

Lower Thames Crossing

5.4.1.7 Statement of Common Ground between (1) National Highways and (2) Port of London Authority

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This is a draft Statement of Common Ground with matters outstanding and is unsigned. The draft Statement of Common Ground has been drafted by the Applicant but the stakeholder has not yet been able to complete their review in line with their governance process. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date

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List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground	1
1.2 Parties to this Statement of Common Ground	1
1.3 Terminology	2
1.4 Overview of previous engagement	2
1.5 Status of the Statement of Common Ground	2
2 Matters.....	3
2.1 Matters agreed, not agreed or under discussion.....	3
Appendix A Documents considered within this Statement of Common Ground.....	39
Appendix B Glossary.....	40
Appendix C List of engagement activities.....	41

List of tables

	Page number
Table 2.1 Matters	3
Table C.1 Summary of engagement activities between National Highways and Port of London Authority	41
Table C.2 Detailed record of engagement activities between National Highways and PLA	41

1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents may be available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties named below, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific matters that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared in respect of the Project by (1) National Highways, and (2) Port of London Authority (PLA).
- 1.2.2 National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.
- 1.2.3 Port of London Authority (PLA) is a statutory harbour authority established by The Port of London Act 1908 to govern the Port of London. Its statutory powers and duties are mainly to be found in the Port of London Act 1968 (“the 1968 Act”). The PLA’s responsibilities extend over the tidal River Thames and its tidal tributaries from the landward limits at Teddington to its tidal limits in the outer estuary. The PLA maintains and supervises navigation to ensure navigational safety along the tidal Thames, sharing its marine, environmental, planning and other expertise to promote use of the river and safeguard its unique marine environment.
- 1.2.4 The PLA has a number of statutory duties, including river traffic control, security, navigational safety (including buoys, beacons, bridge lights and channel surveys), conservancy (including dredging and improvement), encouraging both commercial and leisure uses of the river, and protecting its environment. To assist it in its statutory duties the PLA has various anchorages located within its area. Three of these anchorages: Chapman (1, 2 and 3), Mucking Bight and Higham Bight are designated explosives anchorages. Higham Bight (Licence no, 9/92) is located directly over the route of the Lower Thames Crossing.

- 1.2.5 As the body responsible for licensing river works and moorings, the PLA has special regard to their continued viability for unimpeded use by the PLA’s licensees. The PLA’s functions also include the promotion of the use of the river as an important transport corridor for London.
- 1.2.6 The PLA also owns approximately 95% of the land and foreshore of the River Thames between Teddington and Canvey Island, with most of the rest being owned by the Crown Estate. The PLA owns all the river bed and foreshore within the Order limits.

1.3 Terminology

- 1.3.1 In the matters table in section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached, and “Matter under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has been resolved.

1.4 Overview of previous engagement

- 1.4.1 A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.

1.5 Status of the Statement of Common Ground

- 1.5.1 The PLA has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore presented as an ‘unsigned’ Statement of Common Ground.
- 1.5.2 National Highways considers that this Statement of Common Ground is an accurate description of the matters raised by the PLA and the status of each matter, based on the engagement that has taken place to date, as set out in Appendix C.

2 Matters

2.1 Matters agreed, not agreed or under discussion

2.1.1 Table 2.1 details the matters which have been agreed, not agreed, or are under discussion between (1) National Highways and (2) Port of London Authority.

2.1.2 It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Project to finalise detail, but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.

Table 2.1 Matters

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
DCO and Consents					
Exclusion of ground investigation (GI) from protective provisions	2.1.1	Definition of commence as defined by Article 2 in the draft Development Consent Order excludes ground investigation meaning that it would not be covered by para 3 of the Protective Provisions. The PLA has suggested a drafting amendment to address this point.	National Highways disagrees with this interpretation, Ground Investigation (GI) works are within the scope of the Protective Provisions. The definition of commence is not a free-standing authorisation of any works (including GI). Instead, the definition sets out what does and does not constitute commencement. So notwithstanding GI is excluded from commencement, GI works in the Thames can only be carried out under article 18 (power to interfere in	Draft Development Consent Order (Application Document 3.1)	Matter Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>watercourses etc.) or article 21 (authority to survey and investigate land). National Highways has no other power under the draft DCO to carry out GI in the Thames. The exercise of article 18 and 21 powers is controlled by the Protective Provisions, as they are specified functions (see definition in the Protective Provisions).</p> <p>In the interests of reaching an agreement with the PLA, National Highways have amended the Protective Provisions at paragraph 3 to resolve the PLA's concerns.</p>		
Interpretation of Article 36 DCO on temporary use of land for maintenance	2.1.2	<p>PLA require confirmation on approach to River Works Licences – what would be required from the end of the maintenance period. The DCO must provide protection for PLA in form equivalent to Silvertown Protective Provisions (para 50). Article 36 should be restricted to enable the passage of river traffic and suspend the public right of navigation as with Article 29 of the Silvertown DCO.</p>	<p>The parties have discussed the approach towards River Works Licences. The latest draft DCO drafting provides that National Highways cannot take temporary possession of plots belonging to the PLA, save for those required for the outfall.</p> <p>Following the maintenance period, article 52(3) applies:</p> <p>“Following the expiry of any maintenance period defined in</p>	Article 36, Draft Development Consent Order (Application Document 3.1)	Matter Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			article 36(13), the requirement under the 1968 Act to obtain a works licence under section 66 (licensing of works) of that Act does not apply to anything done within any structure forming part of the authorised development in connection with the operation or maintenance of the authorised development or any other function of the undertaker.”		
Interpretation of Article 44 DCO on when tunnel is open for use/commencement of powers	2.1.3	The commencement of the Order is not subject to any further provisions. The power to operate, use and close the tunnels (Article 44) should only apply from when the tunnel is first opened for public use.	National Highways has agreed to update the drafting as requested.	Article 44, Draft Development Consent Order (Application Document 3.1)	Matter Agreed
Interpretation of Article 53 DCO on disapplication of legislation, status of 1968 Act post maintenance period.	2.1.4	PLA requested that for maintenance, the disapplication of the enactments should apply only to a specified and limited maintenance period.	National Highways has made this amendment to the draft DCO.	Article 53, Draft Development Consent Order (Application Document 3.1)	Matter Agreed
Code of Construction Practice (CoCP)	2.1.5	The CoCP and Development Consent Order (DCO) Schedule 2 requirements state that EMP2 must be substantially in accordance with the CoCP but the Control plan says it is prepared in line with the approved CoCP –	The control plan, following the PLA’s comments, has been reviewed and updated to ensure consistency is maintained between the draft DCO Schedule 2 requirements and the CoCP.	CoCP (ES Appendix 2.2 (Application Document 6.3)) & Draft Development Consent Order	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		these could be seen as two different bars that need to be met.	National Highways awaits the PLA's comments to finalise this issue.	(Application Document 3.1)	
Right of National Highways to discharge and deemed consent provisions in Protective Provisions	2.1.6	<p>PLA do not accept deemed consent provisions relating to discharge in the DCO</p> <p>PLA seeks parity between this paragraph in the Protective Provisions and Article 48</p>	<p>National Highways is seeking to maintain its deemed consent provisions, as the PLA have 35 days to review proposals to grant such consent. Other schemes (e.g. Silvertown) have had similar deemed consent provisions.</p> <p>National Highways understands that the PLA is considering deemed consent on National Highways' obligations under Article 48 and discussions are ongoing.</p> <p>National Highways understands that the main elements of article 48 are now agreed. Article 48 incorporates deemed consent provisions for the benefit of the PLA and National Highways therefore awaits PLA's confirmation that concern around deemed consent for discharge to be resolved.</p>	Article 48, Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Definition of river works licence and river dredging licence	2.1.7	The definition of "river works licence" is incorrect. A river works licence is a licence granted under	National Highways has amended the definitions in the draft DCO to reflect the PLA's	Draft Development Consent Order	Matter Under Discussion

