materials covered during the Community Impacts Consultation and Local Refinement Consultation.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Applicant queried whether the Planning Inspectorate believed a further public consultation was necessary for the application to be accepted. The Planning Inspectorate was not in a position to advise on this but stated that the adequacy of consultation responses did highlight concerns about public consultation; chiefly, a lack of evidence as to how the results of public consultations informed the subsequent iterations of the scheme.</p>	<p>See response to item on consultation in S51 meeting dated 26/11/2020 above.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant confirmed that it was updating several documents relating to its construction traffic phase assessment and mitigation proposals and would be providing a new outline construction traffic management plan. These documents would be shared with LAs and highway authorities. The Applicant did not anticipate that all LA issues in this area would be resolved prior to submission but anticipated that any residual issues would be addressed at Examination.</p> <p>See also response on 'Environmental effects arising from changes to levels of traffic and mitigation – Highways' in relation to advice given on 26/11/2020 above.</p>
	<p>The Planning Inspectorate concluded that its section 51 advice was clearly being considered. It reiterated the need for the Applicant to further develop its technical documents following LA's concerns about information previously shared but restated that it was not in a position to advise whether further consultation should be undertaken.</p>	<p>The Applicant has further developed and shared its technical documents, both as part of public consultation and as part of technical engagement.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
04/02/2021		
Environmental Impact Assessment approach	<p>In response to a discussion about how the Applicant was working on elements of its approach to Environmental Impact Assessment (EIA) following a review of the s51 advice issued after the withdrawal of its application, the Planning Inspectorate queried whether the Applicant had adopted a similar approach to comments from local authorities and feedback from other stakeholders.</p>	<p>The Applicant has considered all Planning Inspectorate and stakeholder advice in preparing the revised DCO application. The Statement of Engagement (Application Document 5.2) gives an overview of the pre-application engagement which has taken place with the local authorities, including how this has influenced the development of the Project.</p>
	<p>In response to the Applicant providing more detail on the new documents it was preparing with the objective of seeking comfort that the approach adequately addressed its concerns, the Planning Inspectorate advised that the approach looked to have taken positive steps, but this was without prejudice to its decision making at the application stage. The Planning Inspectorate said it would review and consider the Applicant's EIA approach and provide any feedback where necessary</p>	<p>In response to the Planning Inspectorate, local authorities and key environmental bodies' advice, additional application documents have been submitted as part of the application, which include: Section 106 Agreements – Heads of Terms, an OTMPfC, oMHP, FCTP, oSWMP, Preliminary Navigational Risk Assessment, oLEMP and Community Impact Report, Worker Accommodation Report, Carbon and Energy Management Plan (First Iteration), Stakeholder Actions and Commitments Register, Benefits and Outcomes Document.</p> <p>The Applicant has used public consultation and technical engagement with key stakeholders to share these documents and to take on board feedback.</p>
	<p>In response to the Applicant providing an overview of the documents within the ES that are in the process of being updated in response to updated survey work, minor Order Limit amendments, updated Habitats Regulations Assessment regulations and new DEFRA emissions toolkit, the Planning Inspectorate queried the potential extent of changes to the Order limits.</p>	<p>The Applicant has refined the Order Limits in response to ongoing landowner and stakeholder engagement and amended environmental mitigation proposals. The Order Limit changes were set out in each consultation and are set out in the Application in the Chapter 16 of Introduction to the Application (Application Document 1.3)</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Supplementary Consultation	No further formal advice or formal comment.	The Applicant explained at the meeting that from analysing the local authority AoCRs and from subsequent discussions with stakeholders, that stakeholders considered that previous consultation exercises may not have provided the level of detail that some stakeholders may have expected on the construction phase as it had for other phases (i.e. operation and design). The Applicant explained at the meeting that it is proposing a further supplementary consultation exercise for Spring 2021 with the 'core theme' being the construction proposals. In addition, the Applicant explained at the meeting that the consultation documents will also provide an update on the Order limits changes and feedback on previous consultation exercises, and any newly identified affected landowners will also be consulted under s44 of the PA2008.
	The Planning Inspectorate emphasised the importance of clearly setting out how the responses to previous consultation exercise had been considered and whether the consultation responses led to changes in the scheme. Consultation was a dual process that both provided the information for the public and Statutory Consultees to clearly understand the impacts of the scheme whilst also providing the opportunity for comments in response to shape and improve the scheme. The Planning Inspectorate noted that further work being undertaken now may suggest additional changes, evolution or updates to the application that the Applicant may wish to consider if these elements, individually or collectively, could form part of any planned consultation.	See response to item on consultation in S51 meeting dated 26/11/2020. It is important in this context to emphasise that each of the Supplementary and Design Refinement Consultations had "before and after" visualisations of key changes. The Community Impacts Consultation and the Local Refinements Consultation explicitly included "You Said, we did" information showing how changes had been considered. Following the Local Refinements Consultation, a Storyboard was published in October 2022.

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	<p>The Planning Inspectorate advised that alongside the Consultation Report, local authority AoCRs are how the Planning Inspectorate gains further understanding of how the consultation was received by the local community as well as by statutory consultees.</p> <p>The Planning Inspectorate was interested to understand how the Applicant was engaging with the local authorities in respect of any planned consultation events and material. The Planning Inspectorate emphasised the importance of providing a clear feedback loop during Pre-application to help stakeholders understand where their comments have been considered.</p>	<p>See response to item on consultation in S51 meeting dated 26/11/2020 above.</p>
	<p>The Applicant explained that it would look at its approach to how the Preliminary Environmental Information Report (PEIR) was presented for the statutory consultation to understand which areas it may supplement in the forthcoming consultation. The Applicant queried whether there any areas of the PEIR which the Planning Inspectorate considered could be supplemented with further information. The Planning Inspectorate explained the PEIR is not typically a document that it reviews as part of its draft document service but advised the Applicant to look into reviewing the application’s narrative in respect of how responses to the PEIR had been considered to aid the understanding of the progression of the scheme from consultation to submission.</p>	<p>See response to item on consultation in S51 meeting dated 26/11/2020 above. The Applicant provided detailed environmental information as part of the Community Impacts Consultation and Local Refinement Consultation.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
18/02/2021		
Stakeholder engagement	No further formal advice or formal comment.	At the meeting the Applicant advised that the proposed resubmission timeline had been shared with Local Authorities (LA) alongside a proposed consultation start date in April 2021. At the meeting, the Applicant presented key documents that it had shared/ would share with LAs prior to consultation being carried out.
	No further formal advice or formal comment.	At the meeting the Applicant presented its engagement activities with LAs and environmental bodies since November 2020. It also presented its planned engagement activities with Thurrock, Havering, Gravesham, Kent and Essex LAs. The Applicant stated at the meeting that it was developing Planning Performance Agreements with some LAs.
	No further formal advice or formal comment.	At the meeting the Applicant updated the Planning Inspectorate with regard to the preparation of the SoCGs.
	No further formal advice or formal comment.	At the meeting the Applicant confirmed that it had shared its draft approach to consultation with the key LAs on 12 February 2021. The Applicant explained at the meeting that it had found the feedback received useful and was looking at the possibility of adjusting aspects of the consultation and it's the consultation timeline accordingly.
Habitats Regulations Assessment (HRA)	No further formal advice or formal comment.	At the meeting the Applicant confirmed that it had sought advice from Natural England in relation to the HRA following the withdrawal of the first iteration of its DCO application. The Applicant also explained at the meeting that it had also considered the Planning Inspectorate's section 51 advice relating to the use of de minimis arguments and the adequacy of the in-combination assessment to inform the development of the updated HRA report. The Applicant confirmed at the meeting that it was updating its Stage 1 Screening Report and Stage 2 HRA Statement to further explain the rationale behind conclusions.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	At the meeting the Applicant advised that it had engaged in further consultation with NE regarding impact-effect pathways. At the meeting, the Applicant highlighted several documents forming part of the DCO application which would provide clarity on the nature of the consultation and agreement with NE on the HRA conclusions.
	No further formal advice or formal comment.	At the meeting the Applicant was confident of agreement with NE in relation to most screening conclusions, however some matters would likely continue to be under discussion. The Applicant explained at the meeting that it had looked at the possibility of additional mitigations in relation to the Thames Estuary and Marshes SPA following advice from NE, however agreement on the conclusion of no adverse effects on integrity relating to the Epping Forest SAC and North Downs Woodlands SAC had not yet been reached. For the Applicant's position at the point of DCO submission, see the HRA section in the s51 meeting dated 26/11/2020 above.
Revisions to the Order Limits (OLs)	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of the changes being made to the OLs. These had been driven by engagement with stakeholders, including affected utilities, and to enhance mitigation in environmentally sensitive areas. Some changes were stated to be cross informed by the work to the HRA
	No further formal advice or formal comment.	The Applicant explained at the meeting that it was due to present the revised OLs to LAs and statutory environmental bodies in March 2021. The Applicant stated at the meeting that all affected landowners would be consulted in accordance with section 42 of the PA2008 and that the changes to the OLs would be presented to the wider public within the forthcoming consultation materials.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
04/03/2021		
Project update	No further formal advice or formal comment.	The Applicant explained at the meeting that it had produced an addendum to its consultation approach document (Statement of Community Consultation) which had been circulated to the local authorities for review. Although the deadline for response was yet to elapse, at the meeting the Applicant summarised the feedback that had been received to date, which included a request for more detail on the final scheme design to be included in the consultation documentation. The Applicant also noted at the meeting that due to the effects of the pandemic, it may be that the definition of hard-to-reach groups might change.
	No further formal advice or formal comment.	<p>At the meeting the Applicant shared its stakeholder engagement plan and provided brief updates on ongoing engagement with Natural England, the Department for Transport (DfT), the Environment Agency, Historic England, the PLA and PoT.</p> <p>At the meeting the Applicant noted engagement with NE and DfT in respect of the Applicant’s Design Manual for Roads and Bridges standards (DMRB); an update on the discussion would be provided at the next meeting with the Planning Inspectorate.</p> <p>Since the meeting, the Applicant has responded to the Planning Inspectorate’s comments on the Applicant’s DMRB standards. See the meeting dated 18/03/2021 below.</p>
	The Planning Inspectorate reflected that shipping and navigation issues had been pertinent in recent NSIP applications and examinations.	The Applicant has considered shipping and navigation issues in its application. See response to item on navigation in S51 meeting dated 26/11/2020.26/11/2020 above.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Control Plan	No further formal advice or formal comment.	The Applicant explained at the meeting that the Control Plan sets out how the Applicant proposes to agree and establish controls on the powers granted in the Development Consent Order (DCO) to ensure that the project is constructed and operated within the parameters of the assessment undertaken. At the meeting, the Applicant set out its strategy to update its Control Plan in light of the changes made in its updated application. The changes included: Updating Schedule 2 of the draft DCO to include additional certified application documents; consideration of the status of the 'Preliminary Navigational Risk Assessment'; and the need to update PLA Protective Provisions. At the meeting the Applicant also noted it had reviewed recent made Orders as well as NIPA best practice tool kits.
	No further formal advice or formal comment.	At the meeting the Applicant briefly set out how it proposed to discharge the Requirements within the DCO and provided an overview of who it had been engaging with on the Control Plan; the only comments it had received to date were provided by NE and Thurrock Council. At the meeting the Applicant concluded going forward that it would be sharing its updated Requirements with stakeholders for technical review and that the consultation material would include high-level narrative on the Control Plan.
	The Planning Inspectorate acknowledged the Applicant's draft Requirement wording in respect of archaeological remains and highlighted it had been a contentious issue on High Speed 2 (HS2).	The comments by the Planning Inspectorate are acknowledged. The Applicant considers the requirement is appropriate, and this is further explained in the Explanatory Memorandum (Application Document 3.2).
	The Planning Inspectorate noted the draft Requirement wording for the replacement travellers' site in Thurrock and queried whether the replacement land was in line with the Local Plan.	At the meeting, the Applicant explained that it was working with the community and Thurrock Council and that the replacement land aligned with the emerging Local Plan. At the point of submission, consideration of Thurrock's Local Plan is demonstrated in Appendix C of the Planning Statement (Application Document 7.2).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>In respect of discharging requirements and any appeal mechanism, the responsibilities of SoS for Transport and SoS for Business, Energy and Industrial Strategy were discussed (the latter being a consideration in respect of elements of the scheme that related to utility diversions). The Planning Inspectorate noted the benefits of a streamlined approach.</p>	<p>The Applicant remains of the view that the appropriate discharging authority is the SoS for Transport for the reasons explained in the Explanatory Memorandum (Application Document 3.2).</p>
18/03/2021		
<p>Update on consultation and stakeholder engagement</p>	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that it had received feedback from most LAs on its proposed consultation approach and provided a summary of the comments received. It was noted at the meeting that several concerns had been raised about the proposed programme for consultation and the potential timings in relation to up-coming local elections.</p> <p>For completeness, since the meeting the Applicant notes that the consultation was subsequently delayed in response to those concerns. Please see the Statement responding to Local Authority stated positions on Adequacy of Consultation (Application Document 5.5) for responses to the AoCR concerns set out by local authorities.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant advised that in light of that feedback, it would be looking to share its revised consultation approach with the LAs in due course and would be adopting an approach akin to a Statement of Community Consultation. In respect of stakeholder engagement, the Applicant explained at the meeting that the documents that had been shared with relevant stakeholders and the progress being made on workshops.</p> <p>The Applicant also advised at the meeting that it would be developing a SoCG with Royal Mail and was in the process of engaging with Historic England in respect of the first iteration DCO application documents. At the meeting the Applicant also confirmed that it had extended the deadline for feedback from</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		LAs and statutory environmental bodies on the first iteration DCO application documents to 16 April 2021.
London Resort	Following a discussion about the Applicant mapping the interfaces between the Project and the London Resort scheme, the Planning Inspectorate understood the Applicant's approach but queried whether the fact that the modelling would not likely be completed by the anticipated consultation period could mean that the material would not draw out all the possible impacts.	Since this meeting took place, London Resort has withdrawn its DCO application and hence the issues raised by the Planning Inspectorate are no longer salient. In particular, the promoters of London Resort are reconsidering their surface access proposals and so it is not appropriate, nor compliant with TAG, to include that project in the traffic modelling. The relationship of the Project with the London Resort is explained further in the Interrelationship with other NSIPs and Major Development Schemes (Application Document 7.17). The London Resort is also covered in Chapter 16 cumulative effects assessment in the ES (Application Document 6.1).
Planning Inspectorate's comments on The Applicant's oLEMP for The Project General:	<p>The Planning Inspectorate considered that the production of the oLEMP is seen as positive and addresses their original concerns provided in the S51 advice issued previously (See meeting note dated 26 November 2020).</p> <p>A - It is understood from the most recent project meeting that the management sites are all within the proposed DCO boundary. It would be helpful if the oLEMP could explain this, and if this is not the case, explain the consenting route under which the areas are intended to be secured.</p> <p>B - Considering the overall purpose of the document, the oLEMP should make a distinction where necessary between the specific mitigation identified as required by the ES, for example, or identified as replacement land, and any measures which are proposed as overall biodiversity/landscape enhancement.</p> <p>C - The oLEMP should explain the background to each management area, i.e. the relationship with the</p>	<p>The Applicant welcomes this confirmation.</p> <p>A - All management sites are within the Order Limits. Text has been added to outline LEMP (Application Document 6.7) Chapter 1 – 'Scope of this document' to state that it focuses on the land parcels within the Order Limits that are subject to permanent acquisition powers.</p> <p>B - Every management area has 'Outline Management Requirements' text that outlines the proposed mitigation requirements and opportunities. The outline LEMP focuses on land parcels that perform landscape and ecological mitigation and / or compensation. The oLEMP is intended to be read alongside the Environmental Masterplan (Application Document 6.2) which defines the mitigation type within the 'lollipop' annotations. That will define whether it is for screening / habitat / integration etc.</p> <p>C - As above, each management area provides some background text to describe the existing area, and outline management requirements to outline the mitigation requirements. To avoid duplication, the Applicant has avoided replicating material from other DCO documents. The outline</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>outcomes of the EIA and other assessments. It would be helpful if within section 4 the oLEMP made reference to the assessments in the ES (ecology, landscape, public open space) or other application documents which relate to each management area.</p> <p>D - In Paragraph 1.1.5 the oLEMP states that it sets out the long-term goals and the outline landscape and ecology management practices for the Project. However, while key principles are set out in Section 2.3, the oLEMP would benefit from an overarching introduction on what the document is for, its aims and objectives, which is linked to the outcomes of the ES/other assessments as relevant.</p> <p>E - The oLEMP should describe the mechanisms by which the proposed management and monitoring will be secured and who will be responsible; for example, the role of the steering group and who will own and manage the land. The oLEMP will need to contain enough detail about these mechanisms to provide certainty that this can be achieved in the LEMP.</p> <p>F - It is understood that the oLEMP will be a certified document and identified as such in the dDCO. Consideration should be given to how the creation of the Steering Group is secured e.g. within the relevant dDCO requirement(s).</p> <p>G - While the timescales for habitat management set out in Section 3 are noted, it is not clear if there is any intention for any of the identified management areas to be managed in perpetuity or to what degree these have been discussed with stakeholders. In addition, a programme of habitat creation and management works would be helpful to show how the measures will be achieved for each site and over what</p>	<p>LEMP contains text within Chapter 1.2 'Context of the document' which describes the relationship between the document and other DCO documents. The oLEMP picks up the ecological receptors which are the principal reasons certain areas of land have been included in the Order limits and why the habitat created is appropriate. The applicant has tried give this high-level understanding in the oLEMP so the reader can appreciate the benefit species like dormice, reptiles, GCN, bats and terrestrial invertebrates will have from the land within the Order limits. However, the detail behind this is covered in the relevant ES chapter.</p> <p>D - Text has been added to the front of the document to explain the scope and context of the document and its relationship to other DCO documents.</p> <p>E - Text has been added to Chapter 3 of the document which explains the implementation of the outline LEMP, and the role of the advisory group. The ownership and management of the land is identified as being the applicants. The Steering Group is now detailed as an Advisory Group and Terms of Reference are included as Appendix 1.1 of the oLEMP (Application Document 6.7).</p> <p>F - The group defined within the oLEMP is described as an Advisory Group and the commitments to it are secured via Requirement 5 of the draft DCO (Application Document 3.1). Details of and draft terms of reference for the Steering Group are included in Appendix 1.1 of the oLEMP (Application Document 6.7).</p> <p>G - The intention is that land acquired permanently will be managed in perpetuity (or the duration of the life of the route). Timescales have been added for each of the habitats for establishment at the front of the document. Each planting typology has an outline establishment regime provided. Discussions with Natural England on the oLEMP are ongoing. The oLEMP is a document secured under draft DCO</p>

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	<p>timescale. This information should be linked to the relevant information in the ES and REAC.</p> <p>H - It is noted and understood that routine maintenance of the 'soft estate' is not included in the oLEMP, however the oLEMP should provide a reference to how this is managed and explain how this relates to the overall ecological and landscape management of the Proposed Development.</p> <p>I - It would also be helpful for the oLEMP to include reference to any other mitigation protocols being followed e.g. associated with protected species mitigation, or PRoW changes, and identify any constraints or opportunities which arise as a result of conflict or synergies between these and the measures in the oLEMP.</p>	<p>requirement 5 (Application Document 3.1) and is more appropriately secured here rather than in the REAC (Application Document 6.3).</p> <p>H - Text has been added to the front of the document to describe how the routine management of the traditional highways soft estate is not included in this document. It will be subject to the Applicant's Design Manual for Roads and Bridges (DMRB) standards GM 701 Series 3000 and GS 801 Series 3000 which establish the general maintenance and inspection requirements for motorways and all-purpose trunk roads. The document explains how the next iteration of the LEMP produced by the Main Works Contractor will provide this information.</p> <p>I - Text has been provided for each management area that identifies constraints or opportunities to the mitigation requirements (i.e. presence of utilities that constrain planting types). Where appropriate, references have been added to relevant protected species licences or good practice documents in the creation of new habitats.</p>
<p>Planning Inspectorate's comments on the Applicant's oLEMP for The Project Structure and presentation</p>	<p>A - The Planning Inspectorate explained that it would be helpful if the maps in the oLEMP of each management area showed the habitat typologies. Noting that this information may be on the Environmental Masterplan (not included in this review) it may be adequate to include specific reference to this as has been done in the draft oLEMP, however it would be helpful to those implementing the LEMP if this information was in one place.</p> <p>B - The Planning Inspectorate advised that consideration should be given to how the maps can be presented to enable the reader to understand the geographical relationship between the donor and</p>	<p>A - Specific references have been added to each of the management area to indicate which sheets of the Environmental Masterplan the area is located. Future iterations of the LEMP can be developed in more detail.</p> <p>B - References to the handling plan for soils have been included with regards to the Ancient Woodland soil translocation. The specific detail of donor and receptor sites has not been developed yet, and subject to further detailed surveys. The management of soils would form part of the CoCP commitments and would be prepared by the contractor in the second iteration of the EMP, as secured by Requirement 4(2) of the draft DCO (Application Document 3.1), but would also be secured as part of the LEMP under Requirement 5 where relevant.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>receptor sites where this applies e.g. ancient woodland soil translocation.</p>	
<p>Planning Inspectorate's comments on the Applicant's oLEMP for The Project Management areas proposals</p>	<p>A - The Planning Inspectorate considered that the outline requirements set out in Section 7 provide information on the aims and purpose of the proposed measures, however, no outline of how the proposals will be achieved is provided. It would provide greater certainty if, where known, the oLEMP could provide information on areas of planting, likely locations of wetland features, hedgerows etc. It is noted that some this information may be elsewhere (e.g. the Environmental Management Plan) however it should be reflected or at least referenced in the oLEMP.</p> <p>B - The habitat management outline prescriptions in Section 7 primarily address management once habitats are created. There are few details on the habitat creation itself including timing. The links to UK BAP Priority Habitat descriptions are noted, however it would be helpful if the outline requirements in the oLEMP itself could include more information about the anticipated design, or principles of design, for the habitats to be created.</p> <p>C - The Planning Inspectorate considered that the wording in the oLEMP with regard to the provision of 'potential species' for planting in the Design Principles document is not specific to each habitat typology. The actual planting framed by the oLEMP is potentially quite open to interpretation, reducing confidence that the aims for each management area will be met. This information should be as specific as possible.</p> <p>D - The Planning Inspectorate stated that it would be helpful if the oLEMP could provide information on any studies the applicant has undertaken into the</p>	<p>A - Specific references have been added to each of the management area to indicate which sheets of the Environmental Masterplan the area is located. This provides the information of areas of planting, wetland features etc.</p> <p>B - Additional text has been added to provide more detail on the outline requirements for each of the planting typologies within Chapter 7. Each planting typology describes the programme of work for establishment and initial maintenance (first five years), and then goes on to explain the outline long-term management.</p> <p>C - References have been provided to an indicative planting palette for some of the planting typologies for context. However, at this outline stage, detailed mixes for individual areas have not been developed. Planting mixes will need to be developed based upon the local geology, underlying soil conditions, aspect, microclimate and the surrounding species mix make up. This will be developed during detailed design and will be included in future iterations of the LEMP. The Advisory Group provides the certainty that habitat typologies will be developed that are appropriate to each area of habitat to be created. Reference has been included within the areas of habitat creation on the range of receptors which would benefit from the habitat creation. The oLEMP does not allocate a specific impact with a specific site, this level of detail is provided within the Chapter 8 Terrestrial Biodiversity of the ES (Application Document 6.1).</p> <p>D - Work on sourcing the planting material has been undertaken internally, and the Applicant is confident that the measures are feasible.</p> <p>E - Remedial actions will be prepared following engagement with the advisory group following monitoring. Draft terms of</p>

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	<p>feasibility of sourcing enough materials for the scale of planting and other deliverables, and whether any risks exist and alternatives exist that could be adopted instead while still meeting the aims of the proposed habitat creation within the management areas.</p> <p>E - It is noted that the management proposals set out the outline measures of success, however no information is provided on the likely remedial measures that will be put in place to address any actions arising from monitoring. This should be included.</p> <p>F - We would suggest that any sites with complex management measures (such as sites involving translocation of ancient woodland material) should have site specific plans in this document. The approach taken of detailing management prescriptions against habitat typologies may be an appropriate approach for areas where the aims and means to achieve them are relatively straightforward and do not require a tailored approach. However, more detail is required for complex sites which require specific methodologies to achieve the aims of the measures</p>	<p>reference for the advisory group are included in Appendix 1 (Application Document 6.7) and define details such as the meeting chair, the frequency of meetings, how meetings will be administered, how any conflicts will be resolved and the process for any applications in relation to areas identified within this oLEMP which may require modification during the detailed design of areas of habitat.</p> <p>F - Site specific plans will be developed as part of future iterations of the LEMP.</p>
<p>Planning Inspectorate's comments on the Design Manual for Roads and Bridges (DMRB) guidance</p>	<p>Key message – DMRB guidance does not constitute policy or law. Developers/ applicants should be able to answer questions about the particular anticipated effects of the Proposed Development, and the methodologies of assessment undertaken in the ES – and not solely rely on referring back to DMRB guidance.</p> <p>We often advise that assessments should consider wider professional best practice as well as the guidance in the DMRB. Prescriptive reliance on the DMRB can make it difficult to understand how the assessment is</p>	<p>The application is primarily a road scheme and the application has used the DMRB as the standard for the assessment. The DMRB standard has recently been updated (2019/2020) and consultation with the relevant stakeholders (including the Planning Inspectorate) has been undertaken. DMRB has been used as the basis of the DCO application and where it is appropriate (either driven by technical experts' views, scoping opinion or stakeholder feedback) the Applicant has sought to supplement the methodology to reflect industry best practice. Examples of this can be found with the inclusion of ammonia in</p>

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	<p>appropriate for the particular Proposed Development in question. It seems reasonable to suggest that the assessment of effects for a proposal that is far more than a 'road scheme' should where appropriate be wider than guidance which has been written for road schemes, given that the environmental effects could be wider. The assessment should with professional judgement fit the Proposed Development – the relevant EIA Regulations are what should be applied to the content of an ES.</p> <p>There are also incidences where policy/legislation/technical understanding has moved on since the guidance in the DMRB was published.</p> <p>Specific Issue - Traffic assessments. Many ESs involve a chapter on the Traffic and Transport Assessment. This allows stakeholders to examine the methodology and assumptions made which inform the assessment of traffic and transport effects. It allows stakeholders to understand what information other technical assessments which rely on the traffic modelling outputs have been provided with. If DMRB is followed, no specific traffic and transport chapter is provided. Setting aside the fact that the Traffic Assessment underpins the need case and the design of the proposals, which is understood, the absence of a specific chapter can make it harder to understand the assumptions around which the assessment of traffic effects is based. It is important therefore to ensure that these assumptions are clearly explained and provided wherever they apply to the technical assessments e.g. air quality, population and human health effects, and the assessment of construction effects.</p>	<p>the air quality assessment and the bespoke methodology for the impacts of traffic and noise on the tranquillity of the AONB.</p> <p>Traffic and Transport is covered in detail in the Transport Assessment (Application Document 7.9) and at various points in relation to the receptors a change in traffic may impact (e.g. population and human health, noise, air quality). Traffic and Transport is not identified as one of the specific environmental factors that should be considered under the EIA Regulations, although the contribution of them to environmental factors should be considered. In order to aid the reviewers of the ES (Application Document 6.1) an additional appendix (Appendix 4.4 Traffic and Transport (Application Document 6.2)) has been added to Chapter 4 detailing where components of a traffic and transport chapter can be found within the application.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Specific Issue: Air Quality effects. Aside from the guidance in the DMRB, in many cases there are concerns from stakeholders with respect to PM2.5 and ammonia from road traffic. The justifications in the DMRB for excluding these emissions must be supported by scientific evidence and again, whatever matters are assessed the rationale for the assessment must be clearly justified for the project itself – not via prescriptive reliance on the DMRB ‘one size fits all’ approach.</p>	<p>With regards the consideration of ammonia within the air quality assessment this has been included. With regard PM2.5, the assessment of air quality in the ES considers PM2.5 as a fraction of PM10. The assessments are provided in ES Chapter 5 Air Quality (Application Document 6.1).</p>
<p>Planning Inspectorate’s comments on “Chapter 12: Understanding the key Application Documents and signposting controls for the Project” in the applicants document “1.3 Introduction to the Application” dated October 2020</p>	<p>Chapter 12 - general Given the purpose of the chapter, it is very well placed to outline the flexibility profile across the application. In general, this appears to be an approach which will be of use in any examination in setting out the interrelationships between different documents, controls and the draft Development Consent Order (dDCO) and it is useful that the Applicant is seeking ways in which these complex interrelationships can be made clearer. For example, the diagram on page 41 (Plate 13.1) is useful in serving this aim. It should go without saying that this approach does demand that absolute rigour has been applied in ensuring that there is no conflict between various plans. Indeed, if elements of the documentation indicate that more detail is available, this should be articulated in Chapter 12. Chapter 12 should not indicate more flexibility for an element that might be controlled elsewhere. However, whilst it is recognised that the exact details of the works will not be known until the Applicant has completed the detailed design, there is still a benefit for the documentation to provide a clear framework and the principle link to show that other controls in the DCO are in place.</p>	<p>The Applicant welcomes these comments. The Applicant has sought to ensure consistency across the application documents, including the management plans and wider controls. A new chapter on the mitigation route map (control plan) in the Introduction to the Application (Application Document 1.3) provides additional information to assist readers.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Identification of Works</p> <p>It is recognised that this is a very complex application with a wide range of elements including works that fall under other National Policy Statements (NPS) than the National Networks NPS. It is clear that HE has considered ways of making the different elements of the scheme as identifiable as possible.</p> <p>The description of the numbering of works (para 12.2.5 on) appears complex but, referring back to the now withdrawn dDCO, this system does appear to work in practice in Schedule 1.</p> <p>Precedent</p> <p>The chapter stresses that this is ‘in line with precedent’ (12.1.1, 12.2.1) and does quote precedents in a number of paragraphs. Whilst this is potentially useful to inform any examination, the Applicant is reminded that an Examining Authority (ExA) may well ask for justifications of the use of particular approaches and wording in terms of their specific applicability to the application for The Project as well as by reference to where they have been used in other cases.</p> <p>Having said that, it is worth the Applicant being fully aware of, for example, SoS Decision Letters which give a clear steer as to preferred approaches. It is noted, for example, that paragraph 12.2.13 uses the phrase “materially new or materially different” which the SoS has stated in the decision letter on Great Yarmouth Third River Crossing is wording preferred by the SoS</p>	<p>The points on ‘identification of works’ are noted.</p> <p>The points on ‘precedent’ are noted.</p>
31/03/2021		
Construction Traffic Update	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of how it was continuing to address the Planning Inspectorate’s feedback in respect of construction traffic, with the discussion noting