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		<p>section 66 of the PLA Act 1968. It does not include “a [...] permission or any other form of approval granted by the PLA under section 66 of the 1968 Act”. These additional words should be removed.</p> <p>The same goes for a river dredging licence.</p>	<p>comments, and the PLA’s latest Harbour Revision Order which proposes to change “licences” to “permits”. This response was provided to the PLA in September 2021, and National Highways believe that this matter should now be agreed.</p>	(Application Document 3.1)	
Definition of the tunnels in DCO	2.1.8	PLA need to see works plans before commenting on the definition of tunnels	<p>National Highways has provided an updated tunnel area plan for the PLA.</p> <p>National Highways awaits the PLA’s comments to finalise this issue.</p>	River Restriction Plan, Draft Development Consent Order (Application Document 2.14)	Matter Under Discussion
Definition of tunnel approaches in DCO	2.1.9	PLA require tunnel approaches to be defined with reference to a plan.	National Highways has refined the definition.	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Article 3 – Development Consent Granted by the Order	2.1.10	<p>PLA require River Thames to be carved out of 3(3) in the same way that it was for Silvertown, see italics:</p> <p>“Any enactment applying to land within, adjoining or sharing a common boundary with the Order Limits (<i>other than land comprising part of the river Thames outside of</i></p>	<p>An amendment has already been made to this provision following an earlier request from the PLA to:</p> <p><i>Any enactment applying to land within, adjoining or sharing a common boundary with the</i></p>	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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		<i>the Order Limits</i>) has effect subject to the provision of this Order”.	<i>Order limits has effect subject to the provisions of this Order.</i> National Highways do not believe that further amendments are required		
Interpretation of Articles 4 and 5 DCO on maintenance	2.1.11	PLA request refinement of maintenance paragraphs to restrict powers to those which would not give rise to materially new or difference environmental effects. At the end of the construction and maintenance period, normal river works licensing should resume.	National Highways has provided the PLA with updated drafting The draft DCO clearly excludes a River Works Licence during construction and for the duration of any maintenance period. This is set out in article 53 of the draft DCO. The definition of “maintain” has been updated to mean: in relation to any part of the authorised development includes to inspect, repair, adjust, alter, remove or reconstruct and excludes any activities that would give rise to materially new or materially different environmental impacts in comparison with those reported in the environmental statement and any derivative of “maintain” is to be construed accordingly to the extent	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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			assessed in the environmental statement.		
Article 6 - Limits of deviation (DCO)	2.1.12	The PLA considers that full justification must be provided for the proposed depth of the tunnel under the River Thames including any upward limits of deviation. The depth of the tunnel must be sufficient to accommodate both current and future river trade. PLA expect to see any agreed plan forming part of the DCO submission along with appropriately drafted text in the DCO.	National Highways is proposing that the tunnel is at a depth sufficient to allow the PLA to maintain the navigable channel to a depth of at least 12.5m below chart datum with 0.5m over dredge and National Highways have amended article 6 to accommodate the PLA's concerns. National Highways believe that this reasonable amendment should address the PLA's concern with regards to the depth of the tunnel and upward limits of deviation.	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Interpretation of Article 18 DCO on powers in relation to relevant navigations or watercourses	2.1.13	<p>The scope of article 18 allows wide powers to interfere with navigation – the current drafting does not address this.</p> <p>The PLA objects to the catch-all allowing National Highways to interfere with relevant navigations and watercourses and “in such manner and to such extent as <i>may appear to it to be necessary or convenient.</i>” This gives National Highways very wide scope to interfere with navigation in the river. For example, on moorings,</p>	<p>National Highways has proposed a provision for inclusion in the Protective Provisions to address PLA's concern about the scope of article 18. National Highways has also amended Article 18 so it no longer refers to "interference with any public rights" such as rights of navigation.</p> <p>The PLA have sufficient protection in the protective provisions. If National Highways sought to relocate moorings, the protective provisions would</p>	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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		rather than designing the scheme to preserve existing moorings, National Highways could decide it was more convenient to relocate moorings, which would cause disruption and the location for the relocated moorings may not be suitable in size or characteristics (e.g. water depth and ability to handle explosives).	apply. National Highways do not consider any further amendment necessary. National Highways awaits the PLA's feedback to resolve this issue.		
Interpretation of Article 19 DCO on discharge of water	2.1.14	PLA reject use of deemed approval in article 19. PLA seeks parity between this and Article 48.	National Highways has provided Protective Provisions to protect PLA's position and continue to discuss the deemed consent provisions with the PLA. National Highways understands that the main elements of article 48 are now agreed. Article 48 incorporates deemed consent provisions for the benefit of the PLA and National Highways therefore awaits PLA's confirmation that concern around deemed consent for discharge to be resolved.	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Interpretation of Article 21 DCO on applicability to the River Thames	2.1.15	PLA requested that the "land" that can be surveyed and investigated including the carrying out of GI should not include the river.	Please refer to 2.1.23 (Definition of commence) where this drafting has been agreed in the Protective Provisions:	Article 21, Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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		<p>Although National Highways have said GI is covered in the Protective Provisions this intent does not seem to be reflected in the current drafting. This is because “commence” as defined in Article 2 excludes GI. This problem could be solved by changing the start of paragraph of 3(1) as follows:</p> <p>“The undertaker must not exercise any specified function or commence the construction of any specified work...”</p> <p>But we would be open to other drafting suggestions.</p>	<p>The definition of commence is not a free-standing authorisation of any works (including GI). Instead, the definition sets out what does and does not constitute commencement. So notwithstanding GI is excluded from commencement, GI works in the Thames can only be carried out under article 18 (power to interfere in watercourses etc.) or article 21 (authority to survey and investigate land). National Highways has no other power under the DCO to carry out GI in the Thames. The exercise of article 18 and 21 powers is controlled by the Protective Provisions, as they are specified functions (see definition in the Protective Provisions).</p> <p>In the interests of reaching an agreement with the PLA, National Highways have amended the Protective Provisions at paragraph 98 to resolve the PLA’s concerns.</p>		