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	<p>The Planning Inspectorate highlighted that the Ports National Policy Statement (NPS) is relevant to port NSIPs but also includes other NSIPs that may affect the operation of ports, either positively or negatively. The National Networks NPS also states that other NPSs may be relevant.</p>	<p>comments made on this topic by relevant local authorities in their previous Adequacy of Consultation Representations. At the meeting, the Applicant outlined its engagement programme with the local authorities and provided a flavour of the type of data that was being shared.</p> <p>The Applicant has considered the Ports NPS as an important and relevant consideration in Chapter 6 of the Planning Statement (Application Document 7.2).</p>
Programme update	<p>In response to a discussion about the Applicant investigating whether it could prepare information for consultation material at a more local or ward based level, the Planning Inspectorate queried whether the consultation will solely be a presentation of the scheme or whether there are some new or revised aspects that it will consult on.</p>	<p>The Applicant explained at the meeting that it will be focussing on construction, mitigation, a “You said, we did” component, and project refinements.</p> <p>Since the meeting, the Community Impacts Consultation provided ward impact summaries to present information on the impacts of the scheme during construction and operation at a more local level, as well as changes made to the scheme since the Design Refinement Consultation and the withdrawn DCO application. It is considered to be the first DCO project in the UK to have carried out a consultation which provides this level of granular information.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
29/04/2021		
Consultation proposals	No further formal advice or formal comment.	At the meeting the Applicant advised that an eight-week consultation was scheduled between 14 July and 8 September 2021. The Applicant explained at the meeting that the aim of the consultation was to allow stakeholders to further understand the project and its impacts/ mitigations, and to ensure that any project refinements since the first application had been submitted would be consulted on. At the meeting, the Applicant advised that it had initiated engagement with local authorities (LA) on the consultation approach and was addressing their concerns where possible.
	Following a discussion about providing information in a 'You said, we did' document and environmental impacts/mitigations within ward impact summaries, the Planning Inspectorate advised that the Applicant could carefully set out and justify the methodology for filtering down the comments to inform the 'You said, we did'.	The Applicant used both a quantitative and qualitative approach to selecting issues covered in the 'You said, we did' document. The quantitative approach used the analysis undertaken by Traverse as a basis for the initial selection of topics. Traverse developed a list of codes to describe different topics that were raised by consultees, for example, congestion or environmental issues. They also provided a report which lists the codes for each question and how many times the corresponding issue was raised by a consultee in their response. This was also broken down by different consultees groups, for example, individuals, local authorities or landowners/occupiers. The Applicant divided the list into whether the feedback supported or opposed the proposals and then organised these by the highest number of responses. These lists were then sorted by the number of responses from individuals, then by landowners/occupiers. The qualitative approach involved workshops within the project team and engaging with stakeholders on the topics. The Applicant held workshops with members of the project team to discuss issues that were raised during the consultations. This included feedback from stakeholder groups, members of the public at events and through ongoing stakeholder engagement. This identified issues that were not necessarily the most raised,

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>In response the Applicant outlined its approach to consultation events, including the use of blended events. The Planning Inspectorate advised the Applicant to consider the feedback issued in respect of the Public Sector Equality Duty when developing its approach to events.</p>	<p>but that were of particular interest to communities and stakeholders.</p> <p>The Applicant has been mindful when planning consultations of the Public Sector Equality Duty. Steps were taken to ensure that groups and individuals that may form part of a protected characteristic were actively considered. In practice, this meant making sure that event venues were accessible and open, where possible, at different times of the day and in places that people from certain religions / faiths might not feel comfortable in. In addition, it wasn't necessary to participate in face-to-face engagement in order to take part in the consultation. Materials could be ordered for home delivery and responses could be made online. Copies of the consultation materials could be made available upon request as easy read, braille, audio and in alternative languages.</p>
<p>The Project and London Resort (LR) interface</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting, the Applicant proposed to accommodate London Resort by presenting sensitivity analyses within the DCO application and a qualitative assessment of the cumulative impacts of both schemes as part of its planned consultation. The Applicant stated at the meeting that the LR data could not be directly transferred into the Project's modelling and, therefore, certain assumptions would be necessary. As part of the sensitivity analysis, the Applicant explained at the meeting that it proposed to rely on the trip assumptions and data within the LR DCO application given the uniqueness of the LR scheme. At the meeting LAs were stated to agree that the use of the LR data was the most pragmatic approach.</p> <p>The updated position on how London Resort has been considered in the DCO application is in meeting note dated 18/03/2021 above and also in the row below.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate noted that the LR scheme had been affected by Natural England’s declaration of a Site of Special Scientific Interest (SSSI) at a relatively late stage in the DCO application process. The Planning Inspectorate also advised the Applicant that as part of the Examination, it would likely be required to confirm whether it had assessed the worst case scenario regarding the LR and the Project’s interface and that the Applicant should be prepared to discuss construction phasing details and assumptions.</p>	<p>The Interrelationship with other NSIP and major development schemes document (Application Document 7.17) outlines how the London Resort scheme has been assessed for the A122 Lower Thames Crossing DCO and explains how it has been considered in relevant DCO documents.</p> <p>As the London Resort DCO application was withdrawn in November 2021 and no new information has been provided to the Applicant since, it has not been included in the Project control documents. The LR has not been included in the Transport Assessment (Application Document 7.9) because it does not meet the criteria for inclusion in the Lower Thames Area Model (LTAM) core scenario. However, it has been assessed in Chapter 13 and Chapter 16 of the ES (Application Document 6.1).</p>
Stakeholder engagement	<p>No further formal advice or formal comment.</p>	<p>At the meeting, the Applicant provided some key updates regarding its stakeholder engagement plan. The Applicant explained at the meeting that feedback had been received from most LAs in respect of the first iteration DCO documents, and progress had been made with addressing Thurrock Council’s Hatch Report requirements, running construction plan workshops, and organising a new Community Impacts and Public Health Advisory Group meeting for May 2021. The Applicant explained at the meeting that it had also been working alongside Kent County Council to focus engagement on key topics.</p>
	<p>The Planning Inspectorate sought an update regarding engagement with PoT.</p>	<p>At the meeting the Applicant confirmed that it was holding frequent meetings with PoT focused on the SoCG, technical engagement, and commercial matters. The Applicant also confirmed at the meeting that it was regularly meeting with PLA to discuss key areas such as river restrictions and relevant articles within the DCO. At the meeting the Applicant advised that good progress had been made, and the discussions were detail-focussed at this stage.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
The Sixth Carbon Budget (SCB)	No further formal advice or formal comment.	At the meeting, the Applicant briefly addressed the relationship between the Project and the SCB. The Applicant advised at the meeting that as the road would be operational during the sixth carbon budget (between 2033 and 2037), its focus was on the operational carbon emissions of the Project. At the meeting that Applicant explained that it had set out a commitment to the use of renewable sources for the scheme's energy consumption in the Register of Environmental Actions and Commitments, the Applicant stated that it would be for the Department for Transport to determine the overall decarbonisation strategy for transport, including operational traffic across the country.
	The Planning Inspectorate noted that the current situation regarding the SCB was complex and uncertain, and acknowledged that the Applicant would be setting out the scheme's contribution to the SCB in its DCO application.	The Project's contribution to the SCB is presented in Chapter 15 of the ES (Application Document 6.1). This contribution represents a maximum level of impact on the SCB for the construction and operation phase. Further information is available in Appendix I of. The Planning Statement.
13/05/2021		
Ports and Navigation	Following an update on the Applicant's engagement to date with the relevant port operators, PLA and the PoT, along with the other Statutory Undertakers, the Planning Inspectorate queried whether engagement with the relevant port authorities on a six-weekly basis was at sufficient pace to meet the timeframes of its current programme.	The Applicant explained at the meeting that this was just the SoCG meetings, and that ad hoc and consistent engagement occurred between those meetings. At the point of application submission, the PLA's SoCG and PoT's SoCG (Application Document 5.4) contain logs of key meetings and correspondence.

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	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of its Navigational Risk Assessment (NRA), developed in accordance with relevant legislation and guidance, and set out the document's scope following agreement with the PLA and PoT. The Applicant acknowledged at the meeting that the NRA would not include vessel movements generated by the scheme into existing ports, a matter which has been agreed with the port authorities, on the basis that existing NRAs cover the existing activities.
Planning Statement and Policy	In response to the Applicant explaining its approach to demonstrating how the scheme will meet the policy tests in national and local policy, such as the relevant National Policy Statements (NPS) and National Planning Policy Framework (NPPF), within its Planning Statement, the Planning Inspectorate noted that decisions on previously examined NSIPs had considered the Ports NPS despite not being a port development and queried whether the Planning Statement will include accordance tables for the Ports NPS.	The Applicant has considered the Ports NPS as both important and relevant in Chapter 6 of the Planning Statement (Application Document 7.2).
	No further formal advice or formal comment.	At the meeting the Applicant briefly outlined the Planning Statement's structure and noted that following refinement of the proposals, one of the gas pipeline diversions proposed within the scheme was no longer deemed a standalone NSIP as no likely significant environmental effects were anticipated.
	The Planning Inspectorate queried how the Applicant is progressing its application in light of the current High Court challenges on relevant policy documents such as the National Networks NPS.	At the meeting, the Applicant explained its application will be based on policy which had legal effect under section 104 of the Planning Act 2008 but would be able to react quickly to any policy changes. At the point of submission, the Applicant has considered legal challenges and judgements. The NN NPS continues to have effect in relation to the Project. The Planning Statement

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	<p>The Planning Inspectorate acknowledged the importance of Local Impact Reports (LIRs) and encouraged early engagement with local authorities on the matters to be considered within them.</p>	<p>(Application Document 7.2) provides further information on compliance with the NN NPS.</p> <p>The Applicant has undertaken a series of briefings, as part of the Project’s ongoing engagement, to help prepare the local authority stakeholders for the development of the Local Impact Reports. The Applicant has also offered a series of briefings on the application or on any emerging questions post consent should any local authorities request it.</p>
<p>Areas of Outstanding Natural Beauty (AONB) and Green Belt</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant illustrated how the scheme interacted with the Kent Downs AONB, as it encroaches into it by 2.7km, and set out the associated tests within the National Networks NPS. At the meeting, ongoing engagement with the Kent Downs AONB Unit was noted, who had agreed with the Applicant’s approach to the assessment, however it was likely the Unit’s opposition to the scheme will remain upheld. The Applicant explained at the meeting that proposed mitigation and compensation were currently being discussed.</p> <p>At the point of submission, a SOCG has been prepared with the AONB Unit (Application Document 5.4).</p>
	<p>Following an explanation from the Applicant on how the route south of the Thames has been refined slightly and reappraised since its Preferred Route Announcement (PRA), the Planning Inspectorate queried whether the reappraisal would feed into the HRA as it would be helpful to capture how the conclusions were drawn.</p>	<p>Information relating to the robustness of the options appraisal is contained in Chapter 4 of the Planning Statement and Chapter 3 of the ES. For completeness, the Applicant’s HRA report (Application Document 6.5) is necessarily an assessment of the final proposed development. The proposed development has been shown to have no adverse effects on the integrity of a European site. HRA assesses alternative solutions at stage 3 derogations if adverse effects cannot be discounted at Stage 2 (which is not the case for the Project).</p>
	<p>After the Applicant explained that it had undertaken a three-stage test to determine whether elements of the scheme constitute ‘appropriate’ development, which included whether there will be an impact on the openness of the Green Belt, the Planning Inspectorate</p>	<p>The Applicant has identified and assessed the issues raised by the Project within its Green Belt context in the Planning Statement (Application Document 7.2), including in Appendix E.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	highlighted that there had been challenges on the definition of, for example, ‘openness’ and advised the Applicant to consider this in its Planning Statement.	
	The Planning Inspectorate queried whether the Applicant is considering all five of the purposes of Green Belt.	The Applicant has considered all five Green Belt purposes within Appendix E of the Planning Statement (Application Document 7.2).
Stakeholder Engagement	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of its stakeholder engagement to date in respect of cultural heritage. The Applicant explained at the meeting that this included the now bi-monthly stakeholder meeting with Historic England, the Archaeological Advisors to local authorities, Kent County Council Archaeology Service Team, Essex Place Services and relevant Conservation Officers to discuss cultural heritage matters. At the meeting the Applicant outlined the assessments, both desk and field based, completed to date and what further surveys were to be undertaken. At the meeting the Applicant also identified the residual impact of the scheme, which includes the loss of a Scheduled Monument and three Grade II Listed Buildings and set out the proposed archaeological mitigation that is sought to be agreed with the local authorities’ archaeological advisors.
	Following an update from the Applicant in respect of key stakeholder engagement (which included the inaugural meeting of the Community Impact and Public Health Advisory Group, joint meetings with Thurrock Council in respect of local plan matters, tunnel depth discussion with PoT and PLA and circulation of its updated Order limits), the Planning Inspectorate queried whether the Order limits had changed since the Red Line Boundary that it had previous sight of.	The Order Limits of the Project have changed at various stages and the changes since the consultation prior to withdrawal are set out in the Introduction to the Application (Application Document 1.3).
	No further formal advice or formal comment.	At the meeting, the Applicant outlined ongoing engagement with the local authorities and the key environmental consultees.

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	<p>The Planning Inspectorate asked the Applicant to elaborate on Forestry Commission’s (FC) feedback in respect of Claylane Woods.</p>	<p>The Applicant explained at the meeting that FC’s feedback related to loss of ancient woodland, soil salvage, and the amount of replacement planting as compensation. At the point of submission, an SoCG with the FC is included in the DCO application submission.</p>
	<p>The Planning Inspectorate enquired as to whether the Applicant’s Landscape Assessment (LA) approach was in line with environmental consultees’ expectations.</p>	<p>The Applicant explained at the meeting that its LA approach included the assessments it was expected to carry out but noted some areas of disagreement.</p>
	<p>The Planning Inspectorate enquired as to whether there was a cross over between the Applicant’s cultural heritage assessments and the LA and whether it was including, for example, the Kent Downs AONB Unit in discussions particularly for historic landscape.</p>	<p>The Applicant explained at the meeting that the Kent Downs AONB Unit doesn’t have specific cultural heritage officers but there is adequate cross over for the Unit’s concerns to be heard.</p>
27/05/2021		
<p>Document sharing</p>	<p>The Planning Inspectorate addressed the document list that the Applicant had developed as an aid for navigating the Development Consent Order (DCO) application documents.</p>	<p>The Applicant has updated the majority of documents as part of the DCO application. Further information on how the application has been refined is provided in the Introduction to the Application (Application Document 1.3).</p>
	<p>In response to the Applicant stating that the interrelationship between documents was important the Planning Inspectorate advised the Applicant to be mindful of ensuring the accessibility of the documentation in light of this.</p>	<p>The Applicant has updated the majority of documents as part of the DCO application. Particular care has been taken to make the documents as accessible as possible with executive summaries provided for many documents.</p>
	<p>The Planning Inspectorate advised the Applicant to be mindful of using terminology in a consistent way throughout the DCO application documentation.</p>	<p>The Applicant has sought to use terminology in a consistent way throughout the DCO and has provided glossaries in many application documents.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Stakeholder engagement update	No further formal advice or formal comment	<p>At the meeting the Applicant advised that it was in the process of discussing tunnel depths with the PoT and PLA. The Applicant explained at the meeting that its development would not prevent ordinary dredging of the channel at all depths in the vicinity of the tunnel but was seeking to provide satisfactory comfort to that end in the DCO.</p> <p>At the point of submission, the river restrictions in article 48 of the dDCO have been agreed with the PLA. In addition, the ability to vary the limits of deviation vertically upwards is excluded under article 6(2).</p>
	No further formal advice or formal comment	<p>At the meeting the Applicant advised that it was working to narrow down the list of priority topics with local authorities (LA). The Applicant stated at the meeting that it had indicated to LAs and statutory environmental bodies (SEB) which technical documents it would be consulting with them on, including both new and updated documents. At the meeting the Applicant also presented a summary of which documents had been shared with LAs and Statutory Environmental Bodies.</p>
10/06/2021		
oLEMP Stakeholder Feedback	<p>In response to the Applicant outlining how the Planning Inspectorate's comments on the draft oLEMP had been regarded and explained where actions had arisen from the comments, the Planning Inspectorate acknowledged the Applicant's work in progressing the oLEMP but emphasised the importance of setting out clearly why measures have been included and to signpost back to the relevant environmental assessments. The Examining Authority will want effective signposting within the document suite so that it has an overall view of where the information lies.</p>	<p>The 'Context of this Document' section of the oLEMP (Application Document 6.7) describes the relationship between the document and the ES (Application Document 6.1) and HRA report (Application Document 6.5), as well as the suite of documents that make up the control plan. A diagram has been provided, and signpost to the relevant documents have been included.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>There was discussion on the level of detail contained within the oLEMP. The Planning Inspectorate set out that the balance had to be appropriate so that key environmental bodies have enough detail to make an informed view and to provide comfort whilst being flexible enough that ongoing site investigation data (and appropriate flexibility more generally) can still be integrated. The Planning Inspectorate advised that, whilst requests for more detail are likely, the Applicant needs to show how the level of detail known at the time is adequate.</p>	<p>Key environmental bodies were consulted on the document, and their comments and feedback have been incorporated into the updated oLEMP (Application Document 6.7). More generally, the public also provided comments on this document as part of the Community Impacts Consultation and these have been considered (see the Consultation Report (Application Document 5.1)).</p>
	<p>The Planning Inspectorate queried when the next iteration of the draft oLEMP will be circulated for review. The Planning Inspectorate noted the importance of NE's input on the document.</p>	<p>At the point of submission, the Applicant agreed with Natural England that the oLEMP would not be consulted upon again until DCO submission. The Applicant notes that Natural England will be a member of a proposed Advisory Group secured under the oLEMP and will be consulted on the LEMP itself.</p>
<p>Stakeholder Engagement Update</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant briefly set out an overview of its ongoing stakeholder engagement, which included progress with the affected port companies PLA and the PoT in respect of tunnel depth discussion. At the meeting the Applicant also noted positive progress with the (MMO in relation to its Deemed Marine Licence application.</p> <p>At the point of submission, the river restrictions in article 48 of the dDCO have been agreed with the PLA. In addition, the ability to vary the limits of deviation vertically upwards is excluded under article 6(2).</p>
	<p>In response to the Applicant's update on ongoing local authority engagement, the Planning Inspectorate queried if the same concerns raised previously at the first submission are still pertinent and enquired what routes the Applicant had explored to ensure it understood the local authorities' key concerns.</p>	<p>At the meeting the Applicant highlighted regular engagement with the local authorities and noted existing mechanisms such as contractual agreements which can enable engagement. The extensive engagement with local authorities is set out in the Statement of Engagement (Application Document 5.2).</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate noted Thurrock Council's concerns in respect of the Applicant's timescales between its supplementary consultation exercise and submission.</p>	<p>The Applicant explained at the meeting that it will be sharing consultation materials with local authorities before the consultation formally began, to allow them to comment before the consultation commenced, and stated it would fully consider and regard all responses received within its programme.</p>
	<p>No further formal advice or formal comment</p>	<p>At the meeting the Applicant provided an update in respect of the SoCGs, acknowledging encouraging progression on the suite through regular meetings and issue logs with the parties.</p>
<p>Hole Farm</p>	<p>Following a discussion regarding the Applicant's recent purchase of Hole Farm, the Planning Inspectorate queried if the area outside the Order limits is to be used for mitigation purposes.</p>	<p>No land outside of the Order limits is to be used as compensation for the Project.</p> <p>At the point of DCO submission the Hole Farm site is included in the Project Order limits though the Applicant proposes to submit a separate planning application for infrastructure related to a community woodland. Hole Farm is proposed as compensation for nitrogen deposition for the purposes of the Project. The only area of the Hole Farm site located out of the Project's Order limits is a private access road to the north of the site.</p>
<p>24/06/2021</p>		
<p>Carbon Update</p>	<p>After the Applicant outlined some of the measures that will be incorporated to help meet its targets, which included lower carbon concrete, reusing excavated material and vegetation and renewable electricity for construction and operation, the Planning Inspectorate noted various factors which may affect how the scheme's carbon emissions are predicted, such as future advancements in the steel and concrete industries and further electrification of passenger and heavy goods vehicles.</p>	<p>The Applicant explained at the meeting that it was using information that was available at the time when preparing its model.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	At the meeting the Applicant stated it understood the relationships to the current High Court challenges on RIS2 and on the National Networks National Policy Statement.
	The Planning Inspectorate queried whether the proposed toll charging regime would influence the number of road users and thus the likely carbon emissions.	At the meeting the Applicant briefly outlined that it was proposing to have the same price structure as the Dartford Tunnel whilst residents of Thurrock and Gravesham will be afforded a reduced charge.
	The Planning Inspectorate drew the Applicant's attention to the conclusion of the recent challenge on the A38 Derby Junctions scheme and its possible relevance to the ways in which the Applicant can assess a scheme's cumulative impacts on carbon emissions.	The Applicant has reviewed the relevance of decisions of recent schemes and has ensured consistency in the Climate assessment (Chapter 15) of the ES (Application Document 6.1) as well as the Carbon and Energy Management Plan (Application Document 7.19).
	In response to a discussion about how the Applicant's carbon commitments would be collated in the 'Register of Environmental Actions and Commitments' document that will form part of the application suite, the Planning Inspectorate emphasised the importance of securing commitments through the Development Consent Order (DCO) and advised the Applicant to fully understand how the scheme will meet the policy tests in relation to carbon to reduce any risk of changes to the design after submission.	An updated approach has been taken and the carbon commitments are now secured via the Carbon and Energy Management Plan (Application Document 7.19). The Applicant understands how the scheme will meet the policy test in relation to carbon and this is presented in the Climate assessment (Chapter 15) of the ES (Application Document 6.1), the Carbon and Energy Management Plan (Application Document 7.19) and Appendix I of the Planning Statement (Application Document 7.2).
Wider Network Impacts and DCO Handling	No further formal advice or formal comment.	At the meeting the Applicant illustrated what it considered were the minor, moderate and major beneficial, and adverse, effects on the road network and briefly set out how it was engaging with stakeholders to understand better the challenges in respect of adverse effects identified. At the point of submission, this information is in the Transport Assessment (Application Document 7.9) and is proposed to be managed in accordance with the Wider Network Impacts Management and Monitoring Plan (WNIMMP) (Application Document 7.12).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Ongoing progression of the MMP was noted with the relevant road authorities and the Department for Transport. This led to discussion on the scheme's objectives in respect of what improvements the local authorities may want the final design to include. The Planning Inspectorate advised the Applicant to make local authorities fully aware of the improvements it can't deliver within the scheme, but to provide clarity about other mechanisms available for seeking improvements elsewhere.</p>	<p>A draft of the WNIMMP [referred to by the Planning Inspectorate as the MMP] was included in the Community Impacts Consultation document suite.</p> <p>The Wider Network Impacts Management and Monitoring Plan is submitted as part of the DCO application (Application Document 7.12).</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant provided a brief overview of the evolution of the scheme from the Proposed Route Announcement to its current design, highlighting that the Scoping exercise had included a prospective alignment for the Tilbury Link Road (TLR). The Applicant explained at the meeting that the Tilbury Link Road was not included into the proposals taken to Statutory Consultation, and the Applicant has corporately announced that the TLR had formed part of its Road Investment Strategy 3 pipeline.</p> <p>At the point of submission, it should be noted that both DLUHC and DfT have written to the Applicant to state the TLR should be progressed separately from the Project.</p>
<p>Stakeholder Engagement</p>	<p>The Planning Inspectorate, whilst acknowledging the positive engagement, queried if the Kent AONB Unit would object in principle to any route entering the AONB.</p>	<p>At the meeting, the Applicant explained that the Kent AONB Unit would likely uphold its objection to road widening within the AONB.</p> <p>The position of the Kent Downs AONB unit at the point of DCO submission is set out in the SoCG submitted as part of the DCO application (Application Document 5.4).</p>
	<p>No further formal advice or formal comment except that the Planning Inspectorate noted the approach and requested that the issues that were yet to be agreed</p>	<p>At the meeting, the Applicant set out the rate of engagement with each stakeholder via catch-up calls, monthly meetings and SoCG focus workshops with ad hoc technical meetings scheduled when</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	with the core stakeholders could be explored further in future meetings when there was a focus on risk.	<p>required. The Applicant offered to provide similar updates for other core stakeholders at future meetings.</p> <p>Updates on stakeholder engagement have been discussed with the Planning Inspectorate throughout subsequent section 51 meetings, notably during the meetings on 08/07/2021 and 05/08/2021 below.</p> <p>During the s51 meeting on 27/01/2022 the Applicant discussed consultation, common ground, issues under discussion and expected timescales of agreement with Natural England.</p>
AOB	<p>The Planning Inspectorate stated that it had held a meeting with some of the relevant local authorities and provided an overview of the issues that were raised. Most notably the timescales afforded between the latest consultation and resubmission of the application.</p> <p>The Planning Inspectorate emphasised the importance of clearly setting out where responses to consultation have been regarded and led to any changes.</p> <p>The Planning Inspectorate queried if the Applicant would be including a 'You said, we did' style document within the forthcoming consultation suite of documents.</p>	<p>At the meeting, the Applicant confirmed it would be.</p> <p>See response to item on consultation in S51 meeting dated 26/11/2020 above.</p>
08/07/2021		
Additional consultees	In response to the Applicant seeking feedback from the Planning Inspectorate in relation to a document it had produced setting out its approach to potential consultees identified in the Planning Inspectorate's section 51 advice dated 26 November 2020, and consultees identified following the Applicant's review of Ofgem registers, the Planning Inspectorate responded that the section 51 advice was not intended as a prescriptive list and understood the Applicant's explanations for the bodies/organisations discussed.	The Applicant noted the Planning Inspectorate's response. As part of the DCO application, section 8.9 of Chapter 8 of the Consultation Report (Application Document 5.1) outlines the potential consultees identified in the Planning Inspectorate's section 51 advice dated 26 November 2020 and how these have been considered by the Applicant.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate had identified Southfleet Parish Council (SPC) as being within the Development Consent Order (DCO) boundary, however the Applicant had not. The Planning Inspectorate advised that this is likely to be due to differing shapefile resolution or filtering criteria used between different types of geographic information system (GIS) as the boundary of SPC was shown as adjacent to the provided application boundary on The Planning Inspectorate’s system. The Planning Inspectorate also clarified certain other bodies that it had identified on a precautionary basis.</p>	<p>At the meeting the Applicant noted the Planning Inspectorate’s clarification.</p> <p>At the point of submission, Chapter 8 of the Consultation Report (Application Document 5.1) demonstrates that SPC was consulted as part of the Community Impacts Consultation.</p>
	<p>The Planning Inspectorate queried whether the contents of the document the Applicant produced setting out its approach to potential consultees identified in the Planning Inspectorate’s section 51 advice dated 26 November 2020, and consultees identified following the Applicant’s review of Ofgem registers would be included in the Consultation Report.</p>	<p>At the meeting, the Applicant confirmed that it would.</p> <p>As part of the DCO application, section 8.8 of Chapter 8 of the Consultation Report (Application Document 5.1) outlines the potential consultees identified in the Planning Inspectorate’s section 51 advice dated 26 November 2020 and how these have been considered by the Applicant.</p>
<p>Consultation materials</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant presented feedback it had received from local authorities (LA) in respect of its consultation materials ahead of the planned community impacts consultation. Feedback was stated to be generally positive, including that relating to the quality of the material, although it was noted that some authorities had raised the quantity of information that people may be presented with.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant indicated that some LAs were concerned that there may not be sufficient time to adequately consider consultation responses if the DCO application were intended to be submitted in 2021; however, the Applicant confirmed that the submission timeline would be kept under review and adjusted if required in order to secure a robust DCO application. At the meeting, the Applicant summarised the concerns of a LA in respect of the delay in receipt of printed</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		consultation materials that would arrive one week after the beginning of consultation. At the meeting, the Applicant considered that people would still have a reasonable length of time to respond to the materials.
	. In response to a discussion about how the Applicant had clarified with Thurrock Council about how the changes in the consultation report corresponded with the information in the 'You said, we did' document, the Planning Inspectorate reiterated the importance of a clear feedback loop.	See response to item on consultation in S51 meeting dated 26/11/2020 above.
	No further formal advice or formal comment.	At the meeting the Applicant presented an example of one of its ward summaries, stating that Havering in particular had found them to be useful. The Applicant explained at the meeting that several recommendations had been made by Thurrock Council, such as the suggestion to present all impacts within a ward; however, the Applicant clarified that it had needed to be mindful of presenting information in a clear way. At the meeting the Applicant also demonstrated its interactive GIS map tool and also that it would be providing updated flythroughs for both construction and operation phases as well as photo visualisations of key viewpoints.
	The Planning Inspectorate queried whether reading a summary document of ward-level impacts would enable people to adequately respond to the consultation.	At the meeting the Applicant considered that the summary document, along with the more detailed material, would enable people to provide a more granular response if desired. During the Community Impacts Consultation, ward summaries and more detailed information was provided. At the point of submission, Community Impact Report (Application Document 7.16) follows on from the approach used in that consultation by providing information at a ward level.
	The Planning Inspectorate queried how the consultation material presented the DCO application submission timeline.	At the meeting the Applicant stated that the consultation material would be clear that the DCO application submission would be targeted for 2021.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>Since the meeting, the Applicant has kept stakeholders up to date on expected submission dates.</p>
<p>Stakeholder engagement</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant provided an update in respect of its engagement with Kent County Council (KCC). The Applicant explained at the meeting that key themes under discussion included wider network impacts, construction and traffic, maintenance, impacts on Shorne Woods, air quality, biodiversity, cultural heritage, and climate. At the meeting, the Applicant indicated that there were some matters under discussion in respect of aspects of the transport modelling such as the provision of local connections, and KCC had indicated that it wanted additional information regarding who was responsible for maintaining various assets. The Applicant also explained at the meeting how it was working to resolve or agree most matters.</p>
	<p>The Planning Inspectorate queried whether the Applicant was dealing with wider LA issues such as local plan housing allocations and traffic modelling within the scope of the Project alone, or whether they were also being escalated to strategic level.</p>	<p>At the meeting the Applicant responded that it was engaging with other projects being undertaken by the Applicant and teams about these issues, and that the Applicant was directly engaging with the Department for Transport. At the meeting, the Applicant was confident that its traffic modelling scenarios were appropriate. It confirmed that it had offered to prepare an alternative scenario for Gravesham and Medway to assist with their local plan work; these would not form part of the DCO application.</p> <p>Since the meeting, the Applicant has offered to prepare alternative scenarios for several local authorities to assist with their local plan work although only Thurrock Council have taken up this opportunity.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
21/07/2021		
Development Consent Order (DCO)	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of some of the changes to its draft DCO since the first iteration of its application. At the meeting, the Applicant outlined the tranche of changes that had been implemented following comments from Thurrock Council. The Applicant explained at the meeting that the headline changes included: the reduction of the Compulsory Acquisition (CA) period from 10 to 8 years; the extension of the notice period under the Temporary Possession article from 14 to 28 days; and a new article covering appeals to the SoS.
	The Planning Inspectorate queried what the impacts of reducing the CA period might be.	The Applicant explained at the meeting that a reduction in the timeframe would push the emphasis towards front-loading of relevant matters.
	No further formal advice or formal comment.	At the meeting the Applicant outlined other changes to its draft DCO following discussion with key stakeholders: a new schedule for works to Scheduled Monuments (Historic England); a new provision for the extinguishment of rights for removed or decommissioned apparatus (Statutory Undertakers); and an exemption for consent for specified day to day activities of the PLA in the river restrictions article of the DCO.
	The Planning Inspectorate noted that the discharging of requirements was typically an area that was explored in detail during examinations and encouraged ongoing engagement with relevant stakeholders on the details.	The Applicant has engaged on the discharging authority with stakeholders, including LPAs. It is to be noted that Schedule 2 to the dDCO, which contains the requirements, was included in the Community Impacts Consultation. Representations received have been considered in the Consultation Report (Application Document 5.1). The matter of discharging authority is also addressed in a number of SoCGs (e.g. the SoCG with Thurrock Council, and London Borough of Havering) (Application Document 5.4). The Applicant has articulated its position and explained its approach as per the justification provided in the Explanatory Memorandum (Application Document 3.2)).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate welcomed the discussion around some of the detail in the draft DCO and the explanation about how and why some of the changes were being made. The Planning Inspectorate noted the value in reviewing recent SoS's comments on DCOs in the various Decision Statements of Reasons, previously made DCOs, the Planning Inspectorate's Advice note Fifteen alongside Examining Authority written questions and DCO hearing agendas from other NSIP examinations.</p>	<p>The Applicant has considered this as part of the DCO application. The Explanatory Memorandum (Application Document 3.2) sets out the wide-ranging highways precedents considered, including references to decisions and made Orders where appropriate.</p>
	<p>The opportunity for the Applicant to share a draft version of the Draft DCO with the Planning Inspectorate was discussed.</p>	<p>At the meeting, this was agreed for later in the engagement programme. Since this meeting, Schedule 2 of the DCO was shared with the Planning Inspectorate for comment during the Section 51 meeting held on the 16/09/2021, and the full draft DCO was shared for comment during the Section 51 meeting held on the 11/11/2021. It was shared against in August 2022 and discussed at the meeting on 16/09/2022.</p>
<p>Approach to Ports NPS</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant stated that following the Planning Inspectorate's feedback on the first iteration of the application, which queried whether the National Policy Statement for Ports (NPSP) had been appropriately regarded, it had undertaken a further review of the NPSP. At the meeting, the Applicant outlined the NPSP context in respect of the scheme's location and illustrated how the current and proposed port uses overlapped with the scheme's footprint.</p> <p>The Applicant explained at the meeting that it had reviewed how other NSIP applications that, whilst not containing port-related development under PA 2008 s24, were in close proximity to operating ports (for example Great Yarmouth Third River Crossing and Silvertown Tunnel), had regarded the NPSP within their respective applications. At the meeting the Applicant stated that following its review, of those provisions within the NPSP that</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>it considered relevant, they were not materially different to those in the National Policy Statement for National Networks (NPSNN). The Applicant explained at the meeting that it had concluded that, although the scheme does not contain port-related development under the provisions of the Planning Act, due to its proximity to major ports, its utilisation of ports for construction, and its capacity to support ports, their expansion plans and associated trade, the NPSP is an important and relevant consideration.</p> <p>As such, the resubmitted application includes appropriate weight to the NPSP within the Planning Statement (Application Document 7.2).</p>
	<p>The Planning Inspectorate noted the work conducted on NPSP relevance and advised the Applicant to review paragraph 3.5 of the Thanet Extension Offshore Wind Farm Decision and similarly Regulation 3A of The Infrastructure Planning (Decisions) Regulations 2010 (amended by The Marine and Coastal Access Act 2009 (Commencement No.5, Consequential and Transitional Provisions) Order 2011), if the Applicant still intended to submit an application for a Deemed Marine Licence (DML). The decision maker will have to consider the need to prevent interference with legitimate uses of the sea if a DML is applied for.</p>	<p>The Applicant's Preliminary Navigational Risk Assessment (Application Document 7.15) sets out the impact the project will have on Navigational Risk and how the Project can keep the impacts on navigation 'as low as reasonably practicable'. Please see responses above in relation to navigation for further information.</p>
05/08/2021		
Stakeholder engagement	No further formal advice or formal comment.	<p>At the meeting, the Applicant confirmed that engagement with stakeholders was ongoing. It highlighted correspondence received from the Gravesham, Thurrock and Kent local authorities (LA), including a request for a four-week extension to the consultation period. The Applicant explained at the meeting that it was reviewing the correspondence but was comfortable that an eight-week consultation was reasonable.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate queried what Development Consent Order (DCO) application submission date had been conveyed to LAs.</p>	<p>At the meeting, the Applicant indicated that a target date of November 2021 had been discussed with local authorities but stressed that a submission date would be kept under constant review to allow for the due consideration of consultation responses and ongoing stakeholder engagement.</p> <p>Since the meeting, the Applicant has sought to keep local authorities and other stakeholders aware of the DCO submission date.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant advised that it had issued LAs with updated operational traffic modelling data following a decision to include an additional lane on the A13 element of the scheme. The Applicant explained at the meeting that engagement with LAs on the traffic model had been ongoing since circa 2016, and current discussions were focussed on how growth was accounted for in the model, and on addressing concerns regarding the representativeness of the model for LA roads. At the meeting, the Applicant explained that it had also been preparing additional modelling for the LAs to demonstrate how their aspirational local plan(s) may be reflected in the traffic model.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant explained that it was due to issue LAs with a dataset comprising scheme-wide mitigations and controls. The Applicant explained at the meeting that it was also proposing to hold workshops with LAs on some of the traffic impacts on local junctions, with the intention of agreeing the nature of the impacts.</p> <p>Since the meeting, the Applicant has completed a series of workshops and studies with LAs and provided them with model outputs/datasets relating to wider network impacts. The Applicant does not propose any mitigations and controls during operation in respect to wider network impacts.</p>

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	The Planning Inspectorate noted that it was worth reflecting on the potential amount of work due to be undertaken before the target submission date of November 2021.	The Applicant noted the Planning Inspectorate’s comment.
General land and property update	No further formal advice or formal comment.	At the meeting, the Applicant provided an update in respect of ongoing negotiations with landowners to mitigate impacts and seek agreement where possible. At the meeting negotiations were stated to be progressing with LAs, and the Applicant stated that it had sent 860 letters offering voluntary agreement to landowners with no active contact. Land referencing was also stated to be ongoing.
	The Planning Inspectorate encouraged the Applicant to submit a Compulsory Acquisition Schedule with the application.	At the meeting the Applicant confirmed that this should be possible. At the point of submission, Annex B of the Statement of Reasons (Application Document 4.1) gives a detailed overview of the current position with landowner discussions and where the Project is working to secure agreements. These will continue with all those landowners who wish to engage throughout the Examination process. Over the past five years the Project has worked very closely with landowners to mitigate the impacts of the scheme and amend the design where possible.
	No further formal advice or formal comment.	At the meeting the Applicant advised that it had been tracking all Bona Vacantia land arising within the Order limits and had been reporting this to the Bona Vacantia government division. At the meeting the Applicant confirmed that there were currently no freehold interests within the Order limits which had not yet been confirmed to be escheated or disclaimed, and that there were only three other interests within the Order limits which had yet to be officially disclaimed.

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	No further formal advice or formal comment.	At the meeting the Applicant provided an overview of the scheme's interaction with Crown land. The Applicant explained at the meeting that affected plots included land held by HS1 on a long lease from Department for Transport, and Thames Chase Community Forest and Jeskyns Community Woodland which were owned by the Forestry Commission.
	No further formal advice or formal comment.	At the meeting the Applicant stated that it had also acquired 100 hectares of farmland known as Hole Farm and other land in order to create a community woodland; however, this was outside the scope of the Project with the exception of mitigation land and its management. At the point of submission, the Applicant has acquired approximately 100 hectares of farmland known as Hole Farm in order to create a community woodland. .
Special Category Land (SCL)	No further formal advice or formal comment.	At the meeting the Applicant advised that it had included SCL and private recreational land as part of its community impacts consultation material, such as in the 'You said; we did' document and ward summaries. At the meeting the Applicant explained that this included open space and common land sites, and the fact that it was proposing to provide replacement land for six sites. At the meeting, the Applicant confirmed that it had continued to engage with LAs and landowners who owned affected assets alongside the consultation programme.
	No further formal advice or formal comment.	During the meeting the Applicant advised that the 'Tilbury Green' and 'Walton Common and Parsonage Common' common land sites would be temporarily impacted by the scheme, although it had removed some impacts through design refinement. The Applicant explained at the meeting that it was in the process of preparing an application under section 38 of the Commons Act 2006 to apply to construct works on common land which would have a similar timeline to the DCO submission, and was engaging with Natural England, the Open Spaces Society, and Thurrock Flexible Generation Plant (TFGP) to understand the impacts. At

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		<p>the meeting the Applicant indicated that TFGP’s proposed replacement land would not be impacted by the scheme.</p> <p>At the point of DCO submission, the position is that no consent is required under section 38 noting that most of the Walton Common has been re-registered in connection with the TGFP project.</p>
	<p>The Planning Inspectorate highlighted that a key issue on the (currently live) M25 Junction 10/A3 Wisley Interchange Nationally Significant Infrastructure Project (NSIP) examination related to the ratio that was used for replacement land, given that variations in the ratio can cause substantial changes to the case for CA.</p>	<p>At the meeting, the Applicant advised that it was aware of this and had taken this into account.</p> <p>At the point of submission, Appendix D of the Planning Statement (Application Document 7.2) sets out where replacement land is being provided and the position on why such land is no less advantageous even where larger in area as compared to the Order land affected.</p>
10/08/2021		
Update since previous meeting	No further formal advice or formal comment.	<p>At the meeting the Applicant noted that it was considering a request from some local authorities for further time to allow them to complete internal governance processes for concluding their final responses to the Consultation.</p> <p>Since the meeting and in light of this feedback, the Community Impacts Consultation was extended from six to eight weeks.</p>
	No further formal advice or formal comment.	<p>At the meeting the Applicant explained its approach to ‘risk’ within the project and how this was directing the Applicant in sharing and engaging on information. The Applicant explained at the meeting that the approach to risk was assisting the Applicant in identifying strategic issues that it wanted to engage further on before submission.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	At the meeting the Applicant outlined that it was building a programme and sequencing of information sharing but highlighted that not all information could be shared or views sought on it in advance of submission due to the timings involved. The Applicant explained at the meeting that it was working on ensuring a degree of clarity for stakeholders about which documents in the application suite were likely to change since the first acceptance process and would seek to provide an indication of the magnitude of those changes.
	The Planning Inspectorate highlighted a potential risk of baseline data changes in local plans, if used for the Environmental Impact Assessment (EIA), in relation to assumed growth captured by traffic modelling and assumptions.	At the meeting the Applicant advised the Planning Inspectorate that developments identified in local plans would need to be of reasonable maturity (at consenting stage) for them to be explicitly included within the Project's transport model, as listed in the Project's Uncertainty Log. Growth within the transport model is capped at a regional level in line with DfT guidance at the levels provided by the DfT traffic forecasts (NTEM 7.2). This captures overall levels of traffic growth in the area, and overlaps with growth from emergent local plans. However, projects at earlier stages of maturity could still be considered in a cumulative impact assessment in the ES, which would have a different set of criteria for inclusion in comparison to the traffic modelling. It would also consider how to describe interactions with other projects seeking Development Consent within the application documents.
	The Planning Inspectorate queried the sensitivity of the traffic model to potentially forthcoming changes in criteria, and any subsequent effects of this risk.	At the meeting the Applicant explained that there were a number of different matters to be considered in the context of traffic modelling methodology. At the meeting the Applicant highlighted the standardised mechanisms for road scheme assessments, which focused on capacity of the network and scheme, and traffic impacts. The Applicant explained at the meeting that it was aware of the need to clearly explain the capacity and probability assumptions made within the traffic modelling work and to identify as far as possible the sensitivity of the modelling to changes,

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	<p>The Planning Inspectorate advised of a potential risk due to the area of coverage and number of Local Planning Authorities ('LPAs') involved. This increased the probability of baseline data changes, and the importance of clearly setting out the assumptions (and any sensitivities) on which assessments are based.</p> <p>The Planning Inspectorate also highlighted the potential of a Site of Special Scientific Interest (SSSI) being designated within the order limits.</p> <p>The Planning Inspectorate queried the difference of opinion on air quality assessment methodology between the Applicant and Natural England.</p>	<p>particularly considering the scale and geographical extent of the project.</p> <p>The Applicant is aware of the ever-changing future baseline as planning applications are submitted for developments across the area which the Uncertainty Log covers. The Applicant has therefore been clear to set out the point that the Uncertainty Log was finalised and how the core scenario (upon which the transport and environmental assessments are based) has been derived.</p> <p>The Applicant has been working with Natural England to understand their intentions around the designation of a SSSI and the project has been designed to mitigate for impacts on invertebrate assemblages.</p> <p>At the meeting the Applicant confirmed full technical information was being prepared to inform discussions with NE. At the time of DCO submission, agreement had been reached with NE on the are quality assessment methodology due to the inclusion of ammonia.</p>
Traffic Modelling Update	No further formal advice or formal comment.	<p>At the meeting the Applicant outlined that it was intending on releasing Traffic Cordon Model information to respective local authorities, and that they were/had been advised of the likely release date.</p> <p>Since the meeting, local authorities have been provided with GIS shapefiles and cordons of the Project's transport model.</p>
02/09/2021		
What has happened since we last met	No further formal advice or formal comment.	At the meeting the Applicant noted it has held a number of consultation events as part of the recent Community Impacts Consultation activity. The Applicant explained at the meeting that it had received letters from a number of Local Authorities (LA) requesting an extension to the consultation period to allow them to ratify their responses in accordance with their internal

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		governance processes. At the meeting, the Applicant explained that it was discussing the practicalities of this proposal. Since the meeting and in light of this feedback, the Community Impacts Consultation was extended from six to eight weeks.
	The Planning Inspectorate queried if consideration of the DCO re-submission date is in any way driven by the recent issue of High Court judgements on A303 Stonehenge/ A38 Derby Junctions projects.	At the meeting the Applicant confirmed it is looking at those decisions in parallel, but these were not the drivers of its resubmission date.
	No further formal advice or formal comment.	At the meeting the Applicant confirmed it will be updating all application documents to reflect the Applicant's name change to National Highways in due course.
Interrelationships DCO document	No further formal advice or formal comment.	At the meeting the Applicant outlined the new Interrelationship DCO document. The Applicant stated at the meeting that the new DCO submission document identifies interfaces between the Project and other NSIPs, or significant schemes where there was an interface. The Applicant explained at the meeting, that the document would ensure the Project manages the interface with other schemes. The Applicant stated at the meeting that it is a signposting tool to other DCO documents where appropriate to avoid duplication and it is a live document that can be reviewed and updated.
	No further formal advice or formal comment.	At the meeting the Applicant explained that the Planning Inspectorate's s51 advice referred to interfaces with the London Resort NSIP (29 April 2021) and the PoT (27 May 2021) and this has prompted the Applicant to review project interfaces and how they are communicated in the proposed application documents more generally.
	No further formal advice or formal comment.	At the meeting the Applicant explained it is developing a robust selection criteria so only the most relevant schemes are included and schemes are to be selected using professional judgement. At the meeting, the Applicant stated its preference is for qualitative

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		over quantitative methodology, and noted that projects to be included in the document are currently under review.
	In response to the Applicant detailing a worked example from the Interrelationship DCO document, the Planning Inspectorate considered that it [i.e., the interrelationship document] has the potential to be a useful document.	The Applicant welcomes the comments.
	The Planning Inspectorate queried if the interface agreement [with Thurrock Power Limited in respect to the Project and Thurrock Flexible Generation Plant] is a separate document, and will it be referenced in any draft DCO and does it supplement any provisions.	At the meeting the Applicant confirmed the interface agreement is a separate side agreement with Thurrock Power and it is likely to be referenced in the documentation, however it will not be submitted in its own right as it would be a private commercial agreement.
Thames Freeport	No further formal advice or formal comment.	At the meeting the Applicant noted that discussions around the Thames Freeport could affect the submission date for the Project (), noting the interest in potential future land use in the area. At the point of submission, in the interests of supporting sustainable local development and economic growth in the region (in accordance with the Scheme Objectives), the Project revised its proposals to avoid any fundamental conflict. The changes were consulted on through the Local Refinement consultation held May to June 2022.
Consultation Update	No further formal advice or formal comment.	At the meeting the Applicant provided an update to its current consultation. The Applicant stated at the meeting that as of 2 September 2021 it has received 2294 total responses at last count. At the meeting, the Applicant outlined key themes and issues that have been raised so far throughout its consultation. The Applicant explained at the meeting that these topics varied from impacts on specific local communities to general traffic conditions.
	The Planning Inspectorate queried if it has received any feedback on quality or time allowed for the consultation.	At the meeting the Applicant confirmed that they had received some questions as to why there is more consultation. The Applicant stated at the meeting that it has received approx. 20

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		emails/letters about extension/consultation being over the summer period and these have been responded to.
Any Other Business	No further formal advice or formal comment.	At the meeting the Applicant noted that a draft of the preliminary navigation risk assessment will be sent to the Planning Inspectorate to review in due course. Since the meeting the Preliminary Navigational Risk Assessment was sent to the Planning Inspectorate for review in September 2021, the Planning Inspectorate then provided comments to which the Applicant provided written responses to on the 08/11/2021. Refer to s51 meeting dated 11/11/2021 below.
16/09/2021		
What's happened since we last met	No further formal advice or formal comment.	At the meeting the Applicant confirmed that its Community Impacts Consultation has ended. The Applicant reminded at the meeting that some local authorities are awaiting the outcome of internal governance procedures before submitting their final responses. The Applicant noted that Thurrock Council's draft response is published on its website.
Programme update	No further formal advice or formal comment.	At the meeting the Applicant confirmed its anticipated submission date was now into 2022. The Applicant also noted at the meeting that it is working on a programme update for resubmission.
Consultation Update	No further formal advice or formal comment.	At the meeting the Applicant confirmed the Community Impacts Consultation ended on 8 September 2021. The Applicant stated at the meeting that it held around 20 events and received steady attendance levels with some events attracting slightly more than others. At the meeting, the Applicant noted it provided deposit locations, webinars and a call back service as part of the consultation.
	In response to the Applicant stating that its provisional number of responses are 3091 and a high proportion of responses were sent through its website, the Planning Inspectorate queried whether documents such as the	The Applicant confirmed at the meeting that it did feel that people had engaged with the Ward Summaries as evidenced by the knowledge and detail of some of those attending certain events.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Ward Summaries, that had been prepared for this round of consultation, had triggered much interest, feedback, further questions.</p>	
<p>Feedback discussion on The Projects shared Consultation documents</p>	<p>The Applicant had shared copies of the following documents with the Planning Inspectorate:</p> <ul style="list-style-type: none"> • Updated dDCO Schedule 2 and draft Explanatory Memorandum • Updated CoCP (including the REAC) • Design Principles • FCTP • OTMPfC • Outline Materials Handling Plan • Wider Network Impacts Management and Monitoring Plan (update from the Outline Monitoring Strategy) <p>The Planning Inspectorate drew attention to its written comments on the above documents, reproduced at the end of this meeting note, and sent to the application via email on 10 September 2021.</p> <p>The Planning Inspectorate advised the Applicant that the feedback was intended to facilitate clarity and consistency within the proposed Application.</p>	<p>At the meeting the Applicant confirmed it will review the draft document feedback and respond appropriately if it has any comments or queries.</p>
<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>General:</p> <p>The applicant is reminded of the advice in para. 15.2 of Advice Note 15 that: The law and policy relating to planning conditions, imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP. Requirements should therefore be precise, enforceable,</p>	<p>The Applicant has considered the advice to ensure that requirements, and commitments, are precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects. The Explanatory Memorandum (Application Document 3.2) provides further information on the requirements contained in Schedule 2 to the dDCO.</p>

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	<p>necessary, relevant to the development, relevant to planning and reasonable in all other respects.</p>	
<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>Requirement 1: The definition of ‘commence’ has been the subject of discussion in a range of examinations and has been the subject of recommended and approved changes to DCOs. As suggested in the Planning Inspectorate’s advice, it is useful that the rationale for the definition adopted is set out in the Explanatory Memorandum and Applicants should justify elements in the draft DCO with reference to the scheme itself rather than by relying on references to other DCOs.</p> <p>This draft Requirement refers to, for example, ‘vegetation clearance’, and the Applicant should look to provide particular justification particularly relating to a scheme of this size, complexity and temporary land requirement.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating that The Applicants view is that it is reasonable to carry out low-impact preparatory works following the grant of the Order while it is working to discharge the preliminary works requirements, thereby helping to minimise the construction timetable for the Project (which is in the interests of landowners and wider stakeholders). The Applicant has not sought to replicate the provisions of other DCOs without regard to the specific requirements of the Project but has considered which activities will be carried out in the initial stages of the Project, and which are relatively low-impact. Having determined these activities, consideration was then given as to whether any specific environmental controls would be required. Following consideration of this matter, the Applicant then produced a “preliminary works EMP” and “preliminary works REAC” (note: this was previously known as the pre-commencement EMP and REAC respectively) which ensures that appropriate, specific and relevant mitigation measures and controls are in place at point the Order comes into force in relation to any preliminary works activities. In light of the provisions of these controls (which are Project-specific), the definition of commencement is considered justified and appropriate (even accepting the size, scale and complexity of the Project). The approach of having activities which fall outside of “commencement” but for which appropriate controls are nonetheless provided is based on the approach taken in M42 J6 and A303 Stonehenge projects.</p>
<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>Requirement 3: The Requirement contains the wording: ‘provided that any amendments to those documents showing departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported</p>	<p>Requirement 3(1) links any such changes to the environmental effects reported in the ES and so that which is permitted by Requirement 3 can be distinguished from the provisions concerning “tailpiece” provisions in paragraphs 17.3 to 17.6 of Advice Note Fifteen. The Applicant considers that the ability to vary from the preliminary scheme design provided there are no</p>

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	<p>in the environmental assessments which will be submitted with the DCO application’.</p> <p>The Applicant should be aware of the advice in respect of ‘tailpieces’ in a draft DCO (see 17.4 of Advice Note 15).</p> <p>The need for flexibility is recognised but it may be worthwhile considering how may this be best achieved drawing on existing practice. For example, the DCO for A1 Birtley to Coalhouse includes a range of design options (see Work No. 5a) for Allerdene Bridge in the DCO application. At the detailed design stage, the preferred option would be identified and taken forward into construction. This is given as an example and not, necessarily, as a recommendation.</p>	<p>materially new or materially different impacts to be proportionate in ensuring there is flexibility to deliver the scheme. Where appropriate, options will be incorporated but the Applicant is working to ensure that as much certainty can be provided.</p>
<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>Requirement 4: Reference is made to the pre-commencement EMP – is this the REAC alone or the EMP (second iteration) or another document? From the information provided the EMP (second iteration) appears to only apply to commencement. Is there a gap between the outline control documents which are to be certified, and the commencement EMP meaning there is a gap in the control of activities at pre-commencement?</p>	<p>The pre-commencement works EMP is now known as the preliminary works EMP (in response to feedback that the scope of the document should be clearer). The preliminary works EMP is a specific section (Annex A) of the CoCP Application Document 6.3) (and the definition reflects this). The preliminary works REAC, contained with the preliminary works EMP, contains those measures from the REAC which are relevant to the preliminary works activities to ensure appropriate controls are in place (see response to 1.1 above). Accordingly, there is no gap as the preliminary works EMP is included in the CoCP (Application Document 6.3) (which will form part of the DCO application, and which will be a certified document if the DCO is made).</p>