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			National Highways consider this matter is agreed and awaits PLA's confirmation.		
Interpretation of Article 25 DCO on definition of replacement land. Time limit for implementing compulsory acquisition powers in Article 27 DCO (and Article 30)	2.1.16	<p>Replacement land not defined.</p> <p>10 years is an exceptionally long period for the exercise of compulsory powers. Silvertown tunnel, which is the most recent road tunnel under the river, only required five years. PLA cannot see the justification for that time frame being doubled.</p> <p>Additionally the period of time that National Highways can remain in possession "temporarily" would appear to be indefinitely</p>	<p>Replacement land is defined in article 40, and a cross-reference has been inserted.</p> <p>National Highways has amended the time period for compulsory acquisition powers to eight years. National Highways considers this is an appropriate period for a project of this scale. The Lower Thames Crossing is a significantly more complex scheme than the Silvertown Tunnel.</p> <p>Temporary possession is limited in the draft DCO and National Highways does not agree that powers are indefinite. Article 35 (temporary use of land) is subject to article 27.</p>	Article 40, 25,27 & 30, Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Article 35 – temp use of land – navigation and riverbed	2.1.17	National Highways should not have the powers to suspend the public right of navigation in the channel and stop vessels from entering and leaving the port. They should not have the powers	As National Highways have explained in previous exchanges on DCO comments article 35 (1)(a)(ii) is subject to article 35(11) which excludes the ability to take temporary	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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		to take temporary possession of the whole width of the river Thames. The powers should be limited in terms of what is necessary both in duration and extent.	possession of the river Thames plots (except for the outfall area/ water inlet with self regulating valve). National Highways is therefore not taking temporary possession over the river bed. No public right of navigation is proposed to be suspended and no suspension is so authorised.		
Article 48 – Protections of the tunnels (DCO)	2.1.18	<p>The PLA provided to National Highways a list of activities to be exempted re. article 48.</p> <p>Also see point about – about Article 48(9) where National Highways can at any point review a consent and vary, suspend, revoke or terminate the consent.</p> <p>Also no sign off provision by National Highways – no timeframe, no deemed approval/refusal if they don't respond.</p>	<p>National Highways has approved the list of activities sought by the PLA within the latest version of article 48. National Highways understands that the explosive licence exclusion remains under discussion but the remainder of Article 48 is agreed.</p> <p>National Highways understand that the PLA comment is now out of date and will be updated in due course</p>	Article 48, Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Disapplication of provisions of PLA Harbour Revision Order (HRO) relating to 1968 Act, on mooring licences, lighting.	2.1.19	PLA maintain the position that National Highways should not disapply Section 80A (permanent lights on works) of proposed HRO or the byelaws (Article 54).	<p>National Highways is seeking to disapply Section 80A of the proposed HRO since lighting of works are covered in the Protective Provisions .</p> <p>This disapplication is justified on the basis that National</p>	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

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			<p>Highways and its contractors need a clear set of provisions/regulations to follow from the PLA. Overlapping rules (s80A and the Protective Provisions) pose a risk of confusion. National Highways do not believe the PLA will be any worse off with such disapplication.</p> <p>Byelaws are not subject to disapplication.</p>		
Disapplication of explosives licence at Higham Bight anchorage	2.1.20	<p>The tunnel would be located directly over the PLA's Higham Bight explosives anchorage which is licensed to handle up to 70 tonnes of explosives and has a size limit of 100m LOA.</p> <p>It would be inappropriate to lose the facility, particularly given its location compared to other explosives anchorages and potential future use associated with the Freeport.</p> <p>National Highways cannot simply disapply the explosives licence in whole or in part - the potential for the anchorage to be moved needs to be discussed. The PLA has undertaken an initial assessment</p>	<p>National Highways understands that this anchorage is infrequently used by vessels carrying explosives, although considered significant by the PLA to its operations. To clarify National Highways are not looking to remove the anchorage but disapply the explosives licence associated with the anchorage, due to safety purposes National Highways has drafted Article 48 with respect to disapplying relevant parts of the explosive licence to afford an appropriate level of safety during construction and operation.</p> <p>National Highways is working with the Health and Safety Executive (HSE) to attain a safe</p>	Article 48, Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		and agreed the scope of a feasibility study with National Highways.	<p>solution during constructing and operation of the LTC. HSE has been briefed and have endorsed article 48.</p> <p>National Highways has agreed to commission a third-party expert consultant to undertake an independent Feasibility Study to identify potential alternative anchorage locations where an explosives licence could be held (subject to consultation with / application to the Health and Safety Executive).</p> <p>National Highways has undertaken a scoping activity with the PLA and the expert consultant for the Feasibility Study. The intention is for the consultant to deliver the study by the end of February 2023.</p>		
Definition of authorised development in DCO	3.1.21	<p>PLA considers the definition goes further than other orders that have affected the PLA and the river Thames and would like the definition of</p> <p>“authorised development” to be restricted so the authorised</p>	<p>Refer to item 2.1.22 (Definition of “specified work” and use of the term “authorised development”.</p> <p>The fact that previous DCOs referring to the PLA did not adopt this definition of</p>	Draft Development Consent Order (Application Document 3.1)	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		development is only what is described in Schedule 1 of the Order, otherwise it leaves uncertainty as to what development will be authorised, which is a concern as the Port will remain operational and needs to understand the impact on its operations.	authorised development is irrelevant as the PLA are protected by the Protective Provisions and it is well precedented drafting required to consent the scheme as a whole, including all authorised works and powers referred to in the DCO.		
Definition of “specified work” and use of the term “authorised development”.	2.1.22	PLA would like the definition of “authorised development” to be restricted so the authorised development is only what is described in Schedule 1. We appreciate that this is not National Highways’ previous approach, but it has been the standard approach for DCOs that affect the river Thames in order to protect the PLA and river users. The Order, otherwise, leaves uncertainty as to what development will be authorised, which is a concern as the Port will remain operational and needs to understand the impact on its operations.	National Highways is not proposing to amend its definition of “Authorised Development” which has been endorsed by the Secretary of State of numerous DCOs. The PLA have the benefit of Protective Provisions which protect them against specified works (i.e. parts of the authorised development which may affect the river Thames or any function of the PLA). National Highways’ view is that this provides the PLA with sufficient protection.	Draft Development Consent Order (Application Document 3.1)	Matter Not Agreed
Definition of commence in DCO	2.1.23	PLA noted that the list of exclusions from commencement was extensive in the draft DCO. The mitigation works and remedial works go further than the investigations and monitoring that are usually excluded from the	National Highways have refined the definition of commence in the Protective Provisions and do not consider any further refinements necessary in light of the Protective Provisions available to the PLA.	Draft Development Consent Order (Application Document 3.1) Explanatory Memorandum	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		commencement of development. Likewise, for construction preparations, apparatus works, demolition and enabling works. A reasonable justification should be provided for excluding all these.	Reasonable justifications for the powers sought will be set out in the Explanatory Memorandum (Application Document 3.2).	(Application Document 3.2)	
Interpretation of Article 8 DCO on transfer of powers	2.1.24	<p>The PLA need reassurance that the transfer would only be to a suitable party, and that the tunnel would not be left half built or poorly maintained.</p> <p>Article 8 allows the transfer of any or all the Order powers to any or all of the 22 parties listed so far as they relate to that party's undertaking. We do not know what each of those companies may take within the scope of its business undertaking in future, so the PLA has little certainty on what powers may be passed on. We have suggested that it is made clear what powers/assets will be transferred to each undertaking.</p> <p>Article 8(5) allows <i>anyone</i> authorised by National Highways to exercise compulsory acquisition of rights under the Order. This is not appropriate; the rights should</p>	<p>The powers in Article 8 are only transferrable to those specified undertakers "in respect of works relating to their undertaking". The construction of the highway/tunnel itself will therefore not be something transferrable to these undertakers.</p> <p>Article 8(5) permits statutory undertakers and other parties to exercise compulsory acquisition of rights over Order land.</p> <p>Article 28(3) refers to the relevant owners who may exercise this power at Part 3 of Schedule 4.</p> <p>As National Highways may be unable to acquire rights and then transfer them to a party who needs them, it is reasonable to require such a provision in the DCO.</p> <p>The PLA's interests continue to be protected by robust</p>	Draft Development Consent Order (Application Document 3.1)	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		be exercised by National Highways as the undertaker.	protective provisions. National Highways do not consider any amendment necessary.		
Inclusion of conditions in the DCO for works in the river Thames	2.1.25	Works carried out in the river by National Highways should be subject to conditions, including that the suspension of the public right of navigation should apply to no more of the river than is necessary in the circumstances and keeping any suspension to a minimum.	National Highways considers that the PLA's concerns are dealt with through the Protective Provisions.	Draft Development Consent Order (Application Document 3.1)	Matter Not Agreed
Need for the project					
Project objectives	2.1.26	PLA supports the Project in principle in its proposed location and acknowledges that there is a case for a crossing that facilitates freight transport by river.	National Highways notes the PLA's comment and welcomes the support for the Project.	Need for the Project (Application Document 7.1)	Matter Agreed
Consultation and engagement					
Engagement	2.1.27	The PLA has been in regular discussions with the Applicant, having on average, meetings every six weeks. These discussions have been useful given the scope of the development that is proposed.	National Highways welcomes PLA's proactiveness and willingness to engage during project development. Regular meetings with PLA will continue.	Appendix C, List of engagement activities	Matter Agreed
List of consultees	2.1.28	The PLA needs to be added to the list of consultees that the undertaker has to consult (to the extent it relates to matters relevant	The PLA are listed as a relevant stakeholder in the CoCP and therefore will be consulted by the undertaker regarding	CoCP (Application document 6.3)	Matter Agreed

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		to our functions) prior to the SoS making a decision.	matters relevant to their functions.		
Detailed programme	2.1.29	PLA has requested a detailed programme of applications expected from National Highways etc	National Highways has provided a program of applications. In addition National Highways updates PLA on progress at regular meetings.	N/A	Matter Under Discussion
Land and Compulsory acquisition					
Development Boundary - General	2.1.30	<p>The Order Limits should be the minimum necessary to deliver the project and should be capable of full justification and assessment</p> <p>The DCO application should clearly delineate the different possessions and acquisitions that are sought. Any rights of possession sought over the navigable channel should also be specifically justified</p>	<p>The Statement of Reasons and its associated annexes (Application document 4.1) sets out why each plot of land is required by the Project, and why the Applicant seeks compulsory acquisition powers to ensure delivery.</p> <p>All of the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain or mitigate the Project. The extent of the Land sought is reasonable and proportionate.</p> <p>There is a compelling case in the public interest to include the compulsory acquisition powers sought by the Applicant in the draft DCO. The compulsory acquisition powers sought by the Applicant are necessary</p>	Statement of Reasons (Application document 4.1)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			and proportionate to the extent that interference with private land and rights is required.		
Compulsory Acquisition powers in favour of National Highways	2.1.31	<p>PLA is opposed to compulsory acquisition powers being exercised over its interests.</p> <p>LTC to clarify the extent/limitations of the compulsory acquisition powers. The PLA needs confirmation that compulsory acquisition does not extend to bed of the river, the level of which needs to be defined as the maximum depth to which the PLA can dredge to. It cannot be right that the maximum depth to which the PLA may dredge will fall under someone else's (i.e. National Highways') ownership.</p>	<p>National Highways must retain compulsory acquisition powers, even where an agreement is reached as there may be unknown or third party interests which need to be extinguished. National Highways will continue to seek an agreement on land acquisition with the PLA.</p> <p>Plans have been provided to the PLA setting out the relevant depths of acquisition.</p> <p>Schedule 10 to the draft DCO sets out how far below the surface acquisitions of subsoil will be below the surface. The level is based upon the level of the surface of the ground covered by water (see article 33(7)).</p> <p>National Highways do not believe datum points are necessary in light of this clear definition. This is also the approach taken on Silvertown.</p> <p>The PLA's right to dredge is safeguarded by article 48.</p>	Draft Development Consent Order (Application Document 3.1)	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
Construction					
Crossing type	2.1.32	PLA is supportive in principle of the proposed crossing type (bored tunnel) compared to the other forms considered (cut and cover tunnel and bridge) in terms of navigational safety and river regime subject to route alignment, tunnel depth and protection of the tunnel.	National Highways welcomes PLA's support.	Development Consent Order (Application Document 3.1)	Matter Agreed
Navigational Risk Assessment (NRA) para 3(3) of detailed design	2.1.33	PLA proposed alternative drafting to the phrase "substantially in accordance with" regarding the preliminary Navigational Risk Assessment (NRA) to acknowledge that it must be in accordance in all aspects i.e. "in all material respects". With National Highways' proposed drafting, the final NRA for the Scheme could overall be substantially in accordance with the preliminary NRA, but still be completely different as it relates to the PLA. Our alternative drafting addresses this issue.	National Highways have agreed to this alternative drafting, replacing "substantially based on" with "in all material respects" subject to checks on any consequential amendments this creates.	Draft Development Consent Order (application document 3.1)	Matter Agreed
Route alignment, tunnel depth and tunnel protection zones.	2.1.34	The depth of the tunnel below the river bed is an issue of critical importance due to the potential implications for users of the River Thames The PLA seeks to ensure the tunnel would be of sufficient	National Highways have agreed that the navigable channel of the River Thames can be maintained by the PLA to a depth of at least 12.5m below chart datum and that the	Development Consent Order (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		<p>depth to accommodate both current and future river trade and that the tunnel does not compromise the future development of the port or navigation.</p> <p>The PLA seeks certainty in the DCO regarding the depth of the tunnel / limits of deviation and for the removal of the ability in the DCO for LTC to exceed the maximum vertical upwards limits of deviation</p>	<p>undertaker must allow for potential over-dredge of 0.5m. Restriction on upward LoD for tunnel alignment has been agreed.</p> <p>Article 6 of the draft DCO has been amended to prevent any upward vertical change in the limits of deviation under the river Thames.</p> <p>National Highways has considered PLA's comments and made changes as appropriate. National Highways feels this matter is now agreed.</p>	River Restrictions Plan (Application Document 2.14)	
Constructing the LTC	2.1.35	The PLA want clarity on what activities would take place within the river area shown as construction sites. There seem to be multiple designations in the river which overlap and which include construction elements which could not – and which the PLA would not want – to take place in the river, such as temporary buildings and storage areas.	<p>The Project is not proposing to construct any temporary buildings or storage areas in the river Thames.</p> <p>Proposed works in the river area:</p> <p>The construction and decommissioning of a drainage discharge for the construction phase, from the northern portal construction compound which may include a buried pipe within the foreshore and a subtidal outfall structure at the discharge point that would terminate in a</p>	Development Consent Order (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>precast outfall or diffuser head on the subtidal riverbed slope</p> <p>The construction of a drainage discharge for the tunnel operation, from the northern tunnel portal site which may include— an outfall structure located at mean high water including the installation of a flap valve type outfall structure.</p> <p>A water inlet with self-regulating valve to be built at Coalhouse Point for habitat creation and to secure the water supply to the ecology mitigation area.</p> <p>Protective provisions have been provided to protect the PLA’s position, requiring their consent for works in the river.</p>		
Construction Logistics Plan	2.1.36	Code of Construction Practice para 6.1 The contractors will produce Construction Logistics Plans but there seems to be no sign off of these plans	The Code of Construction Practice (CoCP) introduces the requirement for the Contractor to produce a Construction Logistics Plan. The purpose of this plan is to outline the management arrangements for logistics and the implementation of the following standards; Construction Logistics Community Safety, Freight Operator Recognition Scheme and Driving for Better Business. This plan is not subject to a	Code of Construction Practice (CoCP) (6.3 ES Appendix 2.2)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>requirement for consultation or approval, and is intended to provide supporting information on construction logistics to subcontractors and their suppliers.</p> <p>This Construction Logistics Plan is separate to the requirements to produce, consult on and have approved Traffic Management Plans, Site Specific Construction Travel Plans, and the need to consider the use of multi-modal transport including use of the River Thames as required by the Outline Materials Handling Plan.</p> <p>EMP2, which must be substantially based on the CoCP, is approved by the Secretary of State. EMP2 will set out a framework for the Construction Logistics Plan.</p>		
Process for making requests for design information	2.1.37	As the drafting currently stands, “design of tunnel works” provides for a 20 day response period but drafting goes straight to arbitration. If the PLA can require design, it will enable them to be more collaborative and therefore hopefully avoid arbitration.	National Highways is currently considering the response time of 30 days requested by the PLA, noting that 20 days accords with the position in other sets of protective provisions agreed by the PLA.	N/A	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
Design of Tunnelling Works	2.1.38	The obligation in the Order needs to be wider than considering only the navigational channel. There are features in the river (such as unexploded ordnance and abandoned works) which are outside the navigational channel but do nevertheless need to be considered in the tunnel design. The Silvertown wording if followed to the letter means that National Highways has no requirement to consider construction effects that would effect river users outside the navigational channel.	National Highways believe that the current protective provisions should adequately protect the PLA. National Highways acknowledge that the PLA have an issue with the wording in their preferred precedent, Silvertown, however the provisions of paragraph 98(1) of the protective provisions give the PLA control over commencement of construction of specified works. The protective provisions also contain general protections for the PLA relating to navigation.	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion
Commitment to river use	2.1.39	The DCO application needs to be clear what commitment is being made to river use, including what materials will be transported and what has been discounted and why.	National Highways had initially considered the use of the East Tilbury Jetty; however, this has now been removed from the Order Limits. National Highways is discussing use of the river for transporting materials with the Port of Tilbury. Management of materials will form part of EMP2. National Highways agree the PLA will be consulted on this post-DCO.	Draft Development Consent Order (Application Document 3.1), EMP2 (CoCP, ES Appendix 2.2 (Application Document 6.3)) OMHP (Annex B, ES Appendix 2.2 (Application Document 6.3))	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>The Outline Materials Handling Plan (OMHP) will be included Schedule 16 as a Certified Document.</p> <p>Draft text from the Outline Materials Handling Plan (OHMP) has been shared with the PLA for comment, regarding commitments to the use of the river and port facilities, including a baseline and better than baseline commitment.</p>		
Scour Protection	2.1.40	<p>An assessment should be carried out by the Applicant of the risk to the river and river users of any reduction in navigable depth that might occur as a result of scour protection. The PLA would expect this matter to be addressed in the river restrictions plan and draft DCO text.</p> <p>The PLA has requested National Highways confirm whether they will put any scour protection in the River. This is a separate issue from National Highways' confirmation that they do not intend to carry out activities that would cause scour above the tunnel.</p>	<p>National Highways do not intend to carry out any activities that will cause scour above the tunnel/ in the navigable channel.</p> <p>See issue 2.1.12 (Article 6 - Limits of deviation).</p> <p>The Project design does not include the requirement for scour protection.</p> <p>Under paragraph 103 of the protective provisions, if National Highways' works caused scouring, the PLA would be able to require National Highways to carry out remedial</p>	Draft Development Consent Order (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			works. National Highways therefore consider that the PLA concern is resolved and should be marked as agreed.		
Works within the river	2.1.41	<p>The applicant must confirm the tunnel protection zones, if any, around the tunnel and whether there would be any limitations in the area. Any extinguishment should be justified and be the minimum necessary. The list of things that the PLA can and cannot do means that the PLA will not be able to carry out business as usual.</p> <p>It is also possible for National Highways to review any consent granted and vary, suspend, revoke or terminate the consent. This gives the PLA and river users no certainty as to what activities can be undertaken within the protection zones</p> <p>See comments on drafting of Article 48 and 'Route alignment, tunnel depth and tunnel protection zones.'</p>	<p>The tunnel protection zone (first and second protection zones) have been agreed with the PLA, providing protection to the tunnel, and allowing the PLA to undertake 'business as usual' activities in the second protection zone. These exclusions are covered in Article 48. National Highways accepted all of the amendments proposed by the PLA to the last version of article 48 and it remains unclear why the PLA would still be unable to carry out business as usual.</p>	<p>River Restrictions Plan (Application Document 2.14)</p> <p>Draft Development Consent Order (Application Document 3.1)</p>	Matter Under Discussion