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<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>Requirement 4: Should 'in consultation with' in R4(2) include any requirement for the relevant local planning authority and Natural England to agree the EMP as well as being consulted on it? Is the phrase '... substantially in accordance with ...' sufficiently clear?</p>	<p>The Applicant considers that the appropriate discharging authority for the Project is the SoS for the reasons set out in the Explanatory Memorandum.:</p> <p>The Applicant considers the word “substantially in accordance with” to be sufficiently clear, and its usage in other DCOs (including on projects of significant scale and size) supports this conclusion. In terms of specific justification for the Project, the use of the phrase is necessary and appropriate because the CoCP for the Project will be in outline and will require development following the DCO (if granted).</p>
<p>Updated DCO Schedule 2 and Explanatory Memorandum</p>	<p>Requirement 5: Should 'in consultation with' in R5 include any requirement for Natural England to agree the LEMP as well as being consulted on it? Is consent/ 'assent' from Natural England for works within SSSIs under Section 28e of the WCA 1981 required? If so, Requirement 5 should also explicitly reflect this and include the need for permission from NE for works within SSSIs to proceed i.e. the relevant LEMP to be agreed with NE. Is the word 'reflect' in R5 (2)(a) sufficiently clear? Is the phrase '... substantially in accordance with ...' sufficiently clear?</p>	<p>Please see comments above in relation to Requirement 4 – The Applicant considers the appropriate discharging authority is the SoS for the reasons above. In relation to section 28E consents, the Applicant understands both the Applicant and Natural England agree that an assent is not required because the DCO will constitute a 'reasonable excuse' under section 28P of the WCA1981.. The Applicant notes that Natural England will be a member of a proposed Advisory Group secured under the oLEMP and will be consulted on the LEMP itself.</p> <p>The Applicant considers the word “reflect” and “substantially in accordance with” to be sufficiently clear, and its usage in other DCOs (including on projects of significant scale and size) supports this conclusion. The use of the latter term is necessary and appropriate for the Project because the management plans for the Project will be in outline and will require development following the DCO (if granted). The Applicant notes that the SoS in the A1 Birtley to Coalhouse decision letter affirmed that the phrase “substantially in accordance” was appropriate in the context of outline documents.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 6: Has the Applicant checked whether there are any Local Drainage Boards/Authorities operating in affected areas?	The Applicant can confirm local drainage boards and authorities have been identified and consulted.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 7: Is the term ‘suitably qualified and experienced ecologist’ sufficiently clear and/or explained?	The Applicant considers the term is appropriate, and consider it would be inappropriate to, for example, require specific qualifications or rank. The Applicant acknowledges the Planning Inspectorate’s view that provisions must be appropriate justified for each particular project (and in the Applicant’s view, the provisions have been), but note that the usage of this drafting in other DCOs is not affected by the specifics of a project and it has nonetheless been endorsed by the SoS.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 8: Should the use of ‘in consultation with’ in R8 include any requirement for the relevant local planning authority to agree the scheme as well as being consulted on it? Should any other bodies, such as the Environment Agency and/or any local drainage boards be referenced in this requirement?	Please see comments in relation to Requirement 4 on the appropriate discharging authority. The Applicant has asked for comments on Schedule 2 and if any further bodies request a consultation role, this will be considered.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 8: Would ‘relevant planning authority’ include, for example, the Kent and Essex County Council Archaeological Units?	It would insofar as this was relevant to their planning functions (see definition of “relevant planning authority” in the dDCO).
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 9: The full title of the Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (“AMSOWSI”) should be included in the Requirement and abbreviated thereafter. Additionally, should this document be added to the “control documents” that are	The definition of AMS-OWSI is provided in Requirement 9(7). Noting that the reference to the EM in the Planning Inspectorate’s comments refers to a consultation document, the Explanatory Memorandum specifically references that document in relation to Requirement 9.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	listed in paragraph 1.1.5 of the Explanatory Memorandum, and Article 1 of the dDCO?	
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 10: Should this requirement be titled 'Construction Traffic Management'? Is the phrase '... substantially in accordance with ...' sufficiently clear?	Requirement 10 has been amended to explicitly refer to construction. The Applicant considers the phrase "substantially in accordance with" to be appropriate given the outline management document produced for the Project is in outline form and contains, for example, measures that will need to be developed as the Project development phase progresses.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 11: Is the phrase '... substantially in accordance with ...' sufficiently clear?	the Applicant considers the phrase "substantially in accordance with" to be appropriate given the outline management document produced for the Project is in outline form and contains, for example, measures that will need to be developed as the Project development phase progresses.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 12: The Requirement does not appear to allow for the possibility that Volume 1, Series 0300 of the Manual of Contract Documents for Highway Work may be superseded as guidance on this aspect.	The definition of the Manual of Contract Documents for Highway Works in the dDCO is "the document of that name published electronically by or on behalf of the strategic highway authority for England or any equivalent replacement published for that document" and on that basis the Applicant considers any superseded guidance would be caught.
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 12: Should the "Manual of Contract Documents for Highway Works" be added to the "control documents" that are listed in paragraph 1.1.5 of the Explanatory Memorandum, and Article 1 of the dDCO?	The relevant paragraph of the consultation document and the text no longer appears in the Explanatory Memorandum (Application Document 3.2).
Updated DCO Schedule 2 and Explanatory Memorandum	Requirement 13: To what extent has the detailed wording of this Requirement been discussed with the relevant local planning authority?	Schedule 2 formed part of the community impact consultation and the Applicant has reviewed the detailed representations on Schedule 2 (including Requirement 13). The applicant notes that Requirement 13 has not been identified as an issue by some authorities (e.g., Havering), but has been the subject of correspondence with some (e.g., the detailed engagement on the dDCO with Thurrock Council). Engagement on wider network impacts more generally continues.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Updated DCO Schedule 2 and Explanatory Memorandum	<p>Requirement 13(4): Would it be helpful to specify whether the 28 days for the local planning authority to notify the undertaker of its decision on an application is intended to be calendar days or working days? To what extent has this been discussed with the relevant local authority/ies?</p>	<p>Office of Parliamentary Counsel drafting guidance states that “Weekends and bank holidays will not be treated differently from other days unless you make express provision to that effect.” It is for this reason that where business days are intended there is express reference to “business days”. Requirement 13 is the has been the subject of detailed correspondence between the Applicant and Thurrock Council (the relevant LPA). As the days referenced are not expressed to be business days, the provision would require 28 calendar days.</p>
Updated DCO Schedule 2 and Explanatory Memorandum	<p>Requirement 14: Should the use of ‘following consultation with’ in R14 include any requirement for the relevant local planning authority to agree the scheme as well as being consulted on it. Is the phrase ‘... substantially in accordance with ...’ sufficiently clear?</p>	<p>For the reasons explained in the response relating to Requirement 4, the Applicant considers the SoS is the appropriate discharging authority and that the phrase “substantially in accordance with” is clear.</p>
Updated DCO Schedule 2 and Explanatory Memorandum	<p>Paragraph 1.1.2 of Ex Mem: Suggest: Schedule 2 to the Order sets out the “requirements” that the Applicant would and must comply with if the Order is approved.</p>	<p>The relevant paragraph of the consultation document and the text no longer appears in the Explanatory Memorandum.</p>
Updated DCO Schedule 2 and Explanatory Memorandum	<p>Paragraph 1.1.4 of Ex Mem: The reason for including paragraph 1.1.4 of the Explanatory Memorandum is understood but it could be taken to detract from the unique nature of this scheme The Applicant should bear in mind paragraph 2.14 of Advice Note 13 (our underlining) that: If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the</p>	<p>The Applicant refers to the Project’s response to Requirement 4 on why the SoS is considered to be the appropriate discharging authority for the Project.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	relevant consented NSIP and the Proposed Development.	
Updated DCO Schedule 2 and Explanatory Memorandum	Paragraph 1.1.5 of Ex Mem: Is this the list of documents to be specified and secured elsewhere in Schedule 16 of the dDCO? It does not fully accord with the documents defined in Requirement 1. Is this list complete; it does not contain reference to, for example, the general arrangements drawings (R3).	This is because Article 2 of the dDCO (i.e. the main body) will contain the definition of some control documents. Where an application document is referred to elsewhere in the dDCO, it is defined in article 2.
Updated DCO Schedule 2 and Explanatory Memorandum	Paragraph 1.1.7 of Ex Mem: Has the approach to identifying a discharging authority been sufficiently justified in respect of this particular scheme?	The Applicant refers to the Project's response to Requirement 4. In the Applicant's view, the discharging authority has been appropriately justified.
Updated CoCP (including the REAC)	General: S51 advice feedback: noted that the document was light on detail and did not contain the REAC. More detail has been added including specific activities within the REAC. No further comments on this.	The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: Thank you for confirming you have no further comments on the CoCP in the context of the Observations provided after the withdrawal. The Applicant would note for completeness the October 2020 application contained a CoCP (Application Document 7.11) and a REAC (Application Document 6.3 ES Appendix 2.2). Para 6.3.1 of the CoCP directed readers to the REAC. These have now been physically combined into one document for the resubmission version.
Updated CoCP (including the REAC)	Plate 2.1: Some clarity would be helpful to understand the linkages between all the documents and commitments mentioned: Plate 2.1 does show the management plan documents and commitments but does not explain how they will work together and inform each other, as has been done in the other documents reviewed.	The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: Plate 2.1 to be updated. Additional text will be provided explaining how management plan documents and commitments will work together and inform each other in the CoCP (Application Document 6.3) (similar to the way the FCTP (Application Document 7.13) explains the relationship between relevant management plans).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		At the point of submission, these changes have been implemented.
Updated CoCP (including the REAC)	<p>Section 3.1: Timing – the project has a 6-year construction programme but it isn't clear how the tasks included in the CoCP and REAC will be timed to allow pre-commencement works to take place e.g. habitat creation and planting? It would be useful to have an indication of how long each phase is likely to last, for example: how long will pre-commencement monitoring be carried out for; or how will replacement habitats be established before removal of habitats or features (e.g. bat roosts)? The list of pre-commencement activities in Table 3.1 doesn't appear to allow for establishing a monitoring baseline for, for example, noise / air quality / water quality. What time is being allowed for this and where in the documents will the methodologies for these activities be set out?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: Preliminary works activities must comply with the preliminary works EMP (i.e., chapter 3 of the CoCP. The securing mechanism for activities for the preliminary works REAC Table 7.1 is Requirement 4(1) of the DCO. The nature of the preliminary works will not affect the baseline monitoring. Chapter 3 has been updated to include the commencement definition from the DCO. Table 3.1 has been updated to accurately/consistently reflect the preliminary works activities identified in the DCO definition of commencement. At the point of submission, the position is that: Preliminary works activities must comply with the preliminary works EMP (i.e. Annex C of the CoCP (Application Document 6.3)). The securing mechanism for activities for the preliminary works REAC Annex C Table 2.1 is Requirement 4(1) of the DCO. The nature of the preliminary / works will not affect the baseline monitoring. Chapter 3 and Annex C of the CoCP (Application Document 6.3) have been updated to include the commencement definition from the DCO. Table 3.1 of the CoCP and Table 1.1 of Annex C have been updated to accurately/consistently reflect the preliminary works activities identified in the DCO definition of commencement.</p>
Updated CoCP (including the REAC)	<p>General: How will the various controls in place allow for flexibility for contractors to make necessary changes to licences and consents when they are appointed and begin works?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The draft protected species licences applications submitted as part of the DCO application are based on the current outline stage of project development. They are provided to give Natural</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>England and the Planning Inspectorate confidence that the application meets the derogation tests which licence applications are required to meet to be granted. This provides comfort that obtaining such licences post-DCO will not pose an impediment to the delivery of the project. The contractors will need to review relevant draft licence applications as they develop the project design and will be required to submit formal applications for these licences. These applications will need to ensure compliance with the relevant legislation in place to protect the species in question. As the draft applications are based on the current stage of project development, the relevant contractor has appropriate flexibility to amend the outline design to meet the project objectives as long as the design still meets the derogation tests required by Natural England to grant the licence for the works. Any change in design would also have to be consistent with the requirements set out in schedule 2, which also have incorporated appropriate flexibility.</p>
<p>Updated CoCP (including the REAC)</p>	<p>General: There is a clear description of the various monitoring responsibilities and feedback routes proposed; the potential consents are listed in section 4.4. However, there is less detail in this section as to how any non-compliances will be addressed and how any changes to consents or licences (indicated in the REAC Table 7.1) post DCO consent will be managed and controlled. It would be helpful to provide more assurances in this regard.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: The DCO will impose legally binding requirements to ensure that relevant mitigation measures are carried out. The DCO will also legally secure monitoring measures in the CoCP (as the EMP2 must substantially accord with the CoCP). The draft DCO does not amend the enforcement provisions contained in Part 8 of the 2008 Act, thereby providing one mechanism for ensuring that requirements to, for example, carry out the authorised development in accordance with EMP2 can be enforced. The Applicant will update the wording within the CoCP to reflect these two points. In relation to licences, the Applicant refers you to the response directly above. In addition to these assurances, the Applicant refers you to section 2.6.2 and 2.6.6 of the CoCP (Application Document 6.3).</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>At the point of submission, the CoCP has been updated so that it sets out as follows:</p> <p><i>2.7.2...The Applicant and Contractors involved with the construction of the Project will be required to comply with the provisions of this CoCP and EMP2. The Applicant and Contractors involved with the operation of the Project will be required to comply with the provisions of the EMP3. These requirements would be subject to the enforcement provisions in Part 8 of the Planning Act 2008. To provide additional comfort that Contractors comply with these requirements, these commitments will be incorporated into their contracts and the Applicant will take appropriate action to ensure compliance with those contracts.</i></p> <p><i>2.7.7 The Applicant or its representatives will carry out site inspections and audits to verify the Contractors' compliance with EMP2. On request, relevant planning authorities, the Environment Agency, Natural England and the SoS, will be given access to the results of the site inspections and audits, along with the opportunity to attend and observe the Applicant's site inspections and audits. All non-conformances will be recorded and monitored through a Contractor's action plan within an agreed risk based timescale for resolution.</i></p>
<p>Updated CoCP (including the REAC)</p>	<p>Section 4.3: Roles and responsibilities: there is a clear hierarchy of roles that the main contractors would be obliged to provide in implementing the CoCP presented. Less clear is the link between the sub-contractors, the Applicant and reporting to LAs and other stakeholders. How will the Applicant monitor the compliance and performance of its contractors and report where necessary to SoS?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating:</p> <p>In relation to the concern regarding Subcontractors Paragraph 2.7.3 added: Subcontractor performance is the responsibility of the Contractor and will be monitored by the Contractor however the Applicant will not differentiate Contractor and subcontractor performance and will monitor both.</p> <p>It is not anticipated there would be reporting to the SoS following the SoS' approval of an EMP2. The CoCP (Application Document 6.3), as an outline document, sets out that audit and reporting must be set out in the EMP2. The Applicant refers you to 2.7.6</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		and 2.7.7 in relation to how any matters are to be communicated to local authorities.
Updated CoCP (including the REAC)	<p>Section 4.4: We have not seen the Consents and Agreements Position Statement but note that consent for works within the SSSIs affected by the proposed development is not listed in Table 4.2. Have there been any discussions with Natural England on this subject and what have the outcomes been to date?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: The Project is seeking powers under the DCO to work within the SSSIs, therefore separate consents/permits would not be required and so it has not been included in Table 4.2 of the CoCP. the Applicant will update the submission version of the CAPS to describe this. There have been regular ongoing discussions on this subject with Natural England, it is an agenda item on the monthly meeting held with Natural England over the last 2 years. The Applicant refers you to the Project’s response to comment 1.5 above (see extract below). <i>“In relation to section 28E consents, the Applicant understands both the Applicant and Natural England agree that an assent is not required because the DCO will constitute a ‘reasonable excuse’ under section 28P of the WCA1981, and the process of obtaining development consent is one to which section 28I applies. The Applicant notes that Natural England will be a member of a proposed Advisory Group secured under the oLEMP and will be consulted on the LEMP itself.”</i></p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Design Principles	<p>1.1.8, Tables 4.3-4.9:</p> <p>The design principles document is part of the suite of documents that capture the environmental commitments, which includes the ES, Environmental Masterplan, REAC and CoCP. Could paragraph 1.1.8 usefully mirror that the REAC is now part of the CoCP?</p> <p>The detailed tables for each section of the scheme refer to the Environmental Masterplan and sheet numbers. It would be helpful if details of specific DCO requirements could also be included and specific references to the REAC where applicable.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating:</p> <p>Para 1.1.8 will be updated for the application to reflect all the documents which include the Project’s design and environmental commitments and mirror that the REAC is now part of the CoCP (Application Document 6.3).</p> <p>The Design Principles are secured under Requirement 3. The REAC is secured via Requirement 4 and 5. The Environmental Masterplan is separately secured via Requirement 5. Accordingly, where the Design Principles document includes a principle, it is considered this is appropriately secured. The Applicant will add additional wording confirming how the measures are secured but is considered that it would make the document unwieldy in repeating the relevant requirements (i.e., Requirement 3, 4 and 5). The Applicant notes appropriate references to the REAC are included where relevant.</p> <p>Since the meeting and the Applicant’s written response, the design journey for the Lower Thames Crossing was discussed at a s51 meeting on 25th August 2022.</p> <p>At the point of submission, the suggested changes above have been implemented.</p>
Design Principles	<p>2.1.3, Table 3.2:</p> <p>Section 2 on the subject of ‘connecting places’ does not discuss connectivity between the ecological and other environmental enhancements proposed. Does this form a key part of this design principle?</p> <p>The principles contain wording such as ‘as reasonably practicable’. Could this project look to have ambitious, strong principles, to flow through to firm realistic commitments to be delivered in the design (which the rest of the document does seem to reflect).</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating:</p> <p>Section 2 [Section 3 in final version of the Design Principles (Application Document 7.5)] is setting out how the Project has integrated and addressed the overarching tenants of the Road to Good Design and how the Project engages those tenants. This is not a specific design principle; specific design principles on ecology and other environmental enhancements are proposed in Chapter 3.7 and Chapter 4: Area-specific design principles [now Chapter 5]. Chapter 3.7 and 4 [now Chapter 5] does discuss connectivity between the ecological and other environmental enhancements proposed.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>The Applicant is balancing the desire to provide strong design principles with the public interest in ensuring flexibility and proportionate use of public funds in light the Applicant's position as public sector body required to achieve value for money. It is therefore considered that the use of "as reasonably practicable" in this document is suitable. It is not considered appropriate for the Applicant, as a public sector body making use of public funds, to be committed to measures which are unreasonable and impractical.</p>
<p>Design Principles</p>	<p>Section 4, Paragraph 4.2.3: This section usefully explains how the governance and compliance will work. Will the contractors'/subcontractors' Joint Operations Forum (JOF) report to the Transport Plan Manager or TPC and how will it feed back into the SSTEP process? The Traffic Management Plan introduces a 'traffic forum' – does this group fit into the FCTP governance?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The JOF would be attended by the Transport Plan Manager (TPM), who would then feed back into the SSTEP process via the TPLG meetings, which the TPCs would attend. The traffic forum in the oTMPfC (Application Document 7.14) relates to traffic management and so would not directly interface into the FCTP (Application Document 7.13). Issues relating to the FCTP/SSTPs would be communicated through the JOF instead.</p>
<p>FCTP</p>	<p>Plate 4.1 and 4.2: Might there be any benefit in combining these diagrams to help set out the relationships between the various roles and responsibilities?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The Applicant currently does not consider that combining these diagrams is necessary, although some changes to the diagrams are currently being considered by the Project team. The Applicant has, however, amended paragraph 4.1.5 of the FCTP (Application Document 7.13) to reference the additional detail that Plate 4.2 provides regarding the Travel Plan Liaison Group. At the point of submission, the current position remains as stated above. The plates are still shown as separate diagrams. The text added to provide additional detail for Plate 4.2 is still in the document.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
FCTP	<p>Section 2, Paragraph 2.3.4: The description of how the control documents at application and beyond into construction and operation is useful here. With regards to Paragraph 2.3.4, is there a relationship between the FCTP and the NRA as well?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: Currently there are no proposals to make changes to any existing river services or propose new ones in order to move the Project workforce. As such, the Applicant considers there to be no material relationship between the FCTP (Application Document 7.13) and NRA.</p>
FCTP	<p>Section 6: It is helpful to have a summary in the document to provide context for the assumptions made and targets set, but it would be useful to avoid any repetition between this document and the ES and Transport Assessment and use cross-referencing where possible.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: The Applicant will consider whether there could be changes made to the text within Chapter 6 to reduce duplication whilst ensuring that the reader has ready access to the relevant information. As part of this, text may be removed from other documents if the Applicant considers they are best placed within the FCTP (Application Document 7.13). At the point of submission, text in the CoCP (Application Document 6.13) that related to the FCTP was however reduced to remove repetition.</p>
FCTP	<p>Section 7: The NPS for Ports is not mentioned here, might there be benefit in including a section on relevance/consideration?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: It is acknowledged that the Project is close to major ports and that the NPS for Ports is therefore an important and relevant matter in the context of this application. The Applicant does not, however, consider that the NPS for Ports is relevant to matters within the FCTP and so have not set out an analysis of it in this document. The Planning Statement (Application Document 7.2) and Need for the Project (Application Document 7.1), which will be submitted as application documents, will however seek to demonstrate how the project is consistent with the overarching government policy for ports. At the point of submission, the current position remains as stated above.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
FCTP	<p>Paragraph 9.4.1: This paragraph states that the measures set out are to be secured by DCO requirement but does not make any specific reference - presumably this is to fall under the details of Requirement 11 in Schedule 2 of the dDCO?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: This text has been updated to reflect this comment in a post consultation version of this document.</p>
FCTP	<p>Table 10.1: We welcome the identification of responsibilities and indicated timescales for governance and approval tasks in this table, and suggest reference is made to this in Section 4 if not already done so</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: A cross reference within the FCTP (Application Document 7.13) Section 4 is already present (at paragraph 4.2.1(c)), which sets out that the Applicant, through the TPM, would have responsibility for "reviewing and ensuring that the FCTP and SSTP action plans are identified, appropriate, and implemented". In addition, contractors would be responsible (as outlined in Section 4.3) for producing a SSTP, which should be in line with the suggested template at Appendix A, which also includes an Action Plan.</p>
FCTP	<p>Section 1.4: Is there sufficient detail regarding what the remedial measures to address target shortfalls might be and might it be helpful to give some examples in this document. Is there an intention to instigate a complaints procedure or similar (noting the proposed Communications and Engagement Strategy in the oTMPfC below) and if so would there be a feedback link from this into the review and monitoring of the travel plans (e.g. if residents had noted issues associated with or perceived to be associated with construction staff transport)?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The Applicant will consider whether further detail can be added relating to remedial measures. The Applicant will amend the FCTP to refer to the helpline that the oTMPfC proposes, as this could also be used in the context of the FCTP. At the point of submission, further detail around remedial measures have been added to the oTMPfC (Application Document 7.14).</p>
OTMPfC	<p>Section 3.3: Noting the intention to make a line of contact for the public available, how do you envisage this feeding into the groups overseeing traffic management e.g. the</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The community liaison group which will reflect and/or include members of the public is proposed to be established. That group</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>Traffic Management Forum and Joint Operations Forum – will there be a connection between the public line of contact and the Traffic Manager who will be co-ordinating with these groups?</p>	<p>will attend the Traffic Management Forum. The Traffic Manager will be attending the Traffic Management Forum. The Traffic Manager will report to the JOF. The Applicant refers you to section 4.33-34 of the CoCP (consultation version) and plates 3.2 and 3.3 of the OTMPfC (consultation version).</p> <p>At the point of submission, section 5.2 of the COCP now achieves the above and reads as follows:</p> <p>In engaging with the relevant local authorities, the Project will establish and maintain Community Liaison Groups (CLGs) in those communities likely to be most impacted by construction activities. The Engagement and Communications Plan (ECP) will identify in which communities it will be appropriate to establish a CLG, in advance of construction commencing. The ECP will set out the process by which CLGs will be established and administered together with an initial schedule of planned meetings according to key work stages. CLGs will meet regularly before and during the construction period.</p>
OTMPfC	<p>Plate 3.2: Noting the intention for feedback to the Community Liaison Group by the Traffic Manager, how wide will the outgoing information be shared and how? We note the information on Communication and community engagement in the CoCP, might it be helpful to include a cross-reference?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating:</p> <p>The community liaison group will have a seat at the table in the traffic forum to develop the traffic measures. The communication is not designed to be transactional but rather collaborative. The Applicant will consider inserting text as to the frequency of traffic management forums to provide comfort insofar as collaborating with the community liaison group is concerned. The job description of the traffic manager as written in the OTMPfC (Construction version) does state the traffic manager should 'act as the interface with the community liaison group'.</p> <p>The Applicant can look to add cross references to CoCP (Application Document 6.3) and could also look to include a diagram in the CoCP to illustrate the connectivity between different groups/forums etc if need be. The Applicant will consider adding this text to the OTMPfC. (Application Document 7.14)</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>At the point of submission, as detailed in the OTMPfC the Local Community Leaders of the Community Liaison Groups will be invited to the Traffic Management Forum (TMF). Feedback to the community liaison group would be provided by the Traffic Manager via the TMF. The TMF would be established following the grant of the DCO or earlier if agreed with all attending stakeholders and meetings would be held monthly.</p> <p>The OTMPfC includes cross reference to Section 5 of the CoCP, which details how the Project and Contractors will engage and communicate with the stakeholders and communities impacted by the works.</p>
Outline Materials Handling Plan	<p>Section 3.2: This section identifies known constraints which have led to the exclusion of some options for the transportation of materials, e.g. the mitigation area associated with Tilbury 2 which precludes a direct rail spur to the North Portal and the barriers to use of the Thames for transport to the southern working area due to the Milton Rifle Range. Section 1 lists the relevant documents including documents supporting the ES. Might it be helpful to include a cross reference in Section 3.2 to any more detailed assessment within these documents (or others) that underpins these decisions e.g. assessment of the benefits of a direct rail spur vs the disbenefits meaning it has been deemed disproportionate</p>	<p>At the point of submission, following further consideration of the nature of the oMHP the Applicant decided not to proceed with this recommendation. The oMHP (Application Document 6.3) will be a functional reference document for use during construction, and as such needs to stand alone without reference to other assessments.</p>
Outline Materials Handling Plan	<p>Plate 3.2: This plate shows existing infrastructure to the immediate north of the River Thames but there are no figures showing the extent of the proposed development further to the north. Is there an intention to include this information where it is of relevance to the oMHP?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: Plate 3.2 will be updated to include extent of proposed development further north and reflected in the submission version of this document.</p> <p>At the point of submission, please refer to Plate 4.1-4.3 of submitted version of the OMHP (Application Document 6.3)</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Outline Materials Handling Plan	<p>Section 5.3, Section 7.2: The document contains useful information about the strategy for river use and the options considered, but no estimates/assumptions of how much transportation will be done by river. Are the assumptions on which the environmental and navigational assessments are based contained elsewhere? It may be useful to include a cross-reference to this information.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: Further detail on the use of the river will be included in the submission version of this document. The intention is that the same assumptions will also underpin (and will be contained within) the pNRA and the ES, and relevant cross-references will be provided in the oMHP submitted with the DCO application. At the time of submission of the application, as set out in the outline Materials Handling Plan (oMHP) (Annex B of the CoCP (Application Document 6.3)), the Project recognises the opportunity that the use of the river for material transportation presents for reducing impacts of vehicle movements. As such, subject to the exceptions listed in the oMHP (Annex B of the CoCP (Application Document 6.3)), the Project shall utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal Construction Area. This commitment translates into 35% of the total bulk aggregates across the project being imported via port facilities. In addition, the oMHP includes a commitment to further utilise river transport where this would not give rise to materially new or materially different environmental impacts.</p>
Outline Materials Handling Plan	<p>Paragraph 7.2.37: The use of conveyors to move material within the Order Limits – it is noted that this is still under consideration and will be explored as part of the Materials Handling Plan post consent. Does the project description within the dDCO and as assessed by the ES and other supporting documents allow for this project element?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 08/11/2021 stating: The use of conveyors to transport construction materials within the Order limits has been retained for further consideration at the detailed design stage of the Project. For the next iteration of the oMHP, the Applicant will also consider further how reference to this potential Project feature should be reflected in the dDCO and to the assessments which support the DCO application. At the point of submission, the position is that, the Project has allowed for a conveyor as part of ancillary works within the draft DCO. The use of the conveyor has been assessed during</p>

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		<p>construction to facilitate movement of material between a conveyor and the Project. This is described and assessed within the ES (Application Document 6.1).</p>
<p>Wider Network Impacts Management and Monitoring Plan (update from the Outline Monitoring Strategy)</p>	<p>Table 2.1: Is there any information at this stage on how any interventions proposed to be delivered prior to construction will be phased and how this would fit with other pre-construction works? Would any interventions fall within the definition of 'pre-commencement works' and be described in the dDCO in this regard? Is there potential for any interventions that are subsequently adopted/agreed to change the project description to be secured in Schedule 1 of the DCO and which has formed the basis of the environmental assessments?</p>	<p>The Applicant has assessed the operational wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014) and other relevant policy documents, and considers that the adverse impacts are acceptable. Further information on policy compliance can be found within the Transport Assessment (Application Document 7.9). As such, the Applicant is not committing to any direct additional funding for interventions on the wider network through the DCO. Table 2.1 has therefore been removed from the document.</p> <p>With regards to the pre-construction works, temporary construction enablement changes to the highway network will be considered in collaboration with the appropriate local highway authorities (through the Traffic Management forum and other engagement methods) and will be implemented in advance of construction phases where agreed. We refer you to section 6 of the oTMPfC which sets out controls in relation to the preliminary works.</p>
<p>Wider Network Impacts Management and Monitoring Plan (update from the Outline Monitoring Strategy)</p>	<p>Paragraph 2.3.6: We note the statement here that the need and timelines for these interventions are to be managed separately from the proposed development. Does the Applicant consider that any of these interventions could fall under the definition of Associated Development, as set out in s115 PA 2008?</p>	<p>It is not proposed that planning consent or authorisation for the interventions is included in the Project's DCO.</p> <p>The Project's position (set out above) means that the Applicant is not developing and delivering interventions other than temporary construction enablement highway works.</p>

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<p>Wider Network Impacts Management and Monitoring Plan (update from the Outline Monitoring Strategy)</p>	<p>Plate 3.1, Paragraph 3.2.5, 3.2.6: There is limited detail about how other influencing factors will be considered or what the conclusion of 'largely a result of' will be based on. The Plate has 'investigate the need for localised intervention' whether the text is drafted as 'investigate suitability for intervention'. It would seem that if a significant adverse change has been identified and attributed to the proposed development, then the need for intervention has already been established, and it is the suitability and feasibility of intervention that is to be investigated. The Management and Monitoring Plan needs to deliver intervention where possible, if adverse effects result, in order to fulfil its purpose. Is the investigation process robust and well-articulated and does it provide a defined outcome that will lead to action?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 08/11/2021 stating: The Applicant will update the wording in the Plate is updated to align with the text. The Applicant does not consider the impacts at these locations to be unacceptable, and as a result these interventions are not being consented within or secured by the application. The intent of this aspect of the application is to set out a framework for the ongoing management of changes on the road network that are consequential to the opening of the Lower Thames Crossing. Consideration will also be given to setting out further information on the process for escalating potential interventions. It should be noted that any interventions identified would fall under a separate planning process. In the case of some interventions, development consent will be required and/or funding would need to be agreed as part of the Road Investment Strategy. It is therefore not considered appropriate to require the delivery of those interventions as part of the Project. At the point of submission, Plate 3.1 has been removed from the document. The Project is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p>
<p>30/09/2021 (tripartite)</p>		
<p>Summary of key points and advice given</p>	<p>No further formal advice or formal comment.</p>	<p>In a discussion during the meeting about current working relationships most participants considered that the working relationships had improved since the first application was withdrawn. The Applicant advised at the meeting that they had undertaken an internal review following the 23 June 2021 'Note of</p>

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	<p>In relation to a point about documents that would be useful to the Examining Authority appointed to examine the application in the event that it were accepted for examination, the Planning Inspectorate advised that a joint SoCG with the host authorities (such as was submitted for the Silvertown Tunnel NSIP) could be useful, however, it was noted that individual SoCGs would still be requested.</p> <p>The Planning Inspectorate strongly encouraged the Applicant and the local authorities to identify issues that are not agreed, as well as those that are agreed. In addition, Local Impact Reports and Statements of Commonality are very helpful in examination.</p> <p>In a discussion regarding the level of pre-application engagement and sharing of documents, it was noted that there will inevitably be complex matters which will need to be explored during an examination, but the aim of all parties should be to seek to resolve matters as far as is possible in the pre-application stage.</p> <p>The Planning Inspectorate noted that it is often the case that sharing information or making details available to parties as early as possible can help that process.</p>	<p>Issues' from the local authorities and was looking at how to address those issues, and it was generally agreed that the most progress had been made on small matters and larger issues were still outstanding.</p> <p>Local authority SoCG's (Application Document 5.4) identify matters which are currently agreed, not agreed and under discussion.</p> <p>A series of briefings have been undertaken, as part of the Project's ongoing engagement, to help prepare the local authority stakeholders for the development of the Local Impact Reports. A Statement of Commonality is submitted as part of the application (Application Document 5.3).</p> <p>At the meeting attendees agreed that it would be helpful to have another tripartite meeting in a couple of months' time.</p> <p>Since this was agreed, a tripartite meeting was held on 22nd September 2022.</p>
14/10/2021		
Overview	The Planning Inspectorate questioned the impact of the Transport Decarbonisation Plan on the Applicant's approach to cost-benefit analysis.	At the meeting, the Applicant added that the Transport Decarbonisation Plan is being fed into its design considerations; particularly in light of sustainable and active travel on local road networks. The Applicant stated they were unaware of a fundamental overarching change although emphasised the

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>importance of reflecting on the social value of the Proposed Development.</p> <p>At the point of submission, the Planning Statement (Application Document 7.2) outlines how the Transport Decarbonisation Plan has been considered within the DCO application.</p>
Reconfiguration of A13 Junction Design	No further formal advice or formal comment.	<p>At the meeting the Applicant briefly explained that it was looking at the reconfiguration of the A13 Junction design and its impact on the broader scheme and the local road network. The Applicant explained at the meeting that it is continuing to assess which of the options are preferred.</p>
Tilbury Fields (Community Consultation proposals)	<p>Following an explanation from the Applicant that the western section of the site serves several purposes including public realm open space and ecological mitigation for invertebrates, the Planning Inspectorate asked if another function of Tilbury Fields was the management and deposition of spoil including that from the tunnel excavation.</p>	<p>At the meeting the Applicant confirmed that this was the case and was being factored into its considerations.</p>
	<p>The Planning Inspectorate queried intentions going forward to discuss this change [i.e., potential change relating to Tilbury Fields to avoid conflict with the Thames Freeport] with Natural England and understanding of the implications for the Applicant's information to support an assessment under the Habitats Regulations.</p>	<p>At the meeting the Applicant confirmed its intention to liaise with Natural England in the coming weeks to discuss matters.</p> <p>At the meeting, the Applicant confirmed it was seeking further constructive discussion with the Port in respect of construction scheduling and sequencing and looking at alternative options for Tilbury Fields, including on the eastern side of the Proposed Development, although the extent of the land available is constrained by an area of known heavily contaminated land.</p> <p>Since the meeting, the Applicant has discussed the re-design of Tilbury Fields with Natural England, details of which can be found in the SoCG (Application Document 5.4). The assessment set out in the Habitats Regulations Assessment report (Application Document 6.5) has been carried out on the proposed development (including the final Tilbury Fields proposals) after extensive discussion with Natural England.</p>

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Tilbury Link Road	No further formal advice or formal comment.	<p>At the meeting the Applicant confirmed that the Tilbury Link Road would not be incorporated into the Proposed Development. It was noted at the meeting that Thurrock Council were concerned with the drainage impacts of the Proposed Development. The Applicant then explained at the meeting that it was looking to configure the drainage pond on the eastern side of the section to open up flexibility on the western side for adjustments in the event of a Tilbury Link Road being brought forward. The Applicant explained at the meeting that it was consolidating its ideas currently; having completed a requirements gathering stage through working with Tilbury Port, Local Authorities and other key stakeholders.</p> <p>At the point of submission, this change has been incorporated into the Project design to take on board Thurrock Council's comments.</p>
Other changes arising from consultation and engagement	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that it is working through the responses it has received to the consultation activity. The Applicant also explained at the meeting that it has been working with statutory undertakers to understand modifications to proposed alignments to reduce potential impacts. At the meeting, the Applicant explained that it has been working with Landowners where there may be minor refinements to the order limits, including in respect of construction compounds. The Applicant explained at the meeting that it has been working with environmental stakeholders in respect of changes to mitigation for example in respect of lower noise road surfaces and potential acoustic barriers. The Applicant indicated at the meeting that work with Local Authorities progresses to understand the matters that they raised during the consultation.</p>
Programme update	No further formal advice or formal comment.	<p>A programme update was provided at the meeting by the Applicant. At the meeting the Applicant explained that following the consultation activity, the Applicant will finalise key changes and start final design in October/November. Following that, the</p>

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		<p>Applicant explained at the meeting that it will start to engage with landowners that will be affected by local changes. The Applicant explained at the meeting that it anticipates a consultation on the changes in February 2022. At the meeting, the Applicant indicated that this would not be a consultation on the scheme as a whole but would be more localised and specific in nature. At the point of submission, all of these matters have been implemented.</p>
	<p>The Planning Inspectorate queried as to whether the timeline allows for revisions to the Habitats Regulation Assessment and ES for those stakeholders involved.</p>	<p>At the meeting the Applicant noted that the programme allows for a significant amount of detailed engagement with them on these matters; to talk through any matters arising and to seek to propose solutions.</p>
11/11/2021		
<p>Project update</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant noted that the Thames Freeport designation had been announced in the budget. The Applicant explained at the meeting that after briefing stakeholders of the designation on the 10 November 2021, the Applicant made a public announcement through a press release on the 11 November 2021 in regard to land overlap with the PoT. The Applicant explained at the meeting that the press release confirmed that the Applicant is looking to work around the overlap through engagement with stakeholders.</p>
	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that the designation afforded the Applicant additional clarity with regards to programme implications; informing the Planning Inspectorate that submission would not occur in Q1/Q2 2021 but an update on programme would be forthcoming early in 2022.</p>
	<p>No further formal advice or formal comment.</p>	<p>During the meeting the Applicant added that it is working with Thurrock Council and Thames Freeport towards shared proposals in regard to overlap with the area known as 'Tilbury Fields' in respect of spatial allocations of land and the sequencing of construction.</p>

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Feedback on draft documents	<p>The discussion noted the Planning Inspectorate’s comments on the following draft documents sent for review by the Applicant:</p> <ul style="list-style-type: none"> • Draft Development Consent Order (dDCO) • Provisional Navigational Risk Assessment (pNRA) 	<p>See the Applicant’s responses to the Planning Inspectorate’s comments on these documents in this meeting below.</p>
Draft Development Consent Order feedback comments	<p>There was a discussion on the wording of various parts of the dDCO, including; ‘in consultation with’, ‘substantially in accordance with’ and ‘materially new or materially different environmental effects’.</p> <p>In regard to the latter, the Planning Inspectorate noted that the judgement of ‘materially different’ within the DCO would benefit from being clearly defined.</p>	<p>At the meeting the Applicant added that in respect to ‘substantially in accordance with’, the wording is considered appropriate given the nature of those particular documents as outline documents.</p> <p>In response to the comment regarding ‘materially new and materially different’, the Applicant has included new text on the Code of Construction Practice (Application Document 6.3) to provide further explanation on this matter. The Applicant has been mindful of the Secretary of State’s desire to maintain consistency in highways DCOs.</p> <p>See the Applicant’s detailed responses to the Planning Inspectorate’s comments on the draft DCO in meetings dated 16/09/2021 and 11/11/2021.</p>
Draft Development Consent Order feedback comments	<p>The Planning Inspectorate raised two points on the dDCO; article 42(1) and 64, seeking additional explanation.</p>	<p>At the meeting the Applicant added that article 42 / 64 had been included in three transport Development Consent Orders to date and whilst there was a justification for its applicability to this project, did not consider it to be a novel provision.</p> <p>At the time of submission, further clarification on article 42 and 61 is provided in the Explanatory Memorandum (Application Document 3.2).</p>
	<p>The Planning Inspectorate concluded that it would be keen to view any further iteration of the documents in advance of submission to understand any evolution of the content.</p>	<p>The Applicant provided an updated draft Development Consent Order and Explanatory Memorandum in August 2022, and this was discussed at a meeting with the Planning Inspectorate in September 2022.</p>

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Preliminary Navigational Risk Assessment feedback comments	<p>The Planning Inspectorate noted that the Applicant had responded in detail to its comments/observations but had not had time in advance of the meeting to review them.</p> <p>The Planning Inspectorate added that it was unclear as to the nature and amount of river movement used in spoil management and not totally assured as to whether those movements have been assessed for their environmental impact. The Planning Inspectorate asked for additional clarity and cross reference to the ES.</p>	<p>See the ‘navigation’ and ‘assumptions on river use’ themes above in advice issued during the Section 51 meeting on 26/11/2020.</p>
Planning Inspectorate comments on dDCO	<p>General:</p> <p>In the Planning Inspectorate’s comments on 27 February 2020, we stated that:</p> <p><i>A number of Articles make provision for compensation to be determined, in case of dispute, under Part 1 of the 1961 Act. It is acknowledged that a provision in this form is in the various Model Provisions and is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. In order for there to be certainty that it would apply in other situations (e.g. Article 12, Article 23), should a modification be included as with the other compensation provisions in Schedule 9? If not, why not?</i></p> <p>We cannot see how this advice has been incorporated into the current version of the dDCO. For example, this usage is still employed in Articles 12 (in which this reference has been reinforced in the latest draft), 13, 14, 18, 21, 23 and 24 – which do not deal with Compulsory Acquisition.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The wording used throughout the dDCO where the 1961 Act is applied is as follows:</p> <p><i>Any dispute as to a person’s entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.</i></p> <p>The effect of this provision is to apply any dispute under an article as though it were a compulsory acquisition dispute under the 1961 Act. It is not necessary to modify the application of the 1961 Act itself since the reference to Part 1 in various articles of the dDCO already makes clear that it does apply in those cases. For the avoidance of doubt, there is judicial authority for the proposition that Part 1 is capable of applying in a broad range of circumstances, not only in the case of compulsory acquisition of land. The Applicant would note, in this regard, the case of BPP (Farringdon Road v Crossrail (case transcript attached) where it was held that “<i>Part 1 [of the 1961 Act] is very commonly adopted as supplying sufficient machinery for the resolution of disputes over compensation for the temporary possession and use of land</i>”.</p> <p>The Applicant does not, therefore, consider it appropriate or necessary to amend the provision.</p>