Ground investigations: licensing	2.1.42	When National Highways carried out LTC ground investigation works in the river in 2019 a 4	National Highways note that the PLA are concerned with a snapped off borehole casing left	N/A	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		metre part of a borehole casing snapped off in the river bed and has been left in situ. Any works in the river bed are required under the PLA Act to be licenced, and since completion of the borehole works the PLA has regularly asked National Highways to apply for a retrospective licence to regularise the ongoing responsibilities for National Highways' abandoned work.	in situ on the riverbed. While this is a matter National Highways will consider with the relevant contractor, National Highways do not consider this to be relevant to the determination of the DCO and do not consider it suitable for insertion in this SoCG.		
Environmental Considerations	2.1.43	The PLA responded to the 2017 Scoping outlining the need for National Highways to consider habitat connections, and fully assess Air Quality in the ES. The PLA had further comments on Biodiversity, Marine Archaeology, Noise, Road drainage, Climate, People and communities. We expect to be updated on this.	LTC provided the PLA with Development Consent Order (DCO) application documents in December 2020. These documents detailed the approach, framework, methodology and assessments regarding environmental considerations.	N/A	Matter Under Discussion
Ground Preparation/Treatment	2.1.44	It should be confirmed whether any ground preparation/treatment is proposed where the tunnel passes under the river. The PLA needs to know what is planned to be undertaken in the river and have confirmation that these will stay an appropriate depth under the river bed.	The LTC bored tunnel is work no. 4A (this includes both tunnels and all the cross passages) and that definition of tunnelling works is limited to so much of Work No. 4A as is carried out wholly under the bed of the River Thames. The ground protection tunnel (work no. 4B) is not located	Works Plans (Application Document 2.6)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>under the bed of the river Thames.</p> <p>National Highways believe that the protective provisions, which require PLA approval for specified works, would adequately resolve any PLA concerns.</p>		
Interaction with other DCO's	2.1.45	<p>Given the number of DCO applications being progressed and have been granted in this part of the Thames, a drawing should be submitted with any DCO application showing the proposed development boundary for LTC, T2 and the flexible generation plant DCO</p>	<p>The Project is producing the document for submission: Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes (Application document 7.17). This document describes the interrelationships of the Project with other Nationally Significant Infrastructure Projects (NSIPS) and major development schemes in the Lower Thames area.</p> <p>The Interrelationship Document describes how National Highways have worked with third-party project promoters and stakeholders to design out and control project interfaces, where necessary, to avoid prejudicing the successful delivery of other projects. It documents the work undertaken to ensure proposals are</p>	Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes (Application document 7.17)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			designed, consented, and delivered in a coordinated way to support Government's vision for the Lower Thames Area. 2.1.5 The Interrelationship Document provides a snapshot of project interfaces at the time of submission.		
Compensation for temporary works	2.1.46	PLA would prefer for compensation to be included on the face of the Order so that it is clear that this is standard practice for the PLA.	National Highways do not consider the PLA's bespoke compensation provisions to be appropriate for inclusion in the protective provisions as they are outside the scope of the DCO process. Claims for compensation are matters for the Upper Tribunal. Such provisions may form part of a compensation agreement between the parties but this is outside the scope of the DCO.	N/A	Matter Not Agreed
Navigational Risk Assessment (NRA)	2.1.47	A draft NRA must be produced and submitted in support of the DCO application. The NRA will need to take into consideration the full range of activities that take place in this part of the river and during the construction phase it will be necessary to ensure that there is minimum disruption to normal port operations and continuous engagement with the PLA.	National Highways is producing a preliminary Navigational Risk Assessment, that will be developed into an NRA at construction phase (required to be approved by the PLA via the Protective Provisions). The production of a preliminary Navigational Risk Assessment at this stage of the project is agreed as appropriate with the PLA.	Preliminary Navigational Risk Assessment (Application Document 7.15)	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		As currently drafted the PLA's Protective Provisions do include for the production of NRA(s) but this requirement is only engaged on commencement. As currently drafted, pre commencement activities such as in river ground investigations are not captured by the PLA's Protective Provisions. The PLA has suggested drafting to address this point.	<p>The Protective Provisions provide protection to the PLA under Approval of Detailed Design (para 3(1)), whereby the undertaker must not exercise any specified function or commence the construction of any specified work until plans of the work or function have been approved in writing by the PLA (with the exception of tunnelling works). A Navigational Risk Assessment (NRA) is required as part of this approval of detailed design.</p> <p>In light of this National Highways consider this matter agreed. National Highways awaits the PLA's confirmation or clarification on this matter.</p>		
Wider Network Impacts					
Traffic modelling and impact on Highways Network	2.1.48	Ports in England and Wales handle 95% of total volume of UK trade and 75% of its value. Tilbury and London Gateway make significant and essential contributions to the UK trade and the economy in addition to their environmental benefits. The deficiencies in the transport modelling and significant concerns raised by London Gateway	The Project's transport model (the Lower Thames Area Model (LTAM)) has been built specifically to assess the forecast impacts of a Lower Thames Crossing on the highway network, particularly in and around the Lower Thames area, where the Ports of Tilbury and DP World London Gateway reside.	Combined Modelling and Appraisal Report (Application Document 7.7)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		regarding the impact of LTC on the highways network adjacent to London Gateway must be addressed	<p>The LTAM has been built in line with DfT's Transport Analysis Guidance (TAG), and has been assured by an independent assessor from within National Highways.</p> <p>National Highways do not agree that there are any deficiencies in the transport modelling and invites the PLA to specify their concerns in detail.</p> <p>National Highways understands traffic modelling is a concern of other parties whom the PLA support.</p>		
Tilbury Link Road	2.1.49	The road connections on the north side of the river are crucial to maximising connectivity to both the Port of Tilbury and London Gateway. The removal of the Tilbury Link Road therefore has significant implications. The PLA fully supports both Tilbury's and London Gateway's submissions on this matter.	The Tilbury Link Road and junction do not form part of the Project and are not within the draft DCO. More information on the Tilbury Link Road is set out in the Interrelationship Document.	Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes 7.17	Matter Not Agreed
Sustainability					
Legacy	2.1.50	A project of the scale of the LTC presents significant legacy	National Highways notes that the PLA are a member of the sustainable transport legacy	National Highways Designated	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		opportunities which should be fully explored.	working group, and have contributed to the complementary measures report which identified options for sustainable river transport. PLA were broadly supportive of the measures in the report, although many measures relate to the cross river ferry service, which is not eligible for designated funding. Partners have therefore been asked to identify the capital elements of the proposals that could be supported and National Highways would encourage the PLA to make any relevant proposals for consideration by the legacy team.	Funds Plan 2020-25 LTC Complementary Measures Report	
Protective Provisions					
Interpretation of “construction” in Protective Provisions and inclusion in DCO	2.1.51	PLA would like “removal” included in the interpretation. The PLA’s experience at Silvertown is that there are activities requiring consent/approval that will need to be removed at a later date, and that removal should also be subject to consent/approval to protect the river, e.g. monitoring equipment on river wall or equipment in the river bed	National Highways have accepted PLA’s amendment in the Protective Provisions.	Draft Development Consent Order (Application Document 3.1)	Matter Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
Indemnity in favour of the PLA in the Protective Provisions	2.1.52	PLA has provided proposed indemnity wording for DCO to be agreed and obtained with National Highways.	In the interests of reaching an agreement on Protective Provisions with the PLA, National Highways has accepted the proposed indemnity clause.	Draft Development Consent Order (Application Document 3.1))	Matter Agreed
Definition of Tunnelling Works	2.1.53	The PLA is unclear why Work No's 4B and 5A are included in the definition of tunnelling works when they are significant distances from the river.	Works numbers have been subject to review and amendment due to design changes. The LTC bored tunnel is work no. 4A (this includes both tunnels and all the cross passages) and that definition of tunnelling works is limited to so much of Work No. 4A as is carried out wholly under the bed of the River Thames.	Draft Development Consent Order (Application Document 3.1)	Matter Agreed
Discharges – alternative approvals mechanism	2.1.54	PLA have removed “or is otherwise approved in writing by the PLA” as the only other way it could approve is through its licensing process which has been disapplied in the draft DCO. These words are superfluous because they serve no purpose: the PLA will not be able to “otherwise approve” discharges in writing.	National Highways note that this wording appears in the Protective Provisions for Silvertown, the PLA's preferred precedent. It is unclear to National Highways why this reasonable addition of flexibility is not considered appropriate by the PLA on the present scheme, and National Highways have reinstated the wording.	Draft Development Consent Order (Application Document 3.1))	Matter Under Discussion
Method for approval of detailed design in	2.1.55	The PLA propose that they should have the opportunity to make	National Highways do not consider an indefinite delay in	Draft Development	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
para 98(2) of Protective Provisions		further requests for information if the information provided by LTC's contractors is insufficient. This should benefit both parties: it is better for the PLA to be able to request further information than for the PLA to have to refuse approval. The drafting, although in line with Silvertown, as is, does not reflect what both parties have found works in practice. PLA has suggested alternative drafting which the PLA has invited National Highways to consider alternative drafting.	favour of the PLA to request further particulars to be appropriate, reasonable, or precedented. However, National Highways are in principle agreed to permitting multiple requests for information, provided that they do not hinder the overall timeframe for approval. Wording has been added to the protective provisions to resolve the PLA concerns. Such wording did not appear on the PLA's preferred precedent Silvertown, however National Highways have added such wording in order to reach an agreement on protective provisions as soon as possible. National Highways consider this to be agreed.	Consent Order (Application Document 3.1))	
River Safety Lighting Management Plan	2.1.56	The PLA have raised the need for a lighting management plan in the vicinity of the river Thames as part of EMP2 for environmental and navigational reasons with the plan being consulted on prior to sign off. PLA consider that the plan should be added to the Schedule 2 Part 1 Requirements so that it is	The production of a River Safety Lighting Management Plan will be required as part of EMP2 (secured via Requirement 4(2)) for the construction phase. National Highways do not consider there is any significant impact on the navigation of vessels arising from lighting during either construction or operation of the	Draft Development Consent Order (Application Document 3.1) CoCP, ES Appendix 2.2 (Application Document 6.3)	Matter Under Discussion

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
		<p>produced, submitted, consulted on and approved in the same way as other plans. The PLA has commented on the draft wording for the COCP shared by National Highways.</p>	<p>project, however National Highways are proposing to provide the PLA with comfort on this point in a proportionate manner.</p> <p>Draft wording for the CCP has been shared with the PLA – following feedback from the PLA, the drafting has been updated to proportionately accommodate points and concerns raised by the PLA.</p>		
Requirement for a Passage Plan	2.1.57	<p>The draft Preliminary Navigational Risk Assessment identifies that a detailed passage plan should be produced as a risk control measure.</p> <p>The preliminary Navigational Risk Assessment considers that the risk control measures are legally secured within the PLA's Protective Provisions</p> <p>See PLA's comments on the Protective Provisions above: Navigational Risk Assessment para 3(3) of detailed design etc.</p>	<p>National Highways have provided details to the PLA on how a Passage Plan will be accounted for, and a response is awaited.</p> <p>The risk controls from the preliminary Navigational Risk Assessment are secured in the protective provisions – paragraph 3(2) of the protective provisions states "Insofar as the plans submitted under paragraph (1) include a navigational risk assessment, that assessment must be in all material respects in accordance with the preliminary navigational risk assessment (including where relevant the incorporation of additional risk controls identified in the</p>	N/A	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			<p>preliminary navigational risk assessment) unless otherwise agreed by the PLA.”</p> <p>The Passage Plan is listed as an “embedded risk control” in the preliminary NRA so we will amend this paragraph to include “embedded risk control” measure in addition to a “additional risk controls”. Please confirm if you are content with this approach.</p>		
Reference to “material” in 8(4) and (5) (Protective action)	2.1.58	PLA would like the reference to “material” to address that what is material in the context of the River Thames is different to what is material in the context of the project as a whole. The PLA has also suggested the removal of “material” as the concept of materiality has already been introduced in paragraph 8(1).	National Highways is retaining the reference as it is considered acceptable wording elsewhere in the Draft DCO. It would be for either party to show that something is material or not material in the case of a dispute.	Draft Development Consent Order (Application Document 3.1))	Matter Not Agreed
Drafting of protective action paragraph in Protective Provisions	2.1.59	PLA requested “scour”, “heave” and “other potential effects of the works” to be added to Protective Provisions in order to capture fully the changes that might occur to the riverbed Also see Reference to “material” in 8(4) and (5) (Protective action) below	National Highways have incorporated scour within the protective action element of the Protective Provisions. National Highways note that the PLA are disputing the reference to “other material change to the river bed”, National Highways do not consider the term	Draft Development Consent Order (Application Document 3.1))	Matter Not Agreed