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		<p>Leaving aside this specific justification which applies to the Project's dDCO, the Applicant would note that the comment would apply to any made DCO but the SoS has not considered additional drafting necessary.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>Title: Is The A122 (Lower Thames Crossing) Development Consent Order 202[] still the title for the scheme (re A122?)?</p>	<p>The newly constructed alignment of the Lower Thames Crossing (including the tunnel) is still proposed to be called the A122.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>2 Interpretation: “commence” means beginning to carry out any material operation (as defined in section 56(4) (time when development begun) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and pre-construction ecological mitigation, environmental surveys and monitoring, investigations for the purpose of assessing and monitoring ground conditions and levels, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus (except any excluded utilities works), vegetation clearance and accesses for advanced compound areas, and the temporary display of site notices or information and “commencement” is to be construed accordingly. In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>The effect of these articles is to permit a wide range of works before discharge of the requirements. The</i></p>	<p>The Applicant notes the Planning Inspectorate’s previous comment related to the EM, and the EM was amended in response to the February 2020 advice. Since then, the definition of commencement in the dDCO has been altered in two significant ways. First, the Applicant has limited the activities (e.g. the removal of “demolition works, enabling works”, the “excluded utilities works” are also taken out of the scope of preliminary works) or limited the scope of some works (e.g., some works can only be carried out in connection with the advanced compound areas). Second, the Applicant has introduced a “preliminary works” EMP, and associated preliminary works REAC, which have the effect of further controlling works falling outside of the definition of “commence”.</p> <p>The Explanatory Memorandum has been expanded to provide further explanation of why the commencement definition is appropriate for the Project. In particular, the Applicant has not sought to replicate the provisions of other DCOs without careful regard to the specific requirements of the Project, but has considered which activities will be carried out in the initial stages of the Project, and which are, on the basis of professional judgement, relatively low-impact. Having determined these activities, consideration was then given as to whether any specific</p>

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<p>Planning Inspectorate comments on dDCO</p>	<p><i>applicant may wish to consider further explanation for the necessity and acceptability of this, particularly with reference to requirements directed at the works, such as the environmental management requirement (requirement 4), archaeology requirement (requirement 9) and fencing requirement (requirement 12). The EM should explain why it is necessary to undertake these works before discharge of requirements and clarify any impacts of these works, so that the ExA can consider whether this is justified or whether it is more appropriate that the works be controlled by requirement. The EM says that the works excluded from the definition of commence are de minimis or have minimal potential for adverse impacts but does not explain how this is secured in the DCO. The DCO should not permit works outside those assessed in the ES and applicant should consider limiting these works to those assessed within the ES.</i></p> <p>The Planning Inspectorate recognises that the definition in the current draft has been amended but we cannot see how the above advice has been incorporated into the current version of the dDCO.</p> <p>We would make the following additional comments on the current draft: ‘Underground apparatus’ is not defined – as worded this could involve major works.</p> <p>Are any of the Works Nos. G1 to G11 and Works Nos. MU1 to MU35 intended to be excluded?</p> <p>Why are advanced compound areas specified? (advance compound areas as shown in the CoCP)?</p> <p>What is the difference between ‘site clearance’ and ‘vegetation clearance’ and does ‘vegetation clearance’ only relate to advanced compound areas?</p>	<p>environmental controls would be required. The Applicant then produced a “preliminary works EMP” and “preliminary works REAC” which ensures that appropriate, specific and relevant mitigation measures and controls are in place at the point at which the Order comes into force, in relation to any preliminary works activities. In light of these controls (which are Project-specific), the definition of commencement is considered justified and appropriate (even accepting the size, scale and complexity of the Project). For the avoidance of doubt, no works which have not been environmentally assessed are authorised as preliminary works activities.</p> <p>In response to the additional specific queries:</p> <ul style="list-style-type: none"> • “Apparatus” is defined in Schedule 2, and it considered that “underground” should be given its plain and ordinary meaning. The Applicant notes that the Works G1 to G8 (i.e., the most significant gas pipeline works) are excluded via the definition of “excluded utilities works”. • The definition of “excluded utilities works” is set out in paragraph 1 of Schedule 2 to the dDCO. The definition of “commencement” states that “diversion and laying of underground apparatus (except any excluded utilities works)” is outside the scope of commencement – i.e., those significant works (as defined in “excluded utilities works”) are therefore not competent to be carried out as preliminary works activities. • The advanced compound areas are specified in order to limit the areas where particular preliminary works activities can take place. This is provided to provide comfort that the Applicant will not carry out preliminary works activities in unspecified locations. This underlines the point that the Applicant has considered the particular circumstances of the Project in defining the term “commencement”.

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		<ul style="list-style-type: none"> Site clearance is wider than vegetation clearance and would cover work unrelated to vegetation. The Applicant notes that the dDCO definition of commencement has been limited so that it only refers to vegetation clearance. This is another example of the definition being limited in response to feedback on the appropriate scope of the preliminary works activities.
<p>Planning Inspectorate comments on dDCO</p>	<p>2 Interpretation: “the tunnels” means the tunnels to be constructed under the river Thames and shown as the tunnel on the tunnel area plan. There is some confusion in the above phrase between ‘tunnels’ and ‘tunnel’. A consistent approach could usefully be adopted. Is the tunnel area plan to be certified?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Thank you – The Applicant will amend the definition to ensure consistency. The Applicant can confirm the tunnel area plan will be a certified document.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>2.(3): Is it right that distances are approximate – e.g. what about A6: Limits of Deviation?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This is correct; the distances and measurements used in article 6 are also approximate. This is a reasonable approach, consistent with Acts and Orders for major infrastructure projects, and ensures that the dDCO is capable of accommodating an appropriate degree of flexibility to enable minor variations which constitute rounding errors from the distances stated in the dDCO.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>2.(4): It would be useful if the Applicant could explain the application of this clause to other provisions in the dDCO in relation to the Project – and why it is included under ‘Definitions’.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This is included in article 2 because it relates to various articles and schedules. For example, numerous articles refer to the acquisition of rights (e.g. article 28, 32) and schedule 8 refers to the purposes for which rights may be acquired. In effect, it means that where the dDCO authorises the acquisition of a right, the references are to be construed in accordance with article 2(4). The provision is required for the Project because there are</p>

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		<p>circumstances where rights are proposed to be acquired for the benefit of a third party. Leaving aside this specific project-justification, the Applicant note that other DCOs (e.g. the M42 Junction 6) also include such references in the interpretation article.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>2.(8): Is this ‘in this Order’ or is it ‘in article 8’?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: For statutory bodies it is “in this Order”, and for registered companies, it is “in article 8”. The definition therefore refers to both.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>3.(2): The undertaker is authorised to carry out the works specified in column (2) of Part 2 of Schedule 1 (scheduled monuments) in relation to the scheduled monuments specified in column (1) of that Schedule It would be useful if the Applicant could explain the purpose and effect of this in relation to the Project, taking into account the definition of authorised development in Article 2?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This has been provided in response to feedback from Historic England so that further details about the works which relate to scheduled monuments can be further detailed. The proposed Part is intended to clearly set out the proposed works where scheduled monuments are concerned.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>3.(3): ‘Any enactment applying to land within, adjoining or sharing a common boundary the Order limits has effect subject to the provisions of this Order’ It would be useful if the Applicant could explain how this clause would apply in the case of the Project.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: In circumstances where an enactment applying to land within, adjoining or sharing a common boundary with the Order limits conflicts with the Project’s DCO, that enactment would take effect subject to the Project’s DCO. This is necessary to ensure that the Project can be delivered expeditiously and without delay. Whilst the Applicant has undertaken an extensive search of local enactments applying to land in the vicinity of the project (and where necessary addressed the interaction in article 54), such a search can never reasonably be conclusive. This provision is therefore necessary to ensure that the progress of the project is</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		not subject to delay or potential frustration by existing enactments which were not revealed by the Applicant’s proportionate search.
Planning Inspectorate comments on dDCO	<p>6 Limits of Deviation:</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that:</p> <p><i>The applicant should explain and justify the need for additional flexibility to that already incorporated within the limits of deviation themselves. The applicant should also explain what process is in place for the SoS to determine whether exceeding the vertical limits would not give rise to any materially new or materially worse adverse environmental effects</i></p> <p>The phrase to which this comment related is still contained in 6.(2) and we cannot see how the above advice has been incorporated into the current version of the dDCO.</p> <p>In what circumstances would 6(2) apply – and should additional bodies to LPAs be consulted (and should they be required to certify their agreement)?</p> <p>Our February 2020 comments also made the point that <i>It is unclear how the (vertical) limits of deviation apply to the figures in the middle column of Schedule 10.</i></p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>It is necessary to have a proportionate degree of flexibility when constructing the Project, reducing the risk that the Project as approved cannot later be implemented for unforeseen reasons but at the same time ensuring that any flexibility will not give rise to any materially new or materially different environmental effects.</p> <p>The process in place to variation of limits of deviation is that which applies to the discharge of requirements (as per article 6(4)).</p> <p>No statutory consultee has requested a consultation role under this provision. The Applicant considers that the SoS is the appropriate discharging authority and so do not agree that other bodies should be asked to certify agreement.</p> <p>Schedule 10 relates to the acquisition of land. Article 6 does not authorise the acquisition of land but sets out where works can be carried out.</p>
Planning Inspectorate comments on dDCO	<p>6 Limits of Deviation:</p> <p>6 (2) says that deviations ‘in excess of these limits’ should not have a materially worse effect than those presented in the ES. But it would seem that there is potential for different effects with a 25m depth difference and there could be opportunities to narrow the parameters and improve the environmental outcomes. Equally, the LoD should not be so wide as to present wholly different schemes.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>In circumstances where there is potential for materially new or materially different effects, article 6(2) (now article 6(3)) cannot be used to vary the limits of deviation. As noted above, the LoD have been further narrowed to reflect further design development. It is not appropriate to limit this further since the Project has not yet been designed in detail and such a limitation could therefore frustrate the detailed design process. There is an overriding</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		public interest in maintaining an appropriate level of flexibility and it is considered necessary to avoid limitations which would prevent value engineering, cause delays to the Project, and/or lead to further use of public funds.
Planning Inspectorate comments on dDCO	<p>8.(4):</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that:</p> <p><i>The applicant should explain why it is considered unnecessary to obtain the consent of the SoS prior to a transfer or grant to the specified companies.</i></p> <p><i>In particular, as the CA and TP powers can be transferred to these bodies without consent, the applicant will need to satisfy the SoS that the companies have sufficient funds to meet these costs.</i></p> <p>The phrase to which this comment related is still contained in 6.(4) and we cannot see how the above advice has been incorporated into the current version of the dDCO.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The dDCO has not been amended, but the EM has. In particular, the removal of the need for later consent by the SoS under paragraph (4) is justified by the fact that such consent is sought for the purposes of this application for development consent; thus interested parties, the Examining Authority and ultimately the SoS will have an opportunity to consider the appropriateness of this power as part of this application, and therefore avoid unnecessary administrative burden at a later stage in the implementation of the Project. It is considered the bodies listed are long-standing utilities companies with appropriate licensing obligations under various enactments. It is noted that the proposal is that the Applicant will be liable to pay compensation. The Applicant further notes that article 8 imposes the same obligations on a transferee such that any liability or obligation is legally secured.</p>
Planning Inspectorate comments on dDCO	<p>11 Access to Works:</p> <p>The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve (which includes altering) existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.</p> <p>Is it intended to insert any codicil?</p>	<p>The Applicant is not clear what codicil is being referred to here, but there is no intention to amend this provision. By way of background, the provision puts the Applicant in the same position it has under the Highways Act 1980 (section 129). It must also be seen in the context of requirement 4 (which requires compliance with the environmental management plan based on the CoCP) and 10 (which requires the approval of a traffic management plan which deals with, amongst other things, accesses). Appropriate controls are therefore already incorporated.</p>

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<p>Planning Inspectorate comments on dDCO</p>	<p>16 Clearways, speed limits and prohibitions: This Article deals inter alia with driving in excess of the speed limit – is this a proper matter for a DCO or should it be left to existing statute?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The dDCO does not make provision relating to enforcement of going in excess of a speed limit. It is appropriate for speed limits (including variable speed limits) to be set out to ensure that the Project can be opened as soon as possible. In essence, this forms one element of the DCO being used as a ‘one stop shop’ for the relevant consents for the Project. Leaving aside this project-specific justification, the Applicant notes that is common for speed limits to be set out or varied in DCOs (e.g., M42 junction 6) so the principle of including speed limits has been approved by the SoS.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>17 Traffic regulation – local roads: Has this (and other) Article(s) been discussed with the relevant highways authorities?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Yes – as with all the application documents from the October 2020 submission, the dDCO was shared with highway authorities. The Applicant has received comments on this provision from LB Havering and Thurrock Council.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>18 Powers in relation to relevant navigations or watercourses: This Article appears to give the undertaker some wide-ranging powers in respect of navigation (including to interfere with the navigation of the relevant navigation or watercourse). Has it been discussed with the PLA? It does not appear to be limited to the area within the Order Limits (as Art. 19 does, for example)? How is ‘reasonable endeavours’ in (2) defined?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This provision continues to be discussed with the PLA. Please note that the article takes effect subject to the protective provisions, including those for the benefit of the PLA. Article 18 will be a “specified function” which will need the PLA’s approval. It is not considered that the article is a “wide ranging” power – it must be used for purposes of “the carrying out and maintenance of the authorised development”, is subject to protective provisions, and is necessary to ensure that limited works in the river Thames (e.g. the installation of a drainage outfall) can be carried out without impediment. It is not considered appropriate to define the legal phrase “reasonable endeavours”, which is commonly incorporated in legislation, – the purpose of the definition is to consider reasonable factors in the specific</p>

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		<p>circumstances of the case, so an exhaustive definition may inappropriately restrict such enquiry.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>23.(1): The undertaker may fell or lop any tree or shrub within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub...</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that:</p> <p>To note the recent request for more information on A63 Castle Street. The SoS is concerned to ensure that the loss of trees is limited to those included within the ES and is thus proposing to amend article 35 of any Development Consent Order that might be granted by the SoS. The amended article proposed is:</p> <p><i>Felling or lopping of trees and removal of hedgerows</i> 1.—(1) <i>The undertaker may fell or lop any specified tree or any shrub within or overhanging land within the Order limits (other than a tree which is the subject of a Tree Preservation Order), or fell, lop or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub— ... “specified tree” means a tree which is shown as a tree to be removed on the drawing with drawing title “Volume 2 Figure 9.9 Tree Removed Proposals” in the ES.</i></p> <p>The phrase to which this comment related is still contained in 23.(1) and we cannot see how the above advice has been incorporated into the current version of the dDCO and query how this article works with the mitigation secured via, for example, the CEMP.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The REAC (and the preliminary works REAC) secures appropriate protection for retained vegetation and trees. It is therefore not considered necessary to include the provision included in the A63 Castle Street DCO. In response to the query concerning the interaction of this provision and the Requirements, the Applicant would note that these are overlapping provisions – i.e., Requirements 4 & 5 apply notwithstanding article 23.</p>

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<p>Planning Inspectorate comments on dDCO</p>	<p>23(4): ...The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed...</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>Where it is known that specific hedgerows need to be removed, they should be listed in a Schedule and this article amended to refer to the Schedule. Where this is not possible the applicant should consider adding an additional paragraph to this article to the effect that any other hedgerows should only be removed once the prior consent of the local planning authority has been obtained.</i></p> <p><i>The applicant should have regard to paragraph 22.1 and the good practice point 6 in Advice Note 15. If the applicant wishes to adopt a different approach it is advisable to justify this in the EM</i></p> <p>The phrase to which this comment related is still contained in 23.(1) and we cannot see how the above advice has been incorporated into the current version of the dDCO.</p> <p>In addition, the current draft shows the replacement of the phrase ‘has the same meaning’ by ‘includes’ in (5) - thus, apparently, widening the definition of hedgerow. The rationale for this change is not clear.</p> <p>How does this article work with the mitigation that is to be secured and on which the ES relies?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The Applicant would note that the article places works carried out to hedgerows under the DCO in the same position as they would be if they had been authorised by way of planning permission or were being carried out by the Applicant in its capacity as highway authority. In those circumstances, regulation 6(1)(e) and (h) of the Hedgerows Regulations respectively, would authorise the removal of important hedgerows. The Applicant does not consider it appropriate for it to be subject to a more onerous requirement than it would be whilst exercising its functions as highway authority, nor for the DCO not to benefit from the same treatment as planning permission granted under TCPA1990. This would, in the Applicant’s submission, be a curious outcome.</p> <p>Given the above, the Applicant does not believe that the recommendations in Advice Note 15 are appropriate in the case of the Applicant, as they do not seem to take account of these provisions in regulation 6 of the 1997 Regulations. Nonetheless, the Applicant will include an important hedgerows plan and schedule in the resubmitted application, without prejudice to the need for any of the Applicants other projects including the same.</p> <p>The amended definition in article 23(5) reflects the DCO for the A303 Stonehenge project and was amended to align with the definition therein. It is not considered this widens matters but reflects the SoS’s drafting practice.</p> <p>In response to the query concerning the interaction of this provision and the Requirements, the Applicant would note that these are overlapping provisions – i.e., Requirements 4 & 5 apply notwithstanding article 23.</p>

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<p>Planning Inspectorate comments on dDCO</p>	<p>25.(1): The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land. This Article does not restrict the definition of 'replacement land' in the manner that the Act does - which is to be given in exchange for the order land under section 131 or 132 - nor does it define it in Article 1.</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: The Applicant has inserted "(as defined in article 40))" into this provision. Article 40 contains a definition of replacement land. The Applicant trusts this addresses the comment.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>27.(1): An amendment in the current version of the dDCO changes the time limit for CA from 10 years to 8 years. Is the rationale for the specified time limit articulated in the Explanatory Memorandum?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: The rationale for the time period will be articulated primarily in the Statement of Reasons. 8 years is considered appropriate, proportionate and necessary for a project the scale, size and complexity of Project. The Applicant notes that projects with a construction programme of 2-3 years usually have a compulsory acquisition period of 5 years (as is standard for DCO projects). In the context of the Project, which has a construction period which is double that, the 8 year period is considered proportionate and necessary to ensure that interests and rights in land are capable of being acquired in connection with this nationally significant project.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>28(1): ...Subject to paragraphs (2) to (5), the undertaker may acquire such rights over the Order land, or impose restrictive covenants affecting the Order land, including rights and restrictive covenants for the benefit of a statutory undertaker or any other person, as may be required for any purpose for which that land may be acquired under article 25 (compulsory acquisition of</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: The Applicant notes the Advice Note referenced refers to the M4 Junction 3-12 (Smart Motorways) project decision letter, where a general power to acquire rights and impose restrictive covenants was removed. That said, the Project and the dDCO is readily distinguishable from the factors influencing the SoS's decision on that project. In particular, and by way of explanation, the power to acquire rights or impose restrictive covenants over the "Order land" is set out in article 28(1) of the dDCO. The general power is</p>

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	<p>land) by creating them as well as acquiring rights already in existence...</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that:</p> <p><i>This grants an extremely wide power for the creation of new rights and restrictive covenants over all of the Order land.</i></p> <p><i>This power is not limited to the creation of specific rights and restrictions in schedule 8 in the DCO (where the CA granted over the plots in that schedule is limited to a right / restriction required for the specific purpose identified). The article permits the CA of undefined new rights over the rest of the order land. Although the BoR describes the land use for each plot there is nothing in the dDCO which secures the CA authorised to that described in the BoR. This is potentially misleading for persons with an interest in the land. The drafting of the dDCO should ensure that it only authorises the CA that has been consulted on (i.e. that described in the BoR and SoR and shown on the land plans).</i></p> <p><i>The applicant should have regard to paragraph 24 and the good practice point (see below) in Advice Note 15 https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2014/10/advice_note_15_version_1.pdf</i></p> <p><i>Good practice point 9</i></p> <p><i>‘Applicants should provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons and include a clear indication of the sorts of restrictions which would be imposed and wherever possible the power should extend only to the particular type of Restrictive Covenant required.’</i></p>	<p>subject to paragraph (2) which limits the power of acquisition only to acquire rights and impose restrictive covenants over the land listed in Schedule 8 and shown in blue on the land plans for the purposes stated in that Schedule. When taken together with article 28(2), the power to acquire rights or impose restrictive covenants is limited to land which the Applicant seeks authorisation to acquire outright (“pink land” in the land plans). The wording of article 28(1) makes clear that the general power to acquire rights or impose restrictive covenants applies only for the “... purposes for which <i>that</i> land may be acquired under article 25”. This means the power to acquire rights or impose restrictive covenants applies only in respect of the land subject to outright acquisition under article 25 (i.e., that land within the meaning of article 28(1)), not the Order land more generally. It is not therefore the case that article 28(1) is capable of applying to all of the Order land. Justification for the full acquisition of “pink land” is set out in the Statement of Reasons on a plot by plot basis.</p> <p>This power to acquire rights or impose restrictive covenants over the "pink land" is justified because it may be the case that the Applicant could achieve its aim through an alternative means, through the exercise of a lesser power to acquire rights or impose restrictive covenants, instead of acquiring the "pink land" outright and depriving the owners of that land wholly and permanently. Such a determination cannot be made at this juncture because of the stage of design development. As the Project is designed in further detail, there may be scope to delineate the rights and restrictions that it could acquire instead of outright acquisition. Having the flexibility to exercise its powers in this way, and to offer an alternative strategy to landowners where appropriate, would allow the Applicant to take this proportionate approach should the opportunity arise. The general power in article 28(1) would enable this more proportionate exercise of powers as an alternative to acquisition at a later date. Without this provision the Applicant would have no alternative but to acquire the land outright if an alternative agreement could not be reached by</p>

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	<p><i>The applicant is reminded that precedent in DCO drafting is not adequate justification for CA and should ensure that the extent of CA sought in the dDCO is clear on the face of all documents and is necessary and justified.</i></p> <p>The phrase to which this comment related is still contained in 28.(1) and we cannot see how the above advice has been incorporated into the current version of the dDCO.</p>	<p>agreed private treaty. The provision also promotes the economic use of public funds in connection with the Project.</p> <p>This approach of having a general power over “pink land” (i.e., land proposed to be acquired outright) whilst also having clear parameters for the acquisition of rights and imposition of restrictive covenants for “blue land” therefore complies with Advice Note 15. There are particular circumstances which justify following this approach in the Project dDCO: for example, subject to detailed design, the Applicant may seek to acquire only the land required to accommodate a viaduct but impose restrictions necessary to protect the viaduct embankments, together with the necessary rights to access the embankment for maintenance purposes, over the land on the surface that is crossed by the viaduct. Leaving aside this specific justification for the Project, this very approach is identical to the approach endorsed by the SoS in the A303 (Amesbury to Berwick Down) Development Consent Order 2020, the Lake Lothing (Lowestoft) Third Crossing Order 2020 and the Great Yarmouth Third River Crossing Development Consent Order 2020 (all of which are Orders which have been made following the M4 Junctions 3-12 project).</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>28.(3), (4) and (5):</p> <p>...(3) The powers of paragraph (1) may be exercised by a statutory undertaker instead of by the undertaker in any case where the undertaker has given its prior consent to that in writing, and that consent may be given subject to terms and conditions.</p> <p>(4) Where in consequence of paragraph (3) a statutory undertaker exercises the powers in paragraph (1) in place of the undertaker, except in relation to the payment of compensation, the statutory undertaker is to be treated for the purposes of this Order, and by any person with an interest in the land in question, as being the undertaker in relation to the acquisition of the rights</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The Applicant notes that February 2020 comment was made prior to the making of the A303 Stonehenge DCO. Whilst that DCO has been quashed, that quashing was not related to these specific provisions. The principle of the provisions has therefore been endorsed by the SoS. They are required for the Project specifically to enable statutory undertakers to acquire rights in connection with works authorised as part of the Project and persons with the benefit of PMAs to acquire rights over new PMAs authorised as part of the Project.</p> <p>Articles 28(3), (4) and (5) do not permit the undertaker to transfer the liability to pay compensation. As this liability is not transferred, it will remain with the Applicant. The Applicant will demonstrate it</p>

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	<p>and the imposition of the restrictive covenants in question...</p> <p>In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that:</p> <p><i>The effect of these provisions, in-combination with article 8(5), is to grant CA powers to as yet unidentified statutory undertakers. It is unclear how the SoS will be able to be satisfied that these unidentified statutory undertakers will have sufficient funding to ensure payment of all compensation associated with CA.</i></p> <p><i>The applicant may like to include a requirement for the SoS to consent prior to these powers being exercised or to list the specific undertakers to which this will apply and provide evidence to satisfy the SoS that they will have sufficient funds to meet any CA costs.</i></p> <p><i>Subsection (4) refers to an SU exercising these powers being treated as if they were the undertaker for the purpose of the order except in relation to the payment of compensation. It is unclear what the applicant is attempting to achieve with this drafting. The applicant should explain the intention of the provision in the EM and ensure that the drafting of the provision, in combination with article 8(5), achieves its intention.</i></p> <p>It seems that the latest draft has compounded this issue by adding ‘or an owner or occupier of land identified in column (3) of Part 3 of Schedule 4 (permanent stopping up of streets and private means of access)’ to 28(3) – so these comments still stand.</p>	<p>has sufficient funding in place in connection with the acquisition costs as part of the funding statement to be submitted with the DCO application. It is, therefore, not considered necessary to demonstrate that “<i>unidentified statutory undertakers will have sufficient funding to ensure payment of all compensation associated with CA</i>” on the basis that any such liability will fall on the Applicant. The Applicant can confirm this position will be explained in the EM. The intention of paragraph (4) is to ensure that rights are capable of being acquired, and registered by the Land Registry, where they are acquired by a statutory undertaker in connection with utilities works authorised under the Order.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>33. (2)(b): the acquisition of such easements or other new rights and the imposition of restrictive covenants in the remaining subsoil and over the surface of the land</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Please see the Applicant’s comments above.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>including rights and restrictive covenants for the benefit of a statutory undertaker or any other person</p> <p>This sub-clause appears to give unlimited and unspecified rights to impose restrictive covenants. The comments above under Article 28 (1) apply.</p>	
<p>Planning Inspectorate comments on dDCO</p>	<p>35.(10):</p> <p>...(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from—</p> <p>acquiring rights over any part of that land under article 28(2) (compulsory acquisition of rights and restrictive covenants)...</p> <p><i>Article 34(10) limits the undertakers CA powers in the land listed in schedule 11 to the acquisition of any part of the subsoil under article 32 and the acquisition of new rights under article 28. As set out above, under article 23 the creation of new rights is permitted over all of the Order land. The effect of this is that all of the land in schedule 11 will be subject to the CA of new rights. The drafting does not limit this to the new rights described in schedule 8.</i></p> <p><i>The applicant's intention in relation to the land in schedule 11 is unclear. If the applicant is seeking to CA new rights in all of the land in schedule 11, they must ensure that all persons with an interest in that land have been consulted on this basis.</i></p> <p><i>The SoR, BoR and the land plans imply that there is some land which is for temporary use only (for example, see table 4 in the BoR and the description of land coloured green on the land plans). This is not secured in the dDCO. The dDCO permits CA over all of the land in schedule 11. This includes the CA as set out in schedule</i></p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The Applicant has made a change to refer to the Schedules 8 and 10 in this provision in the manner requested but do not agree that <i>"The effect of this is that all of the land in schedule 11 will be subject to the CA of new rights" or that "The drafting does not limit this to the new rights described in schedule 8."</i></p> <p>The provision states:</p> <p>(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring—</p> <p>(a) rights or imposing restrictions over any part of that land under article 28(2) (compulsory acquisition of rights and imposition of restrictive covenants); and</p> <p>(b) any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 33(2) (acquisition of subsoil or airspace only).</p> <p>The provision does not, therefore, authorise any acquisition which is not already specifically authorised under articles 28(2) or 32(2) which in turn refer to Schedules 8 and 10 respectively. Importantly, it does not refer to the more general powers to acquire rights or subsoil in articles 28(1) and 33(1). As alluded to, this provision has been removed in some DCOs, but is required in the Order because there are plots which are duplicated in Schedules 8, 10 and 11. The reason plots have been duplicated is in order to provide clarity about the purposes for which temporary possession is taken over those plots under paragraph (1)(a)(i) and also to ensure that landowners are aware that</p>

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	<p><i>8 and CA of undefined new rights over the rest of the land.</i></p> <p><i>If the applicant only intends to CA rights in the plots listed in schedule 11 which are also listed in schedule 8, the applicant should amend the drafting to ensure this is achieved. For example, this could be done by amending the drafting to say:</i></p> <p><i>...(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from acquiring new rights or imposing restrictive covenants over any part of that land under article 28 (compulsory acquisition of rights) to the extent that such land is listed in column (1) of Schedule 8;</i></p> <p><i>The applicant must ensure that it is clear exactly what powers and rights are being sought over each plot of land and that this is secured in the DCO.</i></p> <p><i>The applicant must be able to demonstrate that all persons with an interest in the land in schedule 11 have been correctly consulted and understand the nature of powers and rights the applicant is seeking over their land.</i></p> <p><i>Drafting precedent is insufficient justification for the imposition of CA powers. The applicant is referred to the SoS DL for the A30 Chiverton to Carland Cross DCO and the ExA report, where this issue was expressly considered. The SoS did not grant the CA sought.</i></p> <p>The phrase to which this comment related is still contained in 35(10) and we cannot see how the above advice has been incorporated into the current version of the dDCO. The only change that we note is to remove 'new' before 'rights' and we would welcome clarification</p>	<p>notwithstanding their land is subject to temporary possession (under paragraph (1)(a)(i)), this land may also be required in connection with the acquisition of rights (including restrictive covenants) or subsoil. For completeness, article 25 (referred to as article 23 in the Planning Inspectorate's comments) does not authorise the acquisition of land proposed for temporary possession because article 35(10) states "<i>The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i)...</i>".</p>

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	as to the rationale for this and the effect that the applicant intends this change to have.	
Planning Inspectorate comments on dDCO	<p>37.(1)(a): acquire compulsorily, or acquire existing or new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers</p> <p>This sub-clause appears to give unlimited and unspecified rights to impose restrictive covenants. The comments above under Article 28 (1) apply.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Please see the Applicant’s comments in relation to article 28(1).</p>
Planning Inspectorate comments on dDCO	<p>40. (1): the SoS has certified that a scheme for the provision of the replacement land including a timetable for the implementation of the scheme has been received from the undertaker</p> <p>This could be read as meaning that a scheme for providing replacement land does not need to be in place until after any examination of and consenting of the DCO has been undertaken. An explanation of the purport of this phrase would be useful.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Replacement land is proposed to be compulsorily acquired under the DCO and the outline LEMP includes information as to landscaping and ecology matters in relation to such replacement land. The Statement of Reasons and Planning Statement will set out the basis on which the Applicant considers the relevant provisions of section 131/132 mean that the Order does not require special parliamentary procedure.</p> <p>The “scheme” referred to in article 40 is a more granular scheme which will, post-DCO, set out the timetable for the laying out of the replacement land. Whilst the Applicant appreciates the provisions of each DCO need to be appropriately justified, the Applicant notes other DCOs have used this phrase (e.g. the A30 Chiverton to Carland Cross DCO) so the principle is considered appropriate.</p>
Planning Inspectorate comments on dDCO	<p>40.(4): In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>It would be helpful if the applicant could explain the difference / interaction between the “Orsett Fen common</i></p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Replacement land is proposed to be compulsorily acquired under the DCO and the outline LEMP includes information as to landscaping and ecology matters in relation to such replacement land. The Statement of Reasons and Planning Statement will set out the basis on which the Applicant considers the relevant</p>