Topic	Item number	Port of London Authority comment	National Highways comment	Document Reference	Status
			“material” to be contentious and are not proposing any further amendments to this paragraph.		

Appendix A Documents considered within this Statement of Common Ground

- A.1.1 A summary of the documents which have been considered in the development on this SoCG outside of the DCO application documents are provided below, such as emails, meeting notes, etc.
- a. Port of London Authority Supplementary Consultation Response
 - b. Port of London Authority Design Refinement Consultation Response
 - c. Port of London Authority Community Impact Consultation Response
 - d. Port of London Authority Local Refinement Consultation Response

Appendix B Glossary

Term	Abbreviation	Explanation
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Code of Construction Practice	CoCP	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice (Application Document 6.3, ES Appendix 2.2).
Landscape and Ecology Management Plan	LEMP	A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria.
Lower Thames Crossing	LTC	The proposed A122 Lower Thames Crossing (the Project)
Materials Handling Plan	MHP	The Materials Handling Plan sets out the approach and high-level principles for handling construction materials and waste on Project.
Navigational Risk Assessment	NRA	The objective of the Navigational Risk Assessment is to assess and quantify the navigation risk posed by the Project during its construction and operational phases.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice (Application Document 6.3, ES Appendix 2.2).
Traffic Management Plan for Construction	TMPfC	The approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to our Contractor to reduce the impact on the local community (including journey time reliability, access, and safety).
Wider Network Impacts Management and Monitoring Plan	WNIMMP	Wider Network Impacts Management and Monitoring Plan

Appendix C List of engagement activities

C.1.1 A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Table 2.1 below.

C.1.2 A more detailed record is presented in table C.2.

Table C.1 Summary of engagement activities between National Highways and Port of London Authority

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
Jan 2016-Sept 2021	Public consultations	Port of London Authority has been consulted on all of LTC's public consultations
Oct 2017-June 2020	Progress meetings	Regular technical meetings to discuss the programme and SoCG matters. Held as required, typically quarterly to monthly.
Mar 2020-Aug 2020	Protective provisions meetings	Regular meetings to discuss protective provisions in the draft DCO.
Oct 2021-September 2022	Technical briefings SoCG and Protective provision meetings	Meetings held as required to discuss updates on the project and technical matters including updates on SoCG items.

Table C.2 Detailed record of engagement activities between National Highways and PLA

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
Jan-Mar 2016	Options Phase Consultation	Public consultation on option locations for the Project.
5/10/17	LTC Development Phase Introductory Meeting	Meeting to update on project activities from options to development phase and ways of working.
9/10/17	Joint meeting with Environment Agency, Marine Management Organisation and PLA	Marine ground investigation works, including geophysical and bathymetric surveys, in-river ground investigations, key constraints and access, environmental considerations, required consents and timelines, pre-construction safety and delivery, construction activities, lines of communication and next steps.
28/11/17	Progress Meeting	National Highways to hear feedback from PLA on EIA Scoping Report. Discussed logistics on consents (notices and temporary licenses) for marine geophysics and ground investigations.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
12/12/17	Environmental Impact Assessment Scoping Report	The Scoping Report was issued to statutory consultees for comment. PLA feedback on the report via PINs.
02/05/18	Progress Meeting	Update PLA on project activities since the release of the EIA scoping report and next steps. Agree on ways of working, including engagement topics and Statement of Common Grounds.
06/08/18	Progress Meeting	Updated PLA on development boundary development and impact of tunnel on river and river activities.
05/10/18	Progress Meeting	Briefed PLA on the upcoming LTC statutory consultation, provide an update on GI surveys and open the discussion on LTC's current tunnel alignment.
Oct-Dec 2018	Statutory Consultation	Statutory public consultation on the Project's design in the Preferred Route Announcement.
18/05/19	Progress Meeting	Discuss PLA's issues raised in their response to LTC's statutory consultation and progress discussion on marine ground investigations.
24/06/19	Progress Meeting	Update on marine ground investigation works.
09/09/19	Progress Meeting	Updated on LTC design changes. Discussion on tunnel assessment and design, including scour protection requirement, trend assessment, movement of depressions and scour holes.
13/01/20	Progress Meeting	Brief PLA on LTC's upcoming supplementary consultation, development boundary, update on river GI surveys and resource management.
Jan-Mar 2020	Supplementary Consultation	Non-statutory public consultation on Project changes and development of the Project.
02/03/20	Progress Meeting	Discuss LTC's water discharge outfall proposals, north and south of the river and the proposed Order Limits. Begin discussion on protective provisions and begin work on SoCG.
16/03/20	Supplementary Consultation feedback meeting	To hear PLA's early feedback on LTC's supplementary consultation proposals and discuss legacy and benefit opportunities.
20/04/20	Progress Meeting	Brief on LTC's post supplementary consultation activities and next steps ahead of DCO submission. Advised of updated development boundary and water discharge outfall proposals. Discussed resourcing.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
29/04/20	Protective Provisions comment and feedback via Email	National Highways sent draft Protective Provisions (PP) to PLA for review and comment. PLA reviewed Protective Provisions and responded with feedback on 24/07/20
15/06/20	Progress Meeting	To update on design refinement consultation (D-Con), discuss and gain feedback from PLA on tunnel alignment and protection zone and discuss work required for DCO deliverables, including draft DCO, protective provisions and Statement of Common Ground (SoCG).
29/06/20	draft DCO comment and feedback via email	National Highways sent draft DCO to PLA for comment and review. PLA revised draft DCO and responded with feedback on 21/07/20.
Jul-Aug 2020	Design Refinement Consultation	Non-statutory public consultation on design refinements of the Project.
25/11/20	Meeting with PLA and Port of Tilbury	To begin discussion on limits of deviation and tunnel depth and to hear stakeholders concerns about how they affect their operations.
03/12/20	Protective Provisions and draft DCO meeting	To discuss the protective provisions (in the draft DCO for LTC).
03/12/20	DCO application documents	National Highways provided access to DCO application documents submitted in October 2020.
17/12/20	Meeting with PLA and Port of Tilbury	Follow up meeting on tunnel depth and river navigational impact. Begin discussion on Navigational Risk Assessment (NRA).
14/01/21	Meeting with PLA and Port of Tilbury	Meeting to discuss and agree on outline scope of NRA.
09/03/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
10/03/21	Meeting with PLA and Port of Tilbury	NRA scope and tunnel depth update.
24/03/21	Meeting with PLA and Port of Tilbury	To update on the changes to LTC's Order Limits and scheme definition and discuss draft specification document for the NRA.
29/03/21	Meeting with PLA	To discuss principles of river activities/works that can be undertaken in the river within LTC's Order Limits/Protection Zone.
21/04/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
11/06/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
July-Sept 2021	Community Impacts Consultation	Non-statutory consultation on the Project and its community impacts.
21/07/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
08/09/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
11/10/21	Explosive Anchorages Approach meeting	To identify concerns and agree priorities for explosive anchorages locations.
13/10/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
23/11/21	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
12/01/22	PoTLL Land Take and Commercial Discussion	To discuss land take and commercial matters in the draft DCO for LTC.
12/01/22	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
03/03/22	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.
07/04/22	Explosive Anchorage Feasibility Study Scope Discussion	To discuss the scope of the feasibility study for explosive anchorages, including requirements, criteria definitions, and next steps
23/05/22	Protective Provisions and SoCG meeting	To continue discussion on the protective provisions and PLA's SoCG in the draft DCO for LTC.
19/07/22	Protective Provisions and SoCG meeting	To continue discussion on the protective provisions and PLA's SoCG in the draft DCO for LTC.
11/08/22	Protective Provisions and draft DCO meeting	To continue discussion on the protective provisions in the draft DCO for LTC.

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