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	<p><i>land / replacement land” and the “Special category land / (rights) land” in the EM.</i></p> <p>The Planning Inspectorate has not received any updated Explanatory Memorandum – so this comment still stands.</p>	<p>provisions of section 131/132 mean that the Order does not require special parliamentary procedure.</p> <p>The “scheme” referred to in article 40 is a more granular scheme which will, post-DCO, set out the timetable for the laying out of the replacement land. Whilst the Applicant appreciates the provisions of each DCO need to be appropriately justified, it is noted other DCOs have used this phrase (e.g. the A30 Chiverton to Carland Cross DCO) so the principle is considered appropriate.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>44 Power to operate, use and close the tunnel area: “relevant local authorities” means Thurrock Council, and Gravesham Borough Council</p> <p>As this Article relates to the closure of the tunnel, should highways authorities be specified in addition to local authorities?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The amended article, which requires consultation with Thurrock and Gravesham, was provided in response to feedback raised.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>46 Suspension of road user charging:</p> <p>Unlike in other Articles ‘emergency’ is not defined – should there be an overall definition of emergency in Article 2?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>Thank you – a definition, which reflects article 44, has been inserted.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>48 Protection of tunnels etc.:</p> <p>It would be useful to have an update on the ongoing negotiations with the PLA on this.</p> <p>This appears only to cover activities undertaken by the PLA, might these activities be undertaken by another body - or a contractor acting on another body’s behalf?</p> <p>How does this Article relate to any Protective Provisions agreed with the PLA?</p>	<p>Article 48(sets out restrictions on river works, and provides exemptions granted to the PLA. The PLA provided comments on article 48(2) and, subject to final approvals, the amendments to the provision proposed by the PLA are agreed. This is a recent development and, once approved, will represent resolution of a significant issue with the PLA. The PLA’s agents or those acting on its behalf would have the benefit of article 48 The restrictions have been agreed with the PLA. The protective provisions are not engaged in this context – this is because the PLA’s preference was that their exemptions be granted in the same article which set out the restrictions.</p>

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<p>Planning Inspectorate comments on dDCO</p>	<p>49 and 50 Removal of vehicles and obstructions: Are these Articles best suited to a DCO rather than, for example, byelaws relating to the operation of the tunnel?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The byelaws set out restrictions which apply to users of the tunnel area, whereas articles 49 and 50 authorise the Applicant to carry out actions and set out a process following any such action. It is, therefore, considered appropriate to include them in the main body of the Order, rather than the byelaws. Leaving aside this specific justification, the Applicant notes that this approach is consistent with the Silvertown Tunnel, Great Yarmouth, Lake Lothing DCOs.</p>
<p>Planning Inspectorate comments on dDCO</p>	<p>51 and 52: (1) The undertaker may make byelaws regulating— (a) the efficient management and operation of the tunnel area; (b) travel in the tunnel area; (c) the maintenance of the order in the tunnel area; and (d) the conduct of persons in the tunnel area. In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>The applicant should explain why this power is necessary in addition to the confirmation of the byelaws in schedule 13 and why the byelaws cannot be identified at this stage.</i> <i>The applicant should explain why each of the byelaws in schedule 13 is required and should be consented by the SoS.</i> The phrase to which this comment related is still contained in 51.(1) and we cannot see how the above advice has been incorporated into the current version of the dDCO.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: In response to the request to “<i>explain why this power is necessary in addition to the confirmation of the byelaws in schedule 13 and why the byelaws cannot be identified at this stage</i>”, the rationale is that there may be changes in restrictions required to those set out in the byelaws in Schedule 12 in future, in order to respond to changes in technology or behaviours. In these circumstances, it is considered necessary to deploy the legislation relating to the making of byelaws (i.e., the 1972 Act and the 2016 regulations) referenced, rather than having to amend the DCO under the Planning Act 2008. The fact that the ordinary procedure for byelaws would apply to any modifications to byelaws is considered to provide appropriate safeguards. Leaving aside this project-specific rationale, the Applicant notes it is consistent with the Silvertown Tunnel Order, the Great Yarmouth Third Crossing Order, and the Lake Lothing Crossing Order so the approach has been deemed to be acceptable. In response to the request that the Applicant “<i>explain why each of the byelaws in schedule 13 is required and should be consented by the SoS</i>”, the Applicant notes the EM for the Project includes a</p>

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	In addition, Article 52 sets out the procedure for penalties for offences under byelaws which themselves are yet to be specified.	specific appendix which is a “mini-explanatory memorandum” for the byelaws.
Planning Inspectorate comments on dDCO	56 Application of landlord and tenant law: How does this Article relate to Article 8, Consent to transfer benefit of Order?	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Article 56 and article 8 may be related to the extent that there has been a granting of the benefit of provisions under the dDCO by the undertaker to a third party for the purposes of article 8(1)(b). This article is principally intended to avoid the position that would ordinarily apply under landlord and tenant law, which allows tenants to hold over on a lease in particular circumstances but that would not necessarily be appropriate if, for example, it was a concession agreement that had come to an end and the Applicant wanted to take back control of the SRN – this could be compromised if the tenant was holding over on the terms of the original concession. The Applicant considers the inclusion of this article to be necessary to ensure the safe operation of NSIPs, enabling the Applicant to re-assume its role without being delayed or prevented from doing so by constraints of common law and the Landlord and Tenant Act 1954. Leaving aside this specific justification, the Applicant notes that this provision is included in every made DCO which relates to the strategic road network and is also included in the Model Provisions.
Planning Inspectorate comments on dDCO	62 Arbitration: Is the use of the ‘President of the Institution of Civil Engineers’ an outdated usage?	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The ICE continues to have a President and so it is considered that the reference remains appropriate.
Planning Inspectorate comments on dDCO: Schedule 2 Requirements	Schedule 2: The requirements schedule is currently missing notice periods for the undertaker to submit documents to the SoS or Local Authorities for their approval prior to beginning work.	Paragraph 20 of Schedule 2 to the dDCO now provides timescales for consultation. It is not considered appropriate to set out timescales for the carrying out of works: though it is noted that requirements use the phrase “prior to commencement” to ensure appropriate approvals are provided before the commencement of works.

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<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 3: In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>The Applicant will need to justify the tailpiece which effectively permits the SoS to allow changes to the preliminary scheme design after the DCO has been made. Although limited to changes which do not give rise to any materially new or materially different environmental effects to those assessed within the ES; it will still enable changes to be made to the design assessed during examination. The Applicant should explain the necessity and appropriateness of this Requirement in the EM.</i> <i>The Applicant is referred to AN15 para 17.3 – 17.6.</i> <i>The Applicant should also explain what processes are in place to enable the SoS to approve any such changes.</i> The phrasing to which these comments relate is still included in Requirement 3 and we cannot see how the above advice has been incorporated into the current version of the dDCO. It is noted that a design principles document is now included in the interpretation section of Schedule 2 and is listed within Schedule 16 as a document to be certified.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The comment from February 2020 relates to the EM. The EM has been updated to explain that Requirement 3(1) allows for a proportionate and acceptable level of flexibility in the final design of the Project, something that is considered necessary and appropriate in delivering complex major infrastructure projects such as this, where an appropriate degree of flexibility is in the public interest. Importantly, that flexibility is limited to the scope of the assessment. Requirement 3(1) links any such changes to the environmental effects reported in the ES and so that which is permitted by Requirement 3 can be distinguished from the provisions concerning “tailpiece” provisions in paragraphs 17.3 to 17.6 of Advice Note Fifteen. The processes in place are set out in Part 2 of Schedule 2 to the dDCO.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 3: In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>Will the General Arrangement Drawings (GAD) be certified to rationalise the Work Plans? Will the dDCO</i></p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The term “general arrangement drawings” is defined in Schedule 2. The Applicant notes that Requirement 3 refers to the general arrangements drawings already and requires that the authorised development must be carried out in accordance with those</p>

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	<p><i>include provision that “works must be carried out in substantial accordance with GAD”, or similar?</i></p> <p>It is noted that the General Arrangement Drawings are not included in the interpretation section of Schedule 2 and listed on Schedule 16</p>	<p>drawings. The Applicant can also confirm that the works plans are consistent with the general arrangement drawings.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 4: In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>This Requirement states that no part of the development can commence until the construction environmental management plans and control documents have been approved by the SoS. Schedule 16 of the dDCO (documents to be certified) is unpopulated, but the Explanatory Note implies that these documents will be certified. What environmental management plans and control documents does the Applicant intend to submit as part of the application? Will they be certified separately? The Applicant should make clear in the application the relationship between the individual environmental management plans and any control documents.</i></p> <p>It is noted that Requirement 4 now includes for a preliminary works EMP and REAC. The interpretation section of Schedule 2 states that these will be contained within the CoCP</p> <p>The interpretation section also states that the REAC is contained in Appendix 2.2 of the ES. This requires some clarification. The interpretation section also states the CoCP is a document to be certified on Schedule 16, however, it has been removed from that schedule (see comment on Schedule 16 below). Is this intentional?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The definition of REAC will be amended to provide additional clarity. The REAC is proposed to be appended to the CoCP, in addition to being an ES appendix. The CoCP will be included as a document to be certified in Schedule 16. The management plans submitted as part of the DCO application, and which are proposed to be certified will be the following outline management plans:</p> <ul style="list-style-type: none"> • CoCP • FCTP • oLEMP • OTMPfC <p>The following outline management plans will also be appended to the CoCP:</p> <ul style="list-style-type: none"> • Outline Materials Handling Plan • Outline Site Waste Management Plan

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Planning Inspectorate comments on dDCO: Schedule 2 Requirements	<p>Requirement 4(4): Construction and an approved EMP – does there need to be a reference here as in part (2) and (5) to ‘substantially in accordance with the Code of Construction Practice’? Does the phrasing ‘substantially in accordance’ offer enough security that the stipulations in the CoCP will be adhered to?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Requirement 4(4) refers to the construction of an approved EMP. An approved EMP must substantially accord with the CoCP as per paragraph (2). Paragraph (5) only includes a reference to the CoCP so that the reference to the process is incorporated.</p>
Planning Inspectorate comments on dDCO: Schedule 2 Requirements	<p>Requirements 4, 7, 8, 9, 10: In the Planning Inspectorate’s comments on 27 February 2020 on the Projects draft documents (see link above), we stated that: <i>It is unclear what a “part” of the development is. This would appear to enable the undertaker to discharge the Requirements on a piecemeal and undefined basis. The Applicant should consider explaining what a “part” means and how this will be communicated to persons with an interest in the scheme and the relevant LPAs.</i> This phrasing is still included, and noted in Requirement 5 also.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: A definition of “part” is included in Schedule 2. The Requirements require consultation with local authorities and stakeholders in connection with documents submitted to the SoS. Accordingly, local authorities when consulted on the discharge of a requirement, will be notified of the relevant “parts”.</p>
Planning Inspectorate comments on dDCO: Schedule 2 Requirements	<p>Requirement 5: Are there any proposals for ongoing ecological monitoring aside from landscaping e.g. of birds associated with designated sites, and if so should this be captured here and in the related documents to be certified?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This is a matter which will be dealt with via the REAC.</p>
Planning Inspectorate comments on dDCO: Schedule 2 Requirements	<p>Requirement 5: There could be some ambiguity in mention of ‘a LEMP’ to cover the ‘authorised development’ and then mention of ‘a LEMP’ specifically in paragraph 5 (b) for Shorne and Ashenbank Woods SSSI.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The reference is to “parts” of the authorised development, and part of the authorised development may include that an element which includes SSSIs. Any LEMP which includes a SSSI will therefore be subject to consultation with Natural England. It is</p>

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	<p>Where does the role of the various committees and working groups responsible for environmental monitoring and management become secured?</p> <p>Does 'substantially in accordance with' allow for a significant degree of flexibility?</p> <p>Can this requirement also include e.g.:</p> <ul style="list-style-type: none"> • A programme for the proposed landscaping works; • Details of the retention or restoration of historic landscape features; • Replanting should be of the same species as was originally planted; and • Landscaping works should be carried out by suitably qualified persons. <p>Where does the role of the various committees and working groups responsible for environmental monitoring and management become secured?</p>	<p>considered appropriate to consult Natural England in relation to such a LEMP given their SSSI-related functions.</p> <p>The Applicant considers that “substantially in accordance” with allows for an appropriate level of flexibility given the outline LEMP is an outline management plan.</p> <p>In response to the specific suggestions:</p> <ul style="list-style-type: none"> • A programme for proposed landscaping would fall within paragraph (2)(c)(v) (“<i>implementation timetables for landscaping works</i>”) • Details of retention of landscape features will be set out in oLEMP which is secured via Requirement 5(1). • Replanting of same species is a matter dealt with via the oLEMP (and the Applicant notes that paragraph (2)(c)(i) refers to “species mix”) and so is secured via Requirement 5(1). • Landscaping must be carried out to a reasonable standard in accordance with good practice (see paragraph (3)) so it is not considered necessary to insert an additional proviso.
<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 6: How will the management of contaminated land be addressed preliminary works in the requirements? This clause only addresses the unexpected discovery of contaminated land / groundwater on an individual basis? There is also no defined timescale for notification of unexpected discoveries.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>In relation to unexpected contaminated land: the Requirement applies where “contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the ES,” – unlike other requirements, it is therefore not linked to commencement, but to the “carrying out” of the development. It would, therefore, apply preliminary works.</p> <p>In relation to expected contaminated land: for sites identified, the REAC secures relevant preliminary works measures – note requirement 4(3)(f) refers to the need for management of contaminated land. Where contaminated land is relevant to</p>

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		<p>preliminary works, it will be controlled via the preliminary works EMP/REAC.</p> <p>It is not considered appropriate to provide a defined timescale as the circumstances of a particular discovery may affect what is reasonable in the circumstances. The Applicant notes there is an obligation to provide notification “as soon as reasonably practicable” which provides assurance that it will be carried out expeditiously.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 7: On a project of this scale there could be many incidences of protected species found during pre-construction surveys that were not aware of previously, particularly with a 6-year construction programme. How will the DCO address this? What timescales will be applied to pre-construction surveys to ensure they are carried out at an appropriate time of year and in a given period before construction activity commences?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The Applicant has carried out appropriate surveys to minimise the likelihood of this occurring. Requirement 7 provides a process which will be followed where any further species are identified, which includes provision for a scheme of protection and mitigation measures to be submitted to and approved in writing by the SoS where species not previously identified as part of pre-construction survey work are encountered.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 9: How will the DCO address pre-commencement surveys to built heritage, Listed Buildings and Conservation Areas? This section only refers to a single WSI, how will the DCO capture the potential for this project to have multiple work sites with their own WSIs and mitigation strategies? Is there a role for Historic England and also potentially the MMO / PLA to be notified?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Appropriate surveys will be set out in the REAC and/or the AMS OWSI. [Note: this has been implemented]. Requirement 9(1) enables WSI for “parts” of the authorised development. This will enable different worksites to have their own WSIs. The Applicant is working with Historic England and the PLA to determine what role they wish to play. [Note, at the point of submission the PLA have not requested this; and Historic England’s position is set out in the SoCG between them and the Applicant.] There is no concern in principle with adding Historic England as a consultee in relation to any written scheme for the investigation of areas of archaeological interest submitted to the SoS for approval.</p>

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<p>Planning Inspectorate comments on dDCO: Schedule 2 Requirements</p>	<p>Requirement 14: This requirement makes reference to a ‘wider network impacts monitoring and management plan’, which is included in the interpretation section as a document to be certified. However, no document of this description is listed in Schedule 16 (see below).</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Schedule 16 will include reference to the wider network impacts monitoring and management plan.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence</p>	<p>General: Has this draft been seen (and agreed) by the MMO?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: At the point of submission, the DML is included in the dDCO and the position on the DML is in the SoCG with the MMO</p>
<p>Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence</p>	<p>Schedule 15 1.: “existing jetty” means the East Tilbury jetty at Goshem’s Farm built pursuant to the existing licence; “the existing licence” means a marine licence granted by the MMO with reference L/2017/00214/1 The Planning Inspectorate will wish to discuss the status of the existing jetty and the Applicant’s attention is also drawn to our comments on the use of this jetty made in reference to the DML (see below).</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The Project no longer proposes to utilise the existing jetty. These references will therefore be removed. The DML included in the dDCO is under development and negotiation with the MMO At the point of submission, the DML is included in the dDCO and the position on the DML is in the SoCG with the MMO.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence</p>	<p>Schedule 15 5.: This clause sets out a number of operations that may be carried out from the jetty, including, for example, the offloading of incoming concrete tunnel segments; and the use of heavy plant and machinery to offload barges, including crane unit and/or grab and licenses the decommissioning of the jetty. The Planning Inspectorate had understood that the Project had decided that only the existing PoT would be</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: As set out above, the Project no longer proposes to utilise the jetty and references to the jetty have been removed from the latest version of the DML. The project team have communicated this to the MMO.</p>

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	<p>used for any such operations. The use of the existing jetty for any operations has not been assessed in the pNRA and the Planning Inspectorate would need to be shown where these operations and decommissioning have been assessed and an explanation provided as to why these are not covered in the pNRA (except for one reference in a note of a meeting with the PLA and the PoT on 10 March 2021 in Annex B).</p>	
<p>Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence</p>	<p>Schedule 15 10.: We note that the details to be submitted to the MMO in advance of the commencement of any licensed activity must include details of where the licensable marine activity was assessed in the ES. The applicant is advised to ensure that all activities listed in the Deemed Marine Licence have been assessed in the ES.</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: Noted; the Applicant can confirm all activities for which authorisation is sought and therefore listed in the Deemed Marine Licence will be assessed.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence</p>	<p>Schedule 15 11.: Is there an outline marine pollution contingency plan or other such document within the application, which the ExA could examine with respect to being assured of the delivery of this element?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: In light of the appropriate controls provided as part of the DML itself, the CoCP and outline site waste management plan, there is no outline marine pollution contingency plan proposed for the DCO application. This will be developed by the contractor on behalf of the Applicant once more detailed methods for the marine works are developed. The plan will meet industry standards and will be subject to review as part of the DML approvals process. The MMO have not expressed any concern with this approach being deliverable, particularly in light of the limited works proposed in the river Thames.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 15</p>	<p>Schedule 15 15 and 16.: These clauses cover piling techniques. However, piling is not specified in 5. - will piling be employed as part of the licensed works? Are there any other construction</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: Piling may be required for the construction of the drainage outfall diffuser head. Piling has been assessed in the EIA and no</p>

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Deemed Marine Licence	techniques e.g. dredging which would benefit from being specifically described in the description of the licensable works?	dredging is required as part of the project. Discussions on the contents of para 5 are ongoing with the MMO. At the point of submission, the DML is included in the dDCO and the position on the DML is in the SoCG with the MMO.
Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence	Schedule 15 17.: Why is the need for bird surveys tied to the lifetime of the jetty? How does this clause relate to any other bird monitoring proposed e.g. associated with the designated sites? How is 17.(4) to be enforced – as it stands it only refers to the content of a report.	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: As set out above, the project no longer proposes to utilise the existing jetty. The reference to bird surveys has therefore been removed from the DML and the MMO have not raised any objection to this point.
Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence	Schedule 15 18.: The comments on Schedule 15 (17) above apply equally to sediment surveys.	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: As above.
Planning Inspectorate comments on dDCO: Schedule 15 Deemed Marine Licence	Schedule 15 19.: Does the jetty constitute a ‘temporary structure’ in the context of this clause?	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: As set out above, the project no longer proposes to utilise the existing jetty.

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<p>Planning Inspectorate comments on dDCO: Schedule 16 Documents to be Certified</p>	<p>Schedule 16: It is appreciated that Schedule 16 is potentially still a work in progress, however it is noted that the interpretation section of Schedule 2 refers to the following documents as being included in Schedule 16, however they are currently absent:</p> <ul style="list-style-type: none"> • CoCP • FCTP • oLEMP • OTMPfC • Outline Materials Handling Plan • Outline Site Waste Management Plan • Wider Network Impacts Monitoring and Management Plan <p>It is also noted that 'ES Appendices' are listed on Schedule 16. Does this include the REAC as suggested by the interpretation section? Given the lack of clarity here it may be worth considering whether the REAC should be separately listed in Schedule 16.</p>	<p>All of the documents referenced are proposed to be added to Schedule 16. The REAC will form part of the CoCP but in response to Inspectorate feedback, it is explicitly called out in Schedule 16.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 16 Documents to be Certified</p>	<p>42: What is the related precedent for inclusion of this article? Has it been subject to consultation of pertinent parties, e.g. APs, LAs etc?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>In relation to the first question, this provision is included in a number of DCOs including in recent highways DCOs such as the Silvertown Tunnel Order 2018, the Lake Lothing (Lowestoft) Third Crossing Order 2020 and the Great Yarmouth Third River Crossing Development Consent Order 2020. It is included in the draft orders for the M25 J28, A303 Stonehenge, A47 Blofield, A428 schemes.</p> <p>In relation to the second question, the dDCO from the withdrawn application (which included this provision) has been shared with local authorities. The Applicant notes that no comments have</p>

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		<p>been received on this particular provision. The Applicant does not consider it appropriate to consult lay members of the public on detailed legal provisions (which, the Applicant notes, they will have an opportunity to comment on as part of the examination process), but appropriate information regarding compensation has been included in the consultations carried out.</p> <p>By way of further background, the provision is necessary because it prevents compensation being payable by the Applicant, a public sector body, where the creation of an interest or the making of an enhancement was designed with a view to obtaining compensation or increased compensation.</p> <p>The wording of this article mirrors section 4 (assessment of compensation) of the Acquisition of Land Act 1981 (in this paragraph "the 1981 Act"). It is necessary to specifically apply the effect of section 4 of the 1981 Act in the Order. This is because the 1981 Act only applies to a compulsory purchase to which any other statutory instrument has applied its provisions and the 2008 Act (nor standard Order provisions) does not apply these. Sections 120(3) and 120(5)(a) and Schedule 5 (by virtue of section 120(3)) of the Act allow the application in a DCO of statutory provisions which relate to the payment of compensation.</p>
<p>Planning Inspectorate comments on dDCO: Schedule 16 Documents to be Certified</p>	<p>64: What is the related precedent for inclusion of this article? Has it been subject to consultation of pertinent parties, e.g. APs, LAs etc?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>In relation to the first question, this provision is included in a number of DCOs including in recent highways DCOs such as the Silvertown Tunnel Order 2018, the Lake Lothing (Lowestoft) Third Crossing Order 2020 and the Great Yarmouth Third River Crossing Development Consent Order 2020. It is included in the draft orders for the M25 J28, A303 Stonehenge, A47 Blofield, A428 schemes.</p> <p>In relation to the second question, the dDCO from the withdrawn application (which included this provision) has been shared with local authorities. The Applicant notes that no comments have</p>

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		<p>been received on this particular provision. The Applicant does not consider it appropriate to consult lay members of the public on detailed legal provisions (which, the Applicant notes, they will have an opportunity to comment on as part of the examination process), but appropriate information regarding compensation has been included in the consultations carried out.</p> <p>By way of background, sections 203 to 205 of the Housing and Planning Act 2016 ('HPA 2016') relate to the power (in section 203) to override easements and other rights, and to the provision of compensation for such interference (section 204). The power applies in respect of all types of interests and rights, in cases where there is planning consent (the definition of which includes development consent under the Planning Act 2008 - per section 205) but only <i>for the works causing the interference, and the land has been appropriated or acquired by, or could be acquired compulsorily, in connection with those consented works.</i></p> <p>Notwithstanding this, this provision (which replicates section 203) is necessary because it authorises interference with easements and other rights not only where necessary in connection with the 'carrying out of building or maintenance work' (as is the case where section 203 of the HPA 2016 applies) but also in connection with 'the exercise of any power authorised by the DCO' and in relation to 'the use of any land (including the temporary use of land). The provision is necessary and proportionate in order to enable the delivery of the authorised development whilst ensuring that provision is made for compensation to be paid to affected persons whose interests in or rights over land may be subject to interference arising therefrom.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>General: This still does not answer directly the question as to whether the environmental impact of increased usage has been assessed (see our comment at 1.17 below) (but see 2.2.3 – 'The Applicant has ensured that the assumptions, particularly those related to use of the river</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The purpose of the pNRA is to deal with Navigational Risk, and the Applicant will ensure that the pNRA confirms that the ports existing operations do not form part of the scope of the pNRA.</p>

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	<p>Thames in connection with the project, reflected in this document are consistent with the assumptions made in the Transport Assessment and ES.’).</p> <p>The NRA should provide specific cross reference to how navigation information has fed into the ES and HRA. The NRA should be clear if the use of vessels for materials and waste is accommodated within the PoT’s assessment. The NRA should also address what happens if the number or characteristics of vessels using Tilbury exceeds the PoT’s own assessment. This should include a brief explanation of any implications for the environmental assessments (see above) with specific cross-referencing to the relevant information as necessary.</p>	<p>The ES will contain appropriate assessments of any river use and cross references to the pNRA where relevant. The Port’s operations are already authorised (partially through local legislation, and partially through the PoT (Expansion) Order 2019). The number of vessel movements in connection with the Lower Thames Crossing project are expected to comprise a very small proportion of the annual throughout of the PoT and are therefore not likely to substantively affect those operations such as to cause new or worsened environmental effects associated with vessel movements. There is no reason, therefore, to separately assess the use of the PoT within the ES where such use falls within the scope of its existing consents. Where localised construction traffic related effects occur between the port and the Project’s construction sites, these are implicitly taken into account within the traffic model which informs the air quality and noise assessments.</p> <p>For the reasons given above, it is extremely unlikely that the number or characteristics of vessels using Tilbury would exceed the PoT’s own assessment, therefore there are no implications for the environmental assessments.</p> <p>At the point of the submission, the position on this matter is addressed in the sections above dealing with navigation.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>General: Does the risk assessment take into account any increased usage in other parts of this reach? – e.g. Thames Freeport and London Resort</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Future projects have been reviewed and their potential impacts been reviewed as much as possible (Section 5.3). At this stage there is insufficient information regarding Thames Freeport to assess its impact. The PoT have been consulted on the content and risks within the PNRA.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>Plate 1.1: What is the yellow line shown on this figure?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This will be reviewed and checked during the next revision of the document. If required, it will be added to the key or removed.</p>

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		<p>At the point of submission, the plate has been updated and explanation has been added to the text to reflect the fact that these yellow lines form part of the admiralty charts and cannot be removed.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>1.2.5: Art. 48 in the current dDCO seems strong, e.g.: —(1) Subject to paragraph (2), the PLA must not, whether under the 1968 Act or otherwise, carry out the following activities within the part of the river Thames that is situated within the first protection zone or second protection zone shown on the river restrictions plan without the consent of the undertaker—</p> <ol style="list-style-type: none"> 1. any dredging; 2. the installation of a mooring or other structure; 3. any piling activities; 4. any designation of any anchorage; 5. any excavations, trial holes, boreholes and other investigations; or 6. any other activity which might reasonably be expected to affect the safe operation of the tunnels. <p>Has it been agreed with PLA (and PoT)? How does this relate to the draft Deemed Marine Licence at Schedule 15 in the dDCO?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>Article 48 is significant for the protection of the tunnel, with an emphasis on safety and protection of the asset and its users. This article has been discussed at length with the PLA, who are currently considering the drafting. It should be noted that Article 48(will contain exemptions and is significant in describing the activities, being agreed between the Project and the PLA, that the PLA need to undertake as part of their ‘business as usual’ within the second protection zone, which will not require the consent of the Applicant. These activities include dredging (maintenance and capital), to agreed specified depths for the protection of the tunnel. These depths have been agreed with both the PLA and the PoT to protect future shipping requirements, in combination with the agreement that the Limits of Deviation for the tunnel will not move vertically upwards, to provide further protection to both the PLA and the PoT with respect to future shipping operations. Regarding the Deemed Marine Licence, the licensable structure of relevance is “the construction and decommissioning of the drainage discharge, during the construction phase, from the northern portal work area, to be constructed on the foreshore.” This sits within the second protection zone and will be constructed by the main works contractor. The Project will not be undertaking any dredging activities, so there is not relationship with the DML from that perspective. N.B. any in-river site investigation works would require a self-certified marine licence from the PLA.</p> <p>At the point of submission Article 48(of the dDCO has been amended and the restrictions above the tunnel area are now agreed with the PLA. This matter has been agreed. Details of</p>

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		these discussions are included in the PLAs SoCG (Application Document 5.4).
Planning Inspectorate comments on PNRA	1.3.7: Could a more specific reference to ‘a previous pNRA’ be provided here? It is not clear why this type of vessel can be excluded from this pNRA in this paragraph but the information in Paragraph 2.2.6 is noted – is this the assessment being referred to here? See also references at 1.7.1 + 2.2.7.	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: The “previous pNRA” is reference to the pNRA for the Site Investigation survey that was carried out as part of the Project. This pNRA refers back to this agreed assessment as a guide to the contractor to carry out their full NRA once more information in know at a later stage. No type of vessel is therefore scoped out rather the measures in connection with vessels used for site investigations form part of the previous NRA. The text will be updated to make this clearer.
Planning Inspectorate comments on PNRA	1.4.3: What are the relevant works (requiring a safety boat)?	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This is stated as standard mitigation, the only item that is likely to require a safety boat is the site investigations operations, but this should be reviewed further in the final NRA which will be submitted to the PLA for approval (which ensures a safety boat is provided for all relevant works).
Planning Inspectorate comments on PNRA	1.5.2: Depth of cover was an issue in the 2020 consultation – has this been resolved and what is it to be?	The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: Depth of cover has been addressed through consultation on the first and second protection zones and ongoing discussion with the PLA with regards to Article 48, regarding activities that can be undertaken in the second protection zone that do not require consent from the Applicant, but also those activities that would require consent from the Applicant for the protection of the tunnel. The position at the point of the application submission is set out above.

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<p>Planning Inspectorate comments on PNRA</p>	<p>1.5.4/5 and 1.7.5/6: •What mechanism will be used to disapply this licence?</p> <ul style="list-style-type: none"> • Does the PLA agree? • The Order Limits across the Thames are fairly narrow – is a wider explosives exclusion zone needed? • This deals only with explosives – doesn't the licence also cover dangerous vessels/cargos? <p>Paragraph 1.5.5 states that no specific risk assessment in relation to the explosives anchorage is carried out within this document.</p> <p>1.7.6 seems quite sanguine about the licence not being disappplied.</p> <p>If the disapplication of the licence within the Order Limits is not possible, what are the implications for the Project? The document should cover this eventuality, the likelihood of it happening, and the implications.</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The mechanism that will be used to disapply the license will be the DCO (using the powers under section 120 of the Planning Act).</p> <p>The explosives licence at Higham Bight anchorage is currently a topic under discussion with the PLA to determine risk and the potential need to extinguish / relocate the anchorage, and implications for the PLA if this is the case. The project is actively engaging with the PLA regarding technical information to further build the project's understanding of the risk profile of the licensing for the anchorage in terms of use, vessel movements, vessel types, cargo (including dangerous vessels / cargo), with a view to fully understanding the potential need to extinguish the licence via the Development Consent Order for safety purposes.</p> <p>Following engagement with the PLA the Project understands that an exclusion zone for explosives may need to be considered – the Project is currently awaiting the PLAs response to a series of technical questions in order to facilitate the project understanding prior to identifying the appropriate mitigation.</p> <p>The project understands that depending on the need for an exclusion zone, the PLA would prefer not to split the anchorage either side of the tunnel alignment. It is possible that the licence will need to be completely extinguished in this location, which has been discussed with the PLA. The license deals with explosives only and does not cover dangerous vessels and cargos. The Project's proposal is that the license will be disappplied, but there is ongoing engagement on the consequential matters flowing from this.</p>
<p>Planning Inspectorate comments on</p>	<p>1.6.1: <i>The results demonstrate that all hazards can be mitigated to acceptable risk levels</i> – does this specifically include e.g. shipping collisions; grounding. It</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The assessment covers all risks that associated with works created by the project. All these risks can be mitigated to</p>

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PNRA (ref no. 1.8)	is noted that recorded incidents (para. 4.4.3) and Table 8.1 do include collisions and grounding.	acceptable risk levels. This included shipping collisions and grounds by vessels associated with these works only.
Planning Inspectorate comments on PNRA	<p>2.2.9: <i>The use of established facilities is not anticipated to give rise to any additional vessel movements that would not otherwise be likely to occur</i> – if materials are to be brought in by ship/barge, won't that naturally lead to an increase in vessel movements?</p> <p>Is the assumption that any further site investigations will be limited to an eight-week period?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>A separate note has been prepared to explain to the Planning Inspectorate the approach taken to the consideration of the assessment of vessel movements in connection with the Project. This note will be provided to the Planning Inspectorate in due course.</p> <p>For further site investigations the pNRA provides an appropriate starting point, but the full NRA would need to be approved by the PLA. The detail of further site investigations is a matter for detailed design.</p>
Planning Inspectorate comments on PNRA	<p>4.3.5: When is the Thames Tideway project due to end construction?</p> <p>No future vessel movements on/off the East Tilbury Jetty have been assumed – what about other future projects including Thames Freeport?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The existing jetty that Thames Tideway is utilising has a planning condition which expires in August 2022 (paragraph 4.3.5). This planning permission also requires decommissioning works to take place. The Applicant has no information which would indicate the east jetty will not be decommissioned in accordance with that planning permission.</p>
Planning Inspectorate comments on PNRA	2.2.11: Does this take into account Thames Freeport?	<p>The pNRA uses current and historical vessel movements within the assessment however does take account of future increases due to other projects and developments in the area. At this point in time there is insufficient information regarding the Thames Freeport to undertake a full assessment and this would be covered by the full NRA undertaken at detailed design. PoT have been engaged and consulted during the drafting of the PNRA, this has allowed them to inform the hazard list identified. PoT have confirmed they are content with the scope and assessment contained in the pNRA.</p>

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Planning Inspectorate comments on PNRA	2.2.3: It would be useful to set out what these assumptions are in summary and include a cross reference to the environmental assessments in the ES and shadow HRA which have used them.	The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: A summary of the assumptions will be added to one of the stated documents and cross-referenced by all documents. The ES will contain the necessary assessments of any river use, and cross references to the pNRA where relevant.
Planning Inspectorate comments on PNRA	3.4: The inclusion of a construction schedule is useful, presumably this will be updated in the final version. How does the construction timeline fit within the applicable time periods/years of validity for the other assessments on which the pNRA relies (including those made by others e.g. PoT)?	The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: The construction timeline is consistent with the environmental assessments. If the port's existing NRA requires amendment, this will be dealt with through the appropriate mechanisms though this is not anticipated in so far as the project's use of the PoT is concerned.
Planning Inspectorate comments on PNRA	5: Future vessel traffic – does it take into account Thames Freeport? This is mentioned in the pNRA but, presumably, any increase in shipping movements arising out of the Freeport are not yet quantified.	The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: Future projects have been reviewed and their potential impacts been reviewed as much as possible (Section 5.3). At this stage there is insufficient information regarding Thames Freeport to assess its impact. PoT have been engaged and consulted during the drafting of the PNRA, this has allowed them to inform the hazard list identified. PoT have confirmed they are content with the scope and assessment contained in the pNRA.
Planning Inspectorate comments on PNRA	5.3.1: <i>During the risk assessment workshop (see Appendix B) it was agreed that these projects: Thames Tideway, Thurrock Flexible Generation Plant, Silvertown Tunnel and London Resort, and further developments at Tilbury (see 5.3) are not likely to impact on the baseline traffic movements illustrated in the 2019/2020 AIS data to an extent which is likely to be relevant for the Project.</i> It would be helpful if the document could include more information about the basis of this decision. Presumably	The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating: More information can be provided to outline the decisions making process which resulted in this assumption. It should also be noted that the PNRA acts as an outline document and frame of reference for a full NRA to be carried out by the construction contractor once a fully developed design and construction methodology has been finalised.

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	<p>the rationale here is specific to navigational risk, but it would be helpful if the assumptions made in particular around the numbers and types of vessels were provided and explanation provided or cross-reference to other information on how they have been applied to other assessments e.g. those in the ES.</p>	<p>At the point of submission, further appropriate information has been included in the pNRA. We specifically refer you to the meeting notes and appendices. As noted above, this is intended to be a framework document and the assumptions have been agreed with port authorities.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>5.5.1e: <i>Material supply vessels to support the tunnel and other civils construction. These may comprise a variety of vessels delivering bulk materials (e.g., sand, aggregates) and/or precast tunnel segments. These marine imports/exports would be to established facilities; therefore, these movements would be included under existing navigational risk assessments for PLA and any other SHA (e.g., PoT if movements enter their limits). On this basis, material supply vessels for the Project are excluded from this pNRA. As noted above, this has been agreed with the PLA and PoT.</i></p> <p>It is understood that from the perspective of navigational risk assessment, reliance has been placed on existing ports' assessments and that these movements are not to be 'counted again' for the pNRA for Project. The environmental effects of these increased movements do however need to be assessed. The document, perhaps by cross reference to the wider suite of application documents, should allow understanding of how the ports' assessments have informed the assessment of environmental effects.</p> <p>Careful consideration should be made of the robustness of reliance on the ports' assessments to whatever extent they are used, for the purposes of assessing project-environmental effects including those on designated sites.</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>Please refer to previous response under "General". The expected number of vessel movements are small in relation to current operations of the port, and therefore considered unlikely to cause new or worsened environmental effects in relation to the currently authorised port operations. The use of the PoT is therefore appropriately considered within the ES. Where localised construction traffic related effects occur between the port and the Project's construction sites, these are taken into account within the traffic model which informs the air quality and noise assessments.</p> <p>Further commentary will be provided in the ES and the pNRA to explain the reasoning for this approach, as well as in the note being separately prepared.</p>

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Planning Inspectorate comments on PNRA	<p>6.2.3b: <i>Gravesend Sailing Club and Thurrock Yacht Club noted that previous developments on the north bank of the River Thames had affected sedimentation at/near their facilities, and they were keen to confirm that no changes were expected as a result of the Project.</i></p> <p>Has this been considered?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The Applicant is making no fundamental changes to the North Bank, and any source of sediment changes is expected to be short-term and staged to keep overall loading within the naturally high TSS levels. As such, sediment transport modelling was scoped out in agreement with the MMO. The discharge from the temporary outfall will be minimal and the long-term outfall will again have a minimal impact as similar to the existing outfall. All discharges will be made under EA discharge consents, which will stipulate discharge quality parameters, including maximum permitted suspended sediment loads. This is explained in the ES and will be cross-referenced in the NRA.</p>
Planning Inspectorate comments on PNRA	<p>8.1.1: Cannot locate the referenced Table 4.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>This reference should refer to Table 8.1 this will be corrected in the next draft of the document.</p>
Planning Inspectorate comments on PNRA	<p>8.1.5 (note following table 8.3): This paragraph states that the risk controls are legally secured within the protective provisions (PP) for the PLA. The Planning Inspectorate will make any further comments on the PLA PPs when it comments on the draft DCO as a whole.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>The protective provisions for the PLA 83(3) refers to the requirements for a NRA to be submitted, that is substantially based on the PNRA, which refers to the need to include “...where relevant the incorporation of additional risk controls identified in the preliminary navigational risk assessment) unless otherwise agreed by the PLA.”</p> <p>At the point of submission, this is included in paragraph 98 of Schedule 14 to the dDCO and has been bolstered by requiring the final NRA to accord with the pNRA “in all material respects”.</p>

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<p>Planning Inspectorate comments on PNRA</p>	<p>8.2.1: <i>Anchor seabed penetration within the protection zones</i> – is this assessing a worst-case scenario?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: It is a reasonable worst-case scenario. The Applicant notes that the vertical upward LOD for the tunnel is fixed.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>8.2.6 & 7: Explosives anchorage location and usage – in this case, is disapplication justified? Also see comments at 1.8 above.</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating: This is a necessary and proportionate approach and is currently being explored in more detail with the PLA to form a detailed understanding of the risk profile to fully protect the safety of the tunnel as an asset and its users. As per the Applicant’s response in 1.8: The mechanism that will be used to disapply the license will be the DCO (using the powers under section 120 of the Planning Act). The explosives licence at Higham Bight anchorage is currently a topic under discussion with the PLA to determine risk and the potential need to extinguish / relocate the anchorage, and implications for the PLA if this is the case. The project is actively engaging with the PLA regarding technical information to further build the project’s understanding of the risk profile of the licensing for the anchorage in terms of use, vessel movements, vessel types, cargo (including dangerous vessels / cargo), with a view to fully understanding the potential need to extinguish the licence via the Development Consent Order for safety purposes. Following engagement with the PLA the project understands that an exclusion zone for explosives may need to be considered – the project is currently awaiting the PLAs response to a series of technical questions in order to facilitate the project understanding prior to identifying the appropriate mitigation. The project understands that depending on the need for an exclusion zone, the PLA would prefer not to split the anchorage either side of the tunnel alignment. It is possible that the licence</p>

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		<p>will need to be completely extinguished in this location, which has been discussed with the PLA. The license deals with explosives only and does not cover dangerous vessels and cargos. The project's proposal is that the license will be disapplied, but there is ongoing engagement on the consequential matters flowing from this.</p> <p>At the point of submission, this position remains under discussion and is addressed in the SoCG with the PLA.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>Table 9.4: It is noted that all potential hazards are scored as moderate or minor – are all potential hazards covered? (anchor penetration?)</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>Table 9.4 covers all the navigational hazards identified in the assessment. Anchor penetration and the effects of this on the tunnel are not a navigation risk within the river and is a design matter that has been dealt with via the Limits of Deviations for the tunnel works.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>10.1.1: <i>The PLA agreed that the 2019 pNRA developed for previous tunnel related site investigations remained a valid basis. The risk controls agreed from this work would be anticipated to be taken forward for any further tunnel related site investigations work of a similar nature in the river.</i></p> <p>Will the two documents be brought together?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>The site investigation NRA will be appended to the pNRA.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>Annex A – 2.1: Are there any implications for the Project from the Harbour Revision Order?</p>	<p>The Applicant responded to the Planning Inspectorate's comments on 10/11/2021 stating:</p> <p>There are no matters from the proposed Harbour Revision Order (HRO) that give rise to a Navigational Risk Assessment issue for the project.</p> <p>Drafting included in the dDCO in relation to the HRO is currently under discussion with the PLA – the Project is currently waiting for the PLA to provide comments back on the drafting.</p> <p>A new provision in Article 53 seeks to disapply section 80A (lighting) of the 1968 Act during construction – any in-river works</p>

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		<p>such as SI would be subject to River Works licences granted, which would address the need for lighting, specific to the relevant works rather than applying a ‘blanket approach’ to lighting.</p> <p>At the point of submission, section 80A is proposed to be disapplied. In addition, article 48 contains references to river mooring permissions which are given effect under the proposed HRO. These are shown in square brackets, and if the HRO is made in its proposed form, they will be removed. The PLA agrees with the references to river mooring permissions in article 48 should the HRO be made.</p>
<p>Planning Inspectorate comments on PNRA</p>	<p>Overall: This assessment appears to have dealt with two key aspects in other documents:</p> <ol style="list-style-type: none"> 1. Tunnel pre-construction in a 2019 pNRA; and 2. Handling of construction and waste materials in ports’ own assessments. <p>Careful consideration should be given to combining the information in these documents to ensure a comprehensive and cohesive assessment is provided for the Proposed Development as a whole.</p> <p>If these documents are not combined, will these other documents form part of the application suite?</p>	<p>The Applicant responded to the Planning Inspectorate’s comments on 10/11/2021 stating:</p> <p>A copy of the Site Investigation NRA can be provided as an appendix for reference.</p> <p>It would be inappropriate to include the port’s own assessments. This could lead to those assessments being legally secured and thereby impeding future port growth. In addition, the project’s use of the PoT will not affect the scope of those assessments.</p> <p>PoT have been engaged and consulted during the drafting of the PNRA, this has allowed them to inform the hazard list identified. PoT have confirmed they are content with the scope and assessment contained in the pNRA.</p>
02/12/2021		
<p>What has happened since we last met</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant explained the continued engagement with PoT and Thurrock Council around the Tilbury Freeport proposals. At the meeting brief mention was made of the potential construction programmes for each development as well as to any indicative programme for delivery of the proposed Tilbury Link Road under Road Investment Strategy 3 (RIS3).</p>

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	<p>Following the Applicant’s update on work it is progressing to explore the relationships between Lower Thames Crossing and other large/developments of national significance within the surrounding area, , the Planning Inspectorate considered this could be a useful document and asked whether (and how) it would be connected to other documents such as, for example, SoCGs.</p>	<p>At the meeting the Applicant confirmed it intended to share the document with the respective project teams of any projects identified in the document.</p>
<p>Programme update</p>	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that it was reviewing responses from the recent Community Impact Consultation and preparing for the next steps which it anticipates would include a further round of consultation in 2022. The Applicant explained at the meeting that it is engaging and consulting with landowners over a range of minor modifications arising from the Community Impacts Consultation.</p>
	<p>The Planning Inspectorate questioned whether the Applicant would return to the community with revised figures on air quality.</p>	<p>At the meeting the Applicant noted that ammonia emissions are to be considered carefully. Since the meeting, the Applicant has shared extensively the outputs of the air quality modelling through a number of Project consultations. The Applicant is comfortable that the effects of air quality on both human health and biodiversity have been shared with the community.</p>
<p>Thames Freeport</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant provided background regarding the land requirement overlap between Lower Thames Crossing and the Thames Freeport proposals. The Applicant reported at the meeting that there is an established indicative solution which the Project and the PoT are working through in consultation with Thurrock Council and other stakeholders which focuses on the construction phase, sequencing of works and use of land for the Freeport.</p>

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	<p>In response to a discussion about the evolution of the physical design of the scheme, including modified design of flood protection works around the north portal to enable more tunnel excavation materials to be kept on site, and how ongoing discussions with the PoT and Thurrock Council were underway, the Planning Inspectorate questioned whether the location of spoil remained an important challenge.</p>	<p>At the meeting the Applicant noted that modifications had meant that identifying locations for spoil was not as significant as it was, however, the challenge is that the spoil would need to be stockpiled temporarily until its intended location becomes available.</p>
	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that revised mitigation proposals are to be shared with Natural England and Historic England.</p>
<p>Views of local authorities on engagement</p>	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that it had restructured how issues are identified, triaged, and documented and shared with Local Authorities. At the meeting, the Applicant explained that it is working with Local Authorities on documents and information to be shared prior to submission.</p>
	<p>The Planning Inspectorate noted that matters that have not yet been agreed should be included in the SoCGs.</p>	<p>SoCGs (Application Document 5.4) have been submitted as part of the application and include matters agreed, not agreed and under discussion.</p>
<p>Traffic modelling of other projects (London Resort and Thames Freeport)</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant noted guidance on TAG – the Department of Transport’s guidance on how to assess the impacts of transport proposals/projects. The Applicant explained at the meeting that there remain challenges from multiple local authorities around concerns of impact on the local road network and applicability of mitigation measures. The Applicant also explained at the meeting that there is a contention as to whether the core model should be addressing a more growth focused set of proposals.</p> <p>The Applicant will consider conducting ‘offline’ sensitivity testing as information becomes available to assist with considerations about the operation of the road network in the future both with and without the Project.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
Air quality impacts of nitrogen on ecological sites	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that there are ongoing discussions between the Applicant and Natural England in respect of the mitigation strategy and how to present the information in the application. The Applicant explained at the meeting that after receiving comments from Natural England, the Applicant has agreed to include an ammonia component in the calculation of nitrogen emissions, although the methodology to undertake the modelling needs to be discussed. The Applicant explained at the meeting that a more comprehensive discussion on this topic is proposed for early January 2022 with the Planning Inspectorate.</p> <p>Since the meeting, a discussion took place at the s51 meeting dated 27/01/2022 below.</p>
07/12/2021		
Air quality impacts of nitrogen on ecological sites	No further formal advice or formal comment.	<p>At the meeting the Applicant provided an update that the Applicant and Natural England have agreed to include ammonia in air quality assessments on ecological sites. The Applicant explained at the meeting that this decision has significantly increased the spatial coverage of the sites to be examined to approximately 150 – 200 Sites of Special Scientific Interest (SSSIs), although the Applicant stated the impact on the conclusions within the information to support the Habitats Regulations Assessment is minimal.</p>
	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that the Applicant is in discussion with Natural England to understand how best to avoid/mitigate the air quality impacts on designated ecological sites including the use of barriers and/or the use of speed restrictions. The Applicant explained at the meeting that it is also evaluating how best to provide compensation for effects to the affected designated sites.</p> <p>At the point of submission, the Project Air Quality Action Plan (Appendix 5.6 of the ES (Application document 6.3)) provides the assessment of measures that have been considered that have</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	<p>the potential to reduce the impacts of the project on the sites affected. Measures considered include barriers, speed limits and speed enforcement.</p> <p>The Applicant explained at the meeting that it is assessing the impact of these potential changes on designated ecological sites. At the point of submission, these matters are presented within the terrestrial ecology assessment in the ES (Application Document 6.1) and Appendix 5.6 Project Air Quality Action Plan (Application Document 6.3).</p>
Air quality impacts on human health	No further formal advice or formal comment.	At the meeting the Applicant noted that the proposals change the air quality across the project, particularly at Dartford and also localised worsening across the scheme. The Applicant explained at the meeting that it is monitoring the changes in legislation in regard to the Environment Act, other relevant case law and air quality guidance.
	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that it is still following LA 105 (Air Quality) which sets out the requirements for assessing the effects of highway proposals on air quality. The Applicant explained at the meeting that it intends to investigate the possibility of quantitative assessment of air quality impacts on human health. At the meeting the Applicant advised that the consultation would seek to highlight the measures that are proposed to address air quality.</p> <p>The Local Refinement Consultation highlighted the proposed measures to address air quality.</p> <p>At the point of submission, information on air quality impacts on human health is included the population and human health assessment in the ES (Application Document 6.1).</p>
	The Planning Inspectorate commented that Local Authorities had been vocal in respect of the relationship between traffic modelling and air quality.	The Applicant explained at the meeting that it believed its current assessment was robust and would be looking at the comments coming forward from Local Authorities and other stakeholders on this matter.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
National Policy Statement review & carbon	No further formal advice or formal comment.	At the meeting the Applicant acknowledged the evolving policy baseline in which the scheme will be assessed against. The Energy National Policy Statement consultation closed on the 29 November 2021. The Applicant explained at the meeting that it has reviewed the draft, noting minimal concern with compliance, although acknowledging that the Statement could change/evolve.
	The Planning Inspectorate raised the point of need, advising the Applicant to explicitly state the need within the application. Although a key aim is to relieve the Dartford Crossing, the Planning Inspectorate questioned whether the Applicant was considering reinforcing that there are several aspects of need including the Levelling Up agenda, skills, and economy.	The Applicant explained at the meeting that it is confident in the aim of the scheme to relieve the Dartford Crossing and will continue to review and update the materials for the next submission. At the point of submission, several aspects of the need case for the Project are demonstrated in the Need for the Project (Application Document 7.1).
Wider Network Impacts	No further formal advice or formal comment.	At the meeting the Applicant noted that the proposal will change the traffic flow across the region. The discussion at the meeting noted concerns from Local Authorities and Local Highway Authorities that the proposal may negatively impact some traffic flows. At the meeting the Applicant updated that they continue to work with such Authorities to understand and respond to their concerns.
	No further formal advice or formal comment.	At the meeting the Applicant added that further interventions are not included in the Project's Development Consent Order, but the approach and further process are to be outlined in the updated Wider Network Impacts Management and Monitoring Plan (Application Document 7.12).
Impacts on AONB/SSSI/Ancient Woodland	No further formal advice or formal comment.	At the meeting the Applicant referred to the Project's impact on designated sites including Areas of Outstanding Natural Beauty (AONB), SSSI, and Ancient Woodland. At the meeting the Applicant reported that it is working closely with stakeholders on mitigation and compensation measures and documenting this within SoCGs (Application Document 5.4).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate enquired as to the opportunities available to connect fragmented habitats in the scheme; to provide ecosystem services and resilience; add value in a number of areas including mitigation; and deliver Biodiversity Net Gain. The Planning Inspectorate questioned whether the Applicant is being ambitious enough in regard to the aforementioned opportunities.</p>	<p>At the meeting the Applicant noted the positive feedback from Natural England around the proposed multifaceted public realm at Tilbury Fields and explained that engagement continues with Natural England in how this approach can continue in respect of the revised designs that will come forward.</p> <p>At the point of submission, the Applicant has based their development of the mitigation and compensation strategy for biodiversity on a landscape scale approach which looks to connect fragmented areas of habitat.</p>
Cultural heritage impacts	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that it is working to reduce the impacts on cultural heritage where possible and is producing an Outline Written Scheme of Investigation and Archaeological Mitigation Strategy for submission in the DCO application (see Appendix 6.9 of the ES (Application Document 6.3)). At the meeting, the Applicant noted ongoing positive engagement with Historic England and Local Authority archaeological representatives, although notes some points of concern, which it is working to address.</p>
	<p>The Planning Inspectorate advised the Applicant to reflect the issues within the relevant National Policy Statement, including cultural heritage impacts, given its significant role in the SoS's judgement of the application.</p>	<p>The Applicant has considered issues relating to cultural heritage impacts within the relevant National Policy Statement within Chapter 5 of the Planning Statement (Application Document 7.2). Compliance with the relevant issues related to cultural heritage impacts in the National Policy Statement for National Networks (NPSNN) is demonstrated within Appendix A of the Planning Statement (Application Document 7.2).</p>
27/01/2022		
Programme update	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that, it proposes to conduct its Local Refinement Consultation from 24 March to 22 April, with a view to submitting a Development Consent Order (DCO) application in Autumn 2022.</p>
What has happened	<p>The Planning Inspectorate referred to the SoS for Business, Energy and Industrial Strategy's decision to</p>	<p>The Applicant explained at the meeting that it is having regard to any relevant parts of this decision.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
since we last met?	refuse the application for a DCO to build the proposed Aquind electricity interconnector.	At the point of submission, the Applicant has had regard to the consideration of alternatives. The Applicant has considered alternatives for the Project within Chapter 4 (Project Evolution and Alternatives) of the Planning Statement (Application Document 7.2) and Chapter 3 (Assessment of Reasonable Alternatives) of the ES (Application Document 6.1).
	No further formal advice or formal comment but the Planning Inspectorate noted that the Project proposals did not contain smart motorway elements but were recognising that the announcement may impact on the wider network.	At the meeting there was a discussion on the recent announcement by the Department of Transport concerning Government pausing of smart motorway schemes. At the meeting, the Applicant noted that this is not an issue for the Project. The Applicant added at the meeting that the proposed development uses some technology which is used on smart motorways, such as vehicle detection technology.
	No further formal advice or formal comment.	At the meeting both parties discussed the proposed London Resort and its potential impact on the Project. At the meeting the Applicant noted that, at present, London Resort is excluded from the Project's transport model due to the uncertainty. The position on London Resort and its consideration in the DCO application submission is set out above.
Proposed HRA submission format/content	No further formal advice or formal comment.	The Applicant explained at the meeting that it proposes a single HRA report to inform an appropriate assessment, which includes a screening assessment. The Applicant explained at the meeting that the report will include an appended Evidence Plan which details how the Applicant got to where they are, including an iteration of its methodology and interpretations. At the meeting, the Applicant added that “nugatory” terminology has been replaced with professional judgement on whether the impact is inconsequential. The Applicant explained at the meeting that it believes this new format should be more concise. The Applicant also stated at the meeting that all rationales and conclusions will be reported clearly in sequential stages of the HRA. At the point of submission, see the HRA report and its Appendix C (Application Document 6.5).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	<p>At the meeting the Applicant confirmed that agreement with Natural England has been documented throughout the HRA – with the SoCG defining issues yet to be agreed.</p> <p>At the point of submission, see the HRA Report (Application Document 6.5) and the Natural England SoCG (Application Document 5.4).</p>
Amendments to HRA in light of Section 51 letter from Planning Inspectorate	No further formal advice or formal comment.	<p>At the meeting the Applicant explained that in responding to Planning Inspectorate feedback, the Applicant has included the following:</p> <ul style="list-style-type: none"> • Further explanation and definition of the rationale used for various conclusions; • Further information on in-combination assessment for all conclusions at each stage of the assessment; • Further clarity on where the use of professional judgement has been used in the absence of available quantifiable evidence – including where professional judgement has been agreed with Natural England; • Significantly more conclusions agreed with Natural England. All screening conclusions are now agreed, except Air Quality on one Special Area of Conservation (SAC), and; • Updated Screening and Appropriate Assessment matrices with additional detail and cross referencing to the report itself.
Consultation with Natural England	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that it believes it has engaged extensively with Natural England, consisting of weekly catch-up calls, fortnightly calls with project officers and specialists, and monthly calls with area managers to ensure the consultation is running as intended. The Applicant explained at the meeting that it has engaged in several workshops with specialists on specific issues such as air quality effects. At the meeting the Applicant added that it has shared technical notes and draft documentation/specific text that is included in the HRA</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		report or oLEMP with Natural England, to facilitate agreement on issues that have been under discussion.
	No further formal advice or formal comment.	The Applicant explained at the meeting that it has sought advice on each conclusion in the HRA from Natural England, with specific advice sought on: amendments to scoping and screening conclusions; the use of in consequence terminology; air quality assessment including its approach to mitigation and compensation; and sufficiency of additional mitigation and compensation proposals. Furthermore, the Applicant explained at the meeting that the Applicant and Natural England have been discussing securing mechanisms and Natural England input post-consent.
	No further formal advice or formal comment.	The Applicant explained at the meeting that it considers that it has had due regard to Natural England's advice, incorporating it into assessments and the HRA report, and providing a narrative in the Evidence Plan appendix. At the point of submission, see the HRA report and its Appendix C (Application Document 6.5).
Common ground with Natural England	No further formal advice or formal comment.	At the meeting the Applicant noted that all screening conclusions have been agreed with Natural England, except air quality effects on one SAC. The Applicant explained at the meeting that this is due to changes to air quality modelling methodology and the subsequent screening out of North Downs Woodlands SAC. The Applicant explained at the meeting that it expects this to be agreed in due course once Natural England have been fully briefed on the Applicant's methodology. For the Applicant's position at the point of DCO submission, see the HRA section in the s51 meeting dated 26/11/2020 above.
	The Planning Inspectorate queried whether the recent 2021 JNCC advice on the use of thresholds for assessment of air quality effects had been considered.	The Applicant explained at the meeting that it has used the LA 105 thresholds and is having discussions on the implications of the JNCC advice. There was a discussion at the meeting on threshold applicability in regard to air quality and the HRA.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	<p>At the meeting the Applicant noted that all appropriate assessment conclusions had been agreed with Natural England other than operational air quality effects. It added at the meeting that a small number of appropriate assessment conclusions had been agreed with caveats. For example, the Applicant explained at the meeting that agreement of no adverse effect on the Thames Estuary and Marshes SPA/Ramsar from land take and disturbance is dependent on demonstration that habitat creation mitigation measures are achievable. The Applicant explained at the meeting that it is preparing a technical paper on this issue that is expected to resolve this issue with Natural England.</p> <p>For the Applicant's position at the point of DCO submission, see the HRA section in the s51 meeting dated 26/11/2020 above.</p>
Issues still under discussion with Natural England	No further formal advice or formal comment.	The Applicant explained at the meeting that it is consulting on comprehensive reassessment and mitigation and compensation approach for air quality effects in the HRA and Environmental Impact Assessment (EIA).
	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that other non-HRA issues under discussion with Natural England include Tilbury Fields, Green bridges, common land, and invertebrates. At the meeting, the Applicant added that these issues are discussed on a regular basis through the SoCG process.</p> <p>At the point of submission, see the Natural England SoCG (Application Document 5.4).</p>
Expected timescales of agreements with Natural England	No further formal advice or formal comment.	<p>At the meeting the Applicant noted that the majority of issues are expected to be agreed prior to submission. The Applicant explained at the meeting that the SoCG will set out expectation of agreement with Natural England within the timescale of Examination (if not fully agreed by submission).</p> <p>For the Applicant's position at the point of DCO submission, see the HRA section in the s51 meeting dated 26/11/2020 above.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	<p>At the meeting the Applicant added that there is unlikely to be agreement on the need for mitigation for air quality on Epping Forest SAC by submission. At the meeting that Applicant explained that it believes that there would be no adverse effects on Epping Forest. The Applicant explained at the meeting that Natural England do not agree with this stance, and the Applicant's solution is to submit a 'without prejudice' mitigation measure of a speed limit for four years on the M25 adjacent to Epping Forest. The Applicant explained at the meeting that he Applicant and Natural England agree this would prevent the exceedance of air quality thresholds.</p> <p>For the Applicant's position at the point of DCO submission, see the HRA section in the s51 meeting dated 26/11/2020 above.</p>
Air Quality Assessment - Update	No further formal advice or formal comment.	The Applicant explained at the meeting that the air quality assessment, including the Affected Road Network has been subject to updates with respect to: traffic data, design assumptions, vehicle emission factors and modelling methodology.
Air Quality Assessment - Key Change	No further formal advice or formal comment.	<p>At the meeting the Applicant noted that, in terms of HRA and ecology impacts, the significant change is the inclusion of the Ammonia (NH₃) in the assessment following representations from Natural England. At the meeting the Applicant added that, as there are no Government-issued factors for the assessment of ammonia, the Applicant has had to develop a bespoke tool following a third-party review of all the available information, including other consultants' tools, emissions factors collected in the UK and Europe and vehicle emission testing undertaken by the Applicant. The Applicant explained at the meeting that the ammonia component increases the change in Nitrogen deposition that is predicted from the air quality modelling and passed to the ecologists to inform the judgement of impacts and significance on ecological receptors. At the meeting, the Applicant added that its assessment is consistent with the requirements of DMRB LA105.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	The Planning Inspectorate asked whether there was agreement with Natural England on the methodology for predicting air quality changes and resulting effects on ecological sites.	At the meeting the Applicant confirmed agreement due to the inclusion of ammonia within the methodology.
Air Quality Assessment - HRA	No further formal advice or formal comment.	The Applicant explained at the meeting that in regard to screening for likely significant effects, Epping Forest SAC is the only HRA site to be 'screened in', and North Downs Woodlands SAC has been 'screened out' in the latest air quality assessment.
	No further formal advice or formal comment.	The Applicant explained at the meeting that the assessment in relation to Epping Forest SAC has identified that while nitrogen deposition thresholds are predicted to be exceeded, in its professional judgement it is unlikely to have an adverse effect on integrity (AEoI) on the SAC. At the meeting, the Applicant added that Natural England disagree that without mitigation adverse effects on integrity can be discounted.
	No further formal advice or formal comment.	At the meeting the Applicant noted that numerous potential options for mitigation of the impact have been investigated, due to the disagreement on AEoI with Natural England. The Applicant explained at the meeting that a speed limit reduction from 70 mph to 60 mph on the M25 on the section adjacent to the SAC for four years is proposed 'without prejudice' if the competent authority considers it necessary to avoid the threshold exceedance. At the meeting the Applicant emphasised that it did not consider this measure necessary, but wanted to show how adverse impacts could be avoided if the competent authority disagreed, without the need for proceeding with a "without prejudice" derogations case.
	The Planning Inspectorate asked the Applicant if other options for mitigation had been considered.	The Applicant explained at the meeting that it had assessed all potential mitigation options and has presented the alternatives to Natural England. At the meeting the Applicant noted that a speed limit for 4 years is the only viable option (assuming the SoS found there was an adverse impact).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>At the point of submission, the Applicant has produced two documents that report the extensive consideration of mitigation options. The Project Air Quality Action Plan (PAQAP) ((Application Document 6.3: Appendix 5.6) reports the consideration of the mitigation hierarchy (including all mitigation options) for ecologically designated sites and habitats that were concluded to be significantly affected by nitrogen deposition. However, Epping Forest SAC was not considered in the PAQAP as the Applicant does not consider that there would be adverse effects on the integrity of that site which would require mitigation. The PAQAP sets out all mitigation options that were considered and discounted for all sites (which would include Epping Forest SAC, were it to be considered to be significantly affected). The technical note ‘Without prejudice consideration of mitigation for air quality effects on Epping Forest SAC’ (Annex A 7 of the SoCG with Natural England (Application document 5.4.1.6) reports the mitigation options specifically considered for effects on Epping Forest SAC.</p>
	<p>The Planning Inspectorate advised the Applicant to clearly set this out and explain within the documentation so that Interested Parties can understand the implications of speed restrictions and the various mitigation alternatives that have been discounted as not suitable or achievable and the reasons why.</p>	<p>The results of the Applicant’s assessment of a potential speed limit reduction are presented in Annex A7 (without prejudice consideration of mitigation for air quality effects on Epping Forest SAC) of the Natural England SoCG (Application Document 5.4). The SoCG with Natural England (Application Document 5.4) reports the agreement with Natural England that the assessment of mitigation has been appropriate and further, that if the without-prejudice mitigation were to be implemented, then they would agree with the conclusion of the HRA that there would be no adverse effects on the integrity of the site.</p>
<p>Air Quality Assessment - EIA</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant noted that DCO version 1.0 concluded no significant effects in the ES, however, due to the latest information and assessment, the Applicant now identifies approximately 130 designated sites/habitats requiring ‘further assessment’ due to exceedances of Nitrogen deposition thresholds, and, it concludes that this will result in significant</p>

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		effects on approximately 60 designated sites due to the potential for degradation of habitat condition.
	No further formal advice or formal comment.	Furthermore, at the meeting the Applicant explained that its preliminary results conclude approximately 230 hectares (ha) of habitat to be significantly affected. At the meeting the Applicant added that the air quality assessment is ongoing in light of further survey, remodelled traffic and air quality and feasible mitigation, and that the number of sites impacted may change as a result. At the point of submission, information regarding final number of sites impacted is presented in ES Appendix 5.6 Project Air Quality Action Plan (Application Document 6.3).
	No further formal advice or formal comment.	The Applicant explained at the meeting that it had investigated numerous potential mitigation options. The Applicant explained at the meeting that a speed limit enforcement on one section of the M2 is being assessed for feasibility and will be proposed if necessary. At the point of submission, the mitigation on the M2 junction 3 and junction 4 is proposed, further information is presented in ES Appendix 5.6 Project Air Quality Action Plan (Application Document 6.3).
	No further formal advice or formal comment.	The Applicant explained at the meeting that it proposes compensation where mitigation cannot be achieved. At the meeting the Applicant explained that this includes habitat creation in which nine plots totalling approximately 312ha will be taken forward to public consultation. At the meeting, the Applicant noted that approximately 250ha of this are to be proposed in the DCO submission. At the point of submission, 245.7ha of habitat creation is proposed across eight plots.
No further formal advice or formal comment.	The Applicant explained at the meeting that it was also considering the use of a fund for managing existing designated sites. During the meeting the Applicant explained that the	

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>objectives of the fund are being developed to focus on Sites of Special Scientific Interest (SSSI) and priority sites to improve their condition and increase resilience to any potential damage that may occur due to Nitrogen.</p>
	<p>The Planning Inspectorate queried how the Applicant intends to reflect the compensation (i.e. - habitat creation) within the DCO.</p>	<p>At the meeting the Applicant noted that securing mechanisms will be discussed in the oLEMP, including details on the timeframe. See the oLEMP submitted as part of the application document suite (Application Document 6.7).</p>
<p>Consultation Strategy update – Local Refinement Consultation</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant noted that the Local Refinement Consultation is more focussed in comparison to its 2021 Community Impacts Consultation.</p> <p>The Applicant explained at the meeting that it proposes a 4-week non-statutory consultation period from the 24 March 2022 to 22 April 2022. The Applicant explained at the meeting that the consultation will be more locally focused and would cover local refinements in respect of: Tilbury Fields, additional environmental mitigation and habitat creation, Walking, Cycling and Horse-riding (WHC) changes, A13 new slip road and landscaping changes, and utilities changes. The Applicant explained at the meeting that the consultation pack will include a guide to consultation, three map books, a response form, and an Easy Read version.</p> <p>The Applicant explained at the meeting that it's non-statutory Statement of Community Consultation (SoCC) was currently with Local Authorities for review.</p> <p>At the meeting, the Applicant noted that the Consultation extends over Easter and the pre-election period for Thurrock, Brentwood, Havering and Maidstone. Following feedback from Local Authorities, The Applicant decided to revise timings of the consultation period in response to concerns expressed by local authorities regarding the local elections being held on the 5 May 2022 and the proposed consultation period coinciding with the Easter break. The revised dates for the Local Refinement</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>Consultation period were from the 12 May 2022 to 20 June 2022, for a period of 5 weeks.</p> <p>The Applicant explained at the meeting that due to the inclusion of additional new habitat creation into the proposals, the following local authorities will now be consulted under the Planning Act 2008: Maidstone and Tonbridge and Malling Borough Councils as host authorities and Ashford Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council as neighbouring authorities.</p>
Interrelationship Document	<p>The Planning Inspectorate noted that the Applicant's Interrelationship Document was a useful document, noting that including the DCO boundary on the plates could be helpful for the reader. The Planning Inspectorate suggested there might be potential to simplify the proposed layout of operational interactions.</p>	<p>The Applicant has prepared bespoke figures for the Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes Document (application document 7.17) showing the third-party project boundaries in relation to the Project's Order limits so it is easy for the reader to understand where project overlaps occur.</p>
	<p>The Planning Inspectorate queried if the document would be modified in line with changes to the projects it covers.</p>	<p>At the meeting the Applicant confirmed it would be updated as information came forward during the examination.</p>
	<p>The Planning Inspectorate also advised the Applicant to include the assumptions underpinning the sensitivity approach to determining which projects were excluded from the traffic model.</p>	<p>At the meeting the Applicant noted that the inclusion of developments would be in accordance Web TAG.</p>
17/02/2022		
Programme update	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that it proposes to include Hole Farm into the scheme for nitrogen deposition compensation and are to identify the potential for community use in the area. The Applicant explained at the meeting that part of Hole Farm has always been proposed to be used as replacement land; the inclusion refers to all other parts of Hole Farm. The Applicant explained at the meeting that it is to launch an information</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>campaign on Walking, Cycling and Horse-riding (WCH) considerations across the entire scheme.</p>
<p>Statement of Community Consultation (SoCC) engagement</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant noted that local authorities were being consulted on the SoCC.</p> <p>The Applicant explained at the meeting, that to continue the feedback loop from the Community Impacts Consultation, the Applicant is producing a 'Response to Community Impacts Consultation' document. The Applicant explained at the meeting that this will be available online ahead of the consultation, with alternative formats available upon request. At the meeting the Applicant explained that, the document provides a response to issues, signposting to changes proposed in the upcoming refinement consultation.</p> <p>The 'You Said We Did' chapter of the consultation will also provide a high-level summary of feedback from the Community Impacts Consultation. The chapter will introduce some changes that are proposed following the feedback and will describe changes made as a result of the Applicant's ongoing engagement.</p>
<p>Matters subject of consultation</p>	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that it was consulting on its further refinement of utility works to enable the project to be built. There was a discussion at the meeting as to whether any of the works would constitute an entirely new NSIP, or an amendment to already proposed diversion works which would consequently meet the relevant criteria for an NSIP.</p> <p>The Applicant provided further information at the meeting relating to additional environmental compensation and the provision of mitigation land. At the meeting the Applicant reminded the Planning Inspectorate of the latest government guidance on the measurement of nitrogen deposition in relation to ammonia. The Applicant explained at the meeting that it is proposing to compensate for the potential impacts of nitrogen being deposited in soils of ecologically sensitive areas.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		<p>After the meeting, the Local Refinement Consultation outlined the proposed mitigation and compensatory measures.</p>
<p>Consultation Report: Approach to Adequacy of Consultation Responses</p>	<p>No further formal advice or formal comment.</p>	<p>The Applicant explained at the meeting that ongoing updates to the Consultation Report include considering how best to address the Adequacy of Consultation Representations (AoCRs) provided by Local Authorities in response to the Applicant’s first application. The Applicant explained at the meeting that it believes it is important to acknowledge the role that Local Authorities played in the pre-application consultation phase and the specific ways in which they informed the Applicant’s approach to consultation.</p> <p>The discussion at the meeting noted the way in which a Consultation Report could look to address such comments, either through a point-by-point summary and response of each matter raised in the AoCRs or a high-level narrative description of the key themes raised through the AoCRs.</p>
<p>New Application Document: 5.2 Statement of Engagement</p>	<p>No further formal advice or formal comment.</p>	<p>At the meeting, the Applicant outlined a new document in development that sought to evidence the strategy to engagement since its preferred route announcement (PRA), and what engagement has been undertaken and the Applicant’s response to the issues raised. The Applicant explained at the meeting that the new document would be more focused on engagement and would sit alongside the Consultation Report.</p> <p>The Applicant explained at the meeting that the Statement of Engagement would signpost to other application documentation including the Statement of Reasons (in relation to landowner engagement), SoCGs, the Inter-relationship Document and Consultation Report. The Applicant explained at the meeting that it is conscious of seeking to avoid repetition. There was a discussion at the meeting on whether the document would be shared with stakeholders, with the Applicant noting it would discuss the application document with statutory environmental bodies and Local Authorities.</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
What has happened since we last met	No further formal advice or formal comment.	At the meeting the Applicant discussed the changes that have occurred since the last meeting including the revised Tilbury Fields. In October 2021, a new Freeport area was designated on land to the east of the PoT. The Applicant explained at the meeting that a portion of the Freeport is located within the proposed Order Limits for Lower Thames Crossing. The Applicant added at the meeting that much of the area is intended to be used by the Project on a temporary basis to aid construction works, however there is also an impact on land that was to be permanently acquired for the creation of Tilbury Fields. In order to facilitate development, the Applicant explained at the meeting that it had reviewed its proposals for Tilbury Fields and have proposed an alternative solution thereby removing the conflict in connection with the permanent land take.
31/03/2022		
Programme update	No further formal advice or formal comment.	At the meeting the Applicant reminded the Planning Inspectorate of the date for consultation activity being 12 May 2022 with the consultation period planned to run for a period of five and a half weeks. Previously the Applicant had stated that the consultation would run for a period of four weeks between 24 March 2022 to 22 April 2022. The Applicant decided to revise the timings of the consultation period in response to concerns expressed by local authorities regarding the local elections being held on the 5 May 2022 and the proposed consultation period coinciding with the Easter break.
Development of the Project's transport model (LTAM)	No further formal advice or formal comment.	At the meeting the Applicant explained that the Lower Thames Area Model (LTAM) was built using SATURN software; an industry recognised strategic modelling platform used for highway models. The Applicant explained at the meeting that full technical details of model development will be laid out in the Combined

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		<p>Modelling and Appraisal Report (ComMA) and a non-technical summary will be provided in the Non-Technical Traffic Forecasts. The Applicant explained at the meeting that it has do-minimum and do-something scenarios for 2030, 2037, 2045 and 2051. Growth is capped in line with DfT traffic forecasts, however local growth is adjusted in local authority areas close to the Project (as set out in the Uncertainty Log), to explicitly add detail of sites where they are under construction, have a planning application or permission. The Applicant explained at the meeting that other road schemes (that would proceed whether the Project happens or not) are also included in the modelling, however, the core scenario does not account for freeport-related growth.</p> <p>At the meeting the Applicant explained how the transport model outputs inform teams working on the design, environmental and other aspects of the Project. The Applicant also reflected on discussions with the LPAs at the meeting.</p> <p>There was a discussion during the meeting on the model validation process, and the potential implications of the pandemic on altering future demand and journey patterns.</p>
<p>Use of the traffic data to assess air quality impacts</p>	<p>In response to the Applicant's overview of the use of traffic data to assess air quality impacts, the Inspectorate asked for an update on discussions with Natural England regarding the assessment methodology in relation to air quality impacts on ecological receptors.</p>	<p>The Applicant noted this request at the meeting and explained that an update would follow on this matter at a later date. Details of discussions regarding air quality assessment methodology and impacts are provided in the s51 meeting dated 27/01/2022 above and are also included within the Natural England SoCG (Application Document 5.4).</p>
<p>LTAM: Construction modelling</p>	<p>The Inspectorate advised the Applicant to think about how the different phases of construction would be articulated in the Development Consent Order and how the distinction would be made between transport modelling construction phases and construction phases of the Project.</p>	<p>The Applicant explained at the meeting that construction modelling uses the do-minimum 2030 model as its basis. At the meeting the Applicant also explained that the construction of the Project had been divided into 11 construction traffic modelling phases.</p>

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		<p>At the point of submission, these are set out within the Transport Assessment (Application Document 7.9). These phases are used across the application. These phases enable the consistent assessment of the forecast impacts of the Project; and reflect one potential scenario in which the Project could be constructed.</p>
River usage assumptions	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that river usage was not well understood in the first application, and that the Planning Inspectorate and stakeholders had commented on the need for additional clarity on the Project's proposals around river usage.</p> <p>At the meeting, the Applicant clarified that its proposals had assumed use of the river alongside road to transport the construction materials, and that this was assessed in the traffic and environmental assessments. The Applicant explained at the meeting that this narrative would be highlighted in the re-submitted application, clearly setting out the Applicant's proposals and assumptions around use of the river to transport construction material.</p> <p>During the meeting, the Applicant provided background information to river usage. The Applicant explained at the meeting that parts of the Proposed Development are close to the river Thames, and that other parts are relatively difficult to access from the river due to the Project's linear nature. The Project only has a narrow river frontage so there is limited access. The Applicant explained at the meeting that most of the excavated materials would be kept on site, minimising the need to transport materials offsite. At the meeting, the Applicant added that the greatest opportunity for river usage in its view would be around the import of construction materials.</p> <p>During the meeting the Applicant also explained current river constraints. The Applicant noted at the meeting that two existing river jetties on the north bank of river Thames are fully utilised and have no spare capacity. In addition, Thames Estuary,</p>

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		<p>Marshes Ramsar Site and Milton Rifle Range constrain the use of the river to supply construction south of the river.</p> <p>At the meeting, the Applicant explained current road constraints. The Applicant noted at the meeting that existing road capacity issues (A1089/ASDA roundabout) limit the potential to deliver significant quantities of material from the PoT to construction sites north of Tilbury Loop railway line.</p> <p>The Applicant explained at the meeting that the North Portal construction area is close to the PoT and the recently built Construction Materials Aggregate Terminal has a road connection to the port. At the meeting he Applicant explained that this is therefore well suited to sourcing construction materials delivered by river to the PoT.</p>
Port and river usage commitment	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that it is seeking to make proposals around river usage more transparent in the application documentation including a commitment designed with the intention of minimising the number and length of construction-related transport movements by road; and minimising the potential social and environmental impacts arising from construction-related import of materials associated with the Project.</p> <p>At the point of submission, a commitment is contained in the outline Materials Handling Plan (Application Document 6.3) which is to be secured by Requirement 4 in the dDCO (Application Document 3.1) that relates to the Environmental Management Plan.</p> <p>There was a discussion at the meeting on the re-use and transport of excavated material and the approach to setting out river transport assumptions within the ES.</p>
River usage in the Environmental Impact	Following a discussion about how any vessel movement required by the construction of the Project would be within the current operating regime of the PoT and are therefore intended to be scoped out of the EIA, the	Refer to the 'navigation' and 'assumptions on river use' themes in the s51 meeting dated 26/11/2020 above which sets out the approach adopted in connection with the assessment of the use of the river Thames in the ES.

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Assessment (EIA)	Inspectorate advised the Applicant to provide sufficient information within the ES in relation to this, to capture any other environmental effects associated with river use, aside from those on navigation, and provide reasoning as to why significant effects could be discounted.	
28/04/2022		
Programme update	No further formal advice or formal comment.	At the meeting the Applicant explained that it is progressing towards a non-statutory consultation due to commence on 12 May 2022. The Applicant expects to submit an application for a development consent order (DCO) for the Lower Thames Crossing (“the proposed development”) by Autumn 2022.
What has happened since we last met?	The Planning Inspectorate noted the decision of 21 April 2022 on the M54 to M6 Link Road by the SoS for the Department for Transport.	The Applicant explained at the meeting that it has considered recent decisions and the approach adopted to carbon assessments is consistent with those decisions. Please see Chapter 15 of the ES (Application Document 6.1) which sets out the Applicant’s approach to carbon assessments. Appendix I of the Planning Statement provides further information on the approach to carbon.
Local refinement consultation scope and approach	No further formal advice or formal comment.	<p>At the meeting the Applicant explained it’s plans to conduct a non-statutory consultation on further limited changes to the proposed development. At the meeting the Applicant explained that, following feedback from Local Authorities, the duration and timing of the consultation have changed. Subsequently the consultation ran from 12 May 2022 to 20 June 2022, with local authorities having an additional one-week period to allow for internal governance to finalise their responses.</p> <p>The Applicant explained at the meeting that the print material will be available at deposit locations and information points and will also be orderable online, and that the material will include a single guide to consultation which includes a project overview, ‘You said, we did’, changes since the community impacts</p>

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		<p>consultation, and nitrogen deposition (with appendix). Since the meeting, the Applicant held ten public information events, from 19 May 2022 to 13 June 2022. The Applicant consulted on 26 refinements including changes to Tilbury Fields, additional environmental mitigation and habitat creation, Walking, Cycling and Horse-Riding, special category land, private recreational facilities, the A13 new slip road and, utilities diversions.</p> <p>At the meeting, the Applicant provided an overview of the format, structure and style of the consultation material.</p>
Landowner engagement and minor refinements document	No further formal advice or formal comment.	<p>The Applicant explained at the meeting, that the landowner engagement and minor refinements document does not form part of the consultation.</p> <p>The Applicant explained at the meeting that this document will summarise what the Applicant considers to be a number of minor, localised changes that have been made to the project since the community impacts consultation. The Applicant explained at the meeting that the changes are a result of feedback from affected landowners and others with an interest in land, ongoing design work and a greater understanding of technical constraints.</p> <p>At the meeting the Applicant explained that, due to the limited nature of these changes, it is presenting them for information purposes only. The document will be published digitally at the launch of the local refinement consultation.</p>
Stakeholder Actions and Commitments Register (SAC-R)	No further formal advice or formal comment.	<p>The Applicant explained at the meeting that the Stakeholder Actions and Commitments Register (SAC-R) is a new proposed control document in the DCO application. Following engagement with stakeholders, the Applicant explained at the meeting that there was a perception that some of the commitments asked will not fit into the wider control plan framework.</p> <p>At the meeting that Applicant explained that the proposed document provides a securing mechanism for Interested Party requests of actions and commitments in the DCO application. The Applicant explained at the meeting that the document is akin to</p>

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		<p>the Register of Environmental Actions and Commitments (REAC) and is similar to the HS2 register of undertaking and assurances. At the meeting, the Applicant explained that these commitments would be implemented during either the construction or operation of the proposed development. These would not be commitments 3 required to mitigate the environmental effects of the proposed development (which are already secured).</p> <p>The Applicant explained at the meeting that the document intends to reduce the need for legal agreements by providing a mechanism to provide legally secured commitments which has the effect of: assisting stakeholders by obviating time associated with legal requirements; speeding up the resolution of issues during examination; provides sight to the Examining Authority for how issues have been resolved; and creates a mechanism for enforcement Local Authorities (rather than relying on breach of contract).</p>
08/06/2022		
Programme update	No further formal advice or formal comment.	The Applicant stated at the meeting that there were no significant changes to the programme as set out previously and is working towards DCO submission later this calendar year. At the meeting the Applicant provided an overview of the level of response it had received to the non-statutory Local Refinement Consultation.
Engagement update	No further formal advice or formal comment.	The Applicant explained at the meeting that it was continuing its engagement and technical work with a view to preparing application documentation.
	The Planning Inspectorate confirmed it had met with a number of host Local Authorities recently as it has done sporadically over the course of the Pre-Application stage. The discussion noted the potential for an in-person tripartite meeting later in the autumn with the Applicant, representatives of local authorities and the	At the meeting the Applicant expressed its support for the proposal. Since the meeting, a tripartite s51 meeting was held on 22nd September 2022.

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	Inspectorate. The Inspectorate agreed to scope out the principle and potential dates with local authorities.	
Feedback on proposals to record commitments (SAC-R)	In response to the discussion about the SAC-R, the Planning Inspectorate was interested by the proposal to introduce a new document at this stage in the Pre-Application programme of such a complex scheme and questioned its relationship with other proposed documents and whether there was potential for confusion.	<p>The Applicant considered the Planning Inspectorate’s view on the SAC-R (Application Document 7.21). The Applicant has considered other significant projects including those which have recently been delayed often because of the absence of secured and finalised agreements, and considers it is appropriate to provide the SAC-R (Application Document 7.21). The document itself provides an explanation of its purpose, and the Applicant has found parties receptive to, and understanding of, the mechanism. Further explanation is provided in the SAC-R and the Explanatory Memorandum (Application Document 3.2).</p> <p>The role of the SAC-R in relation to other control documents is set out in the Introduction to the Application (Application Document 1.3).</p>
Feedback on Traffic and Transport Assessment 2.0	The Planning Inspectorate noted the content of the Applicant’s memorandum on the subject and advised that while the decision to not include a stand-alone chapter within the ES is for the Applicant to take, the key will be to ensure that the detailed information which supports the assessment of significant effects in the ES is reflected and accessible.	<p>The Applicant stated at the meeting that the ES will not include a traffic and transport chapter. However, it will assess environmental impacts caused by changes in traffic and transport, based on information taken from the Traffic and Transport Assessment.</p> <p>At the meeting the Applicant assured the Planning Inspectorate that this is its intention for the ES to include “the detailed information which supports the assessment of significant effects in the ES is reflected and accessible”.</p> <p>Appendix 4.4 Traffic and Transport of the ES (Application Document 6.3) is a signposting document to demonstrate where this information is within the ES (Application Document 6.1) and Transport Assessment (Application Document 7.9).</p>
Review of recent topics	No further formal advice or formal comment.	At the meeting the Applicant provided an update of its on-going discussions with PoT around land designated for the Tilbury Freeport and the proposed approach to traffic modelling in respect of the lack of maturity in the plans shared to date.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	No further formal advice or formal comment.	At the meeting the Applicant reiterated that whilst proposals for Tilbury Link Road are being progressed separately, there is consideration of how the proposals will relate to each other in this location in terms of design, construction and potential future operation.
	No further formal advice or formal comment.	At the meeting the Applicant confirmed its position in respect of the recently withdrawn application for The London Report, that no sensitivity analysis would be undertaken of the traffic modelling.
	No further formal advice or formal comment.	At the meeting the Applicant explained that some Local Authorities were continuing to note concerns in respect of the engagement programme, sharing of information and the consultation activities.
	No further formal advice or formal comment.	At the meeting the Applicant presented a summary on the air quality impacts on ecological receptors, highlighting the mitigation and compensation measures that were included in its Local Refinement Consultation. The Applicant explained at the meeting that it continues to define the design principles and outline designs for each area.
	No further formal advice or formal comment.	At the meeting the Applicant presented a qualitative health impact assessment to be undertaken, which will use the outputs of the air quality assessment.
	Following the Applicant's explanation of how it was intending on tracking and responding to the anticipated draft of the National Networks National Policy Statement and a discussion of the relevance of recent Department for Transport Development Consent Order decisions, the Planning Inspectorate drew attention to some general facets of the decisions and advised the Applicant to carefully consider their relevance to Lower Thames Crossing.	The Applicant monitors and has had regard to relevance of recent Department for Transport Development Consent Order decisions and where relevant has changed the approach in the draft Order (Application Document 3.1).

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>In response to a discussion about the Applicant's engagement with Natural England and Kent Downs Area of Outstanding Natural Beauty (AONB) on developing the detailed design of measures to ensure the best outcomes in respect of nitrogen deposition compensation and AONB enhancements, the Planning Inspectorate queried the degree of alignment between Natural England and the AONB in terms of their positions and advice.</p>	<p>The Applicant explained at the meeting that response to the proposals was generally positive, and that progress was being made.</p> <p>SoCGs with each organisation are submitted as part of the DCO application (Application Document 5.4) and provide the detail around the level of alignment between the Applicant and the AONB and Natural England.</p>
28/06/2022		
Local refinement Consultation	<p>No further formal advice or formal comment.</p>	<p>Following the close of the Local Refinement Consultation on 20 June 2022, the Applicant reported at the meeting that it had received over 2200 responses. A campaign by the Woodland Trust contributed a considerable amount to that number.</p>
	<p>The Planning Inspectorate queried the level at which the Applicant is ensuring landowner engagement.</p>	<p>At the meeting the Applicant advised that they believe they are heavily involved with landowners.</p>
	<p>The Planning Inspectorate queried if the Applicant is using a SoCG to try to address Local Authority concerns. The Planning Inspectorate advised that this may be a beneficial change to ensure effective collaboration.</p>	<p>At the meeting the Applicant advised that they are moving from an issue and response process to a SoCG process.</p> <p>SoCGs are submitted as part of the DCO application (Application Document 5.4).</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant advised that they had identified new bodies through diligent inquiry, feedback from PINS and as a result of changes to the Order Limits.</p>
	<p>The Planning Inspectorate advised to keep public engagement on the project at a basic level. The Planning Inspectorate advised that it can be difficult for members of the public to fully understand a project after several rounds of consultation, especially after changes to the proposed development.</p>	<p>Over five consultations, members of the public have had 259 days of consultation in order to fully understand the Project. The Community Impacts Consultation included comprehensive ward summaries to enable local impacts from previous rounds of consultation to be understood.</p>

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Special Category Land	No further formal advice or formal comment.	At the meeting the Applicant explained that the Project requires permanent acquisition of some Special Category Land (SCL). The Project includes 13 areas of SCL within the Order Limits. SCL is only included for critical road and utility works. The Applicant advised at the meeting that they are providing replacement land for seven sites for which SCL is being permanently acquired.
Specific Issues	No further formal advice or formal comment.	At the meeting the Applicant advised that nitrogen deposition piece was a novel issue, and they are working closely with landowners and people with interests in the land. The Applicant explained at the meeting that some landowners are concerned, and others are proposing other plots of land they want taking as a result. At the meeting the Applicant explained that those who have an interest in the issue would have understood the technicality of the issue, but a wider audience may not understand to the same degree.
	No further formal advice or formal comment.	At the meeting the Applicant advised that feedback received during previous consultation suggested that local communities wanted more information as to how the project would directly affect them. Local communities also raised concerns that the plans for control of the works and mitigation of local impacts were limited in detail.
	No further formal advice or formal comment.	The Applicant stated at the meeting that it had subsequently engaged with local authorities highlighting areas such as, <ul style="list-style-type: none"> • Operational and construction effects • Defining local impacts at a ward scale • Additional control plans
	The Planning Inspectorate advised that it appears that the Local Authorities are concerned about the effects on their local road networks and therefore it would be	The Project has engaged with local authorities, outwith the public consultations. Local authorities have been provided with GIS shapefiles and cordons of the Project's transport model and have been provided with draft copies of the construction control documents (oTMPfC, oMHP and FCTP etc), as well as

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	important to include these authorities in future discussions.	documents from the DCO application dated October 2020 to seek their views. Local authorities would have a number of roles secured going forward through the construction control documents and the WNIMMP (Application Document 7.12).
25/08/2022		
Tripartite meeting and site tour	No further formal advice or formal comment but the Planning Inspectorate advised it would start thinking about an Agenda for the meeting now to allow time for circulation and review.	At the meeting the Applicant explained that the final logistics for the tripartite meeting on Thursday 22 September 2022 meeting were being discussed with a site visit planned for Wednesday 21 September 2022.
Engagement	The Planning Inspectorate queried whether the Applicant is putting together a SoCG with the PLA.	At the meeting the Applicant advised they are, but they are not yet in agreement regarding the protective provisions. At the point of submission, matters agreed, not agreed and under discussion are identified in the PLA's SoCG (Application Document 5.4).
SSSI designation	No further formal advice or formal comment.	At the meeting it was identified that there is a proposal to assign an undefined area of largely undeveloped land in the region of Tilbury SSSI (Site of Special Scientific Interest) status in relation to invertebrates. The Applicant explained at the meeting that it had shared survey data with Natural England and that has assisted in its determination process around the designation of the land. However, the SSSI designation has not yet been officially assigned.
	The Planning Inspectorate queried whether the programme relies on any required actions by Natural England which may cause delays.	At the meeting the Applicant stated that they are in agreement with Natural England as to the designation of the site and therefore they do not envisage any disagreement or delays. The Applicant explained at the meeting that the Project design is complimentary to the designation of the land, so if the designation is officially confirmed in the future, no amendments will need to be made.

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
	<p>The Planning Inspectorate advised the Applicant that they should take the time to provide visibility surrounding the SSSI designation within the relevant application documents.</p>	<p>The potential designation of the SSSI is referred to within the terrestrial ecology assessment in the ES (Application Document 6.1).</p>
	<p>The Planning Inspectorate queried whether the Applicant will be providing a SoCG with Natural England as this could be used to provide visibility to the potential designation of the land.</p>	<p>At the meeting the Applicant confirmed that they will be providing a SoCG with Natural England. See the Natural England SoCG (Application Document 5.4) submitted as part of the DCO application.</p>
<p>Design Journey of the Project</p>	<p>In response to a discussion about how the Applicant has been having detailed conversations with stakeholders for many years and the Applicant advising that they are in the “Preliminary Design” stage which has been the culmination of much consultation and feedback, the Planning Inspectorate queried which document is secured in the DCO.</p>	<p>At the meeting the Applicant confirmed it would be the Design Principles (Application Document 7.5).</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant stated that the design now has over 200 design principles (up from 176 in DCO1) including Overarching design principles, Location specific design principles, and Structure specific design principles.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant stated that the design is highly led by land characteristics, being developed as a result of internal multi-disciplinary workshops and site visits. The Applicant also informed the Planning Inspectorate at the meeting that they have been conducting weekly stakeholder engagement meetings.</p>
	<p>The Planning Inspectorate highlighted the importance of the Applicant making sure that this is clear to someone not familiar with the project.</p>	<p>At the meeting the Applicant advised that the contractors are responding well to the design principles set out.</p>
	<p>No further formal advice or formal comment.</p>	<p>At the meeting the Applicant explained that it’s Design Review Panel (NHDRP) is an independent, multidisciplinary design review panel administered by Design Council Cabe. At the meeting the Applicant stated that section G (design evolution) of</p>

Themes	Record advice from the Planning Inspectorate	Position or response by the Applicant
		the Project Design Report details how they have responded to NHDRP comments. The Applicant explained at the meeting that Part D of the Project Design Report is highly illustrated in order to effectively visualise and explain the scheme to stakeholders. Furthermore, the section is couched in non-technical language where possible.
	No further formal advice or formal comment.	At the meeting the Applicant provided a recap of the design milestones reached and consultations undertaken to date. The Applicant explained at the meeting that it would be writing to some landowners to advise them on some local land changes. The Applicant explained at the meeting that it had received a joint request for provision of the control plans, provision of the environmental assessments (three others) from Thurrock and Havering Councils.
Any Other Business	No further formal advice or formal comment.	At the meeting the Applicant advised that the documents are still going through governance and are therefore still to be reviewed, which is why the Applicant does not feel sharing documents at this stage is appropriate. The documents will be ready at submission and therefore, sharing the documents with the Local Authorities in advance may not be representative of the final submission.
	No further formal advice or formal comment.	At the meeting the Applicant advised that a full version of the previous submission (December 2020) has been shared in the past, which includes an ES that has not seen expansive changes.
	The Inspectorate queried how comments/feedback on the previous ES have been incorporated into the current version of the ES and how this has been communicated on a local level.	The Applicant has communicated any changes that have taken place through consultation and workshops at a local level.
	The Inspectorate advised that a disparity between what the Applicant and Local Authorities believe should be shared ahead of Acceptance and Examination otherwise it may negatively impact engagement throughout Examination.	The Applicant has undertaken a comprehensive series of public consultations and technical engagement to share Project proposals prior to submission. The SoCGs (Application Document 5.4) outline matters agreed, not agreed and under discussion with the Local Authorities.

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