

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

20 December 2022

Dear Ms Church

**Planning Act 2008 (as amended)  
Response to advice following issue of decision to accept the application for  
examination (dated 28 November 2022)  
Application Reference TR010032**

Upon acceptance of Lower Thames Crossing DCO application (Application Reference TR010032) the Inspectorate provided advice under section 51 of the Planning Act 2008 in relation to the application. This submission is in response to the matters raised in that advice.

**Updated documents**

The matters raised, and the Applicant's responses, are identified in Table 1 below. This has resulted in the following application documents being updated:

- Navigation to the Application (Application Document 1.4, Rev 2)
- Land Plans (Application Document 2.2, Rev 2)
- Crown Land Plans (Application Document 2.3, Rev 2)
- Special Category Land Plans (Application Document 2.4, Rev 2)
- Works Plans: Composite and Utilities (Application Document 2.6, Rev 2)
- Rights of Way and Access Plans (Application Document 2.7, Rev 2)
- Temporary Works Plans (Application Document 2.17, Rev 2)
- Draft Order (Application Document 3.1, Rev 2)
- Statement of Reasons (Application Document 4.1, Rev 2)
- Book of Reference (Application Document 4.2, Rev 2)
- Environmental Statement and associated documents:
  - Environmental Statement Chapter 6 - Cultural Heritage
  - Environmental Statement Figure 2.2 - Project Proposals
  - Environmental Statement Figure 10.2 - Soil Scape Mapping
  - Environmental Statement Figure 14.4 - Bedrock Aquifer Designations

- Environmental Statement Appendix 2.1 - Construction Supporting Information
- Environmental Statement Appendix 6.7 - Geophysical survey reports (1 of 2)
- Environmental Statement Appendix 6.10 - Assessment Tables
- Environmental Statement Appendix 7.8 - Technical Methodologies

In addition to the above, enclosed in this submission is a DCO Application Errata Report (Document number 1.6) and a Place Name Gazetteer (Document number 1.7).

- The Errata Report (Document number 1.6) identifies minor errors identified though the wider exercise carried out following the provision of the section 51 advice on 28 November 2022. These are items that have been updated outside of the documents mentioned above. If required, this document can be updated over the course of the Examination.
- The Place Name Gazetteer (Document number 1.7) addresses instances where there are local inconsistencies in terms of place names used in the area of the project and where similar place names are used in different locations. It highlights to the reader what these are and confirms the place name that the project is using.

**Table 1 Responses to section 51 advice provided on 28 November 2022**

Matter Raised	LTC Response
<b>2.2 Land Plans, 2.3 Crown Land Plans and 2.4 Special Category Land Plans</b>	
<p>It is noted that categories are not always consistently described between plans and the corresponding documents, for example, the category described as "Temporary Possession of Land and Permanent Acquisition of Rights" is described only as "Acquisition of rights" in the BoR. Adding an explanation of any difference in description may assist readers unfamiliar with the legislative requirements to better understand the documents.</p>	<p>The categories have been reviewed across the Plans and Book of Reference. The labels are applied consistently in the Land Plans (Application Document 2.2), Crown Land Plans (Application Document 2.3) and Special Category Land Plans (Application Document 2.4).</p> <p>Further text has been provided in the Book of Reference (Application Document 4.2) to assist interested parties on the inter-relationship between to the plans and the Book of Reference, which contains an abridged description of the interests sought or use proposed as represented in the Land Plans”.</p>
<p>The plot numbers on Volume C (sheets 21-49) of 2.2 Land Plans are not searchable</p>	<p>The updated Land Plans (Application Document 2.2) included as part of this submission are now searchable.</p>
<p>The Applicant is advised to undertake a full check of the Plans and make corrections of errors or for clarification, for example:</p> <ul style="list-style-type: none"> <li>• Ensure all cut lines are included and unobscured, eg, cut line to sheet 10 on sheet 4 on 2.2 Land Plans and between sheets 23 and 25 on all Land Plans.</li> </ul>	<p>A review of the plans has been undertaken and the documents resubmitted. Further insets have been provided, where required, to assist interested parties where the scale of the plans may obscure the identification of relatively small land plots. Otherwise, the Applicant confirms that having reviewed and updated the plans:</p> <ul style="list-style-type: none"> <li>• all cut lines are included and unobscured;</li> </ul>

Matter Raised	LTC Response
<ul style="list-style-type: none"> <li>• Ensure that all descriptions in the BoR are accurate according to the Land Plans and descriptions of similarly located plots, eg, 04-17 and 04-12.</li> <li>• Ensure all plots are given a unique identifier where necessary, eg, 04-30, 04-37, 04-242.</li> <li>• Ensure all plots are clearly numbered, eg, the small plot to the North of 04-185, the small plot to the South of 04-256 and the small plot to the South East of 08-13 on the Land Plans.</li> <li>• Ensure that all plots included in the BoR are identified on the Crown Land Plans, eg, 04-272 and 04-273.</li> <li>• Ensure that all plot labels and boundaries are legible and unobscured.</li> </ul>	<ul style="list-style-type: none"> <li>• all plots have a unique identifier and are clearly numbered;</li> <li>• discrepancies between the Land Plans and Crown Land Plans have been corrected; and</li> <li>• plot labels and boundaries are legible and unobscured.</li> </ul> <p>The Applicant notes that in respect of Plots 04-12 and 04-17 that, despite being adjacent plots, the descriptions in the Book of Reference (Application Document 4.2) are correct. The nature of the two plots is distinct (the former is road and the latter is woodland), and the need to locate the plots in relation to other landmarks is different (one is a named location in its own right and one is an ‘unnamed road’ therefore has been located in relation to the nearby HS1 line). A validation exercise has been completed for the other descriptions within the Book of Reference (Application Document 4.2) and these are accurate and do not give rise to any ambiguity about the locations being referenced.</p>
<p><b>2.6 Works Plans: Composite and Utilities</b></p>	
<p>The Applicant is advised to undertake a full check of the Works Plans and make any corrections of errors or for clarification, for example:</p>	<p>Noted and check undertaken.</p>
<p>Ensure all works have start and end markers as shown on the legend, eg, G1b and G1a on sheet 4 and OH2 on sheets 4 and 12</p>	<p>By way of explanation, utilities works are represented by a line showing the works alignment. There are no start and end points given the disparate elements of the same work do not have the</p>

Matter Raised	LTC Response
	<p>same start and end points. In relation to gas works, the following approach has been adopted:</p> <ul style="list-style-type: none"> <li>• for gas works, squares at the end of the line show where the works tie into an existing network. Accordingly, as Works No. G1a and G1b do not tie into any existing gas pipe on sheet 4, no 'tie-in' square is shown.</li> <li>• for removal/diversion works of existing gas pipelines (e.g. Work No. G8 and G9), the line doesn't show any squares as there is no new connection and therefore tie-ins (represented as squares) are not applicable.</li> <li>• for Works No. G6a and G6b, only the line is used as these works are the construction of a new gas compound and a new gas valve (i.e., these too do not involve a tie-in to the existing gas network).</li> </ul> <p>For overhead line works, the following approach has been adopted:</p> <ul style="list-style-type: none"> <li>• for new, diverted or modified overhead lines, the line shows squares that represent new or modified pylons. This applies for both permanent and temporary overhead line works; and</li> <li>• for the removal of existing overhead lines, the plans show squares that represent the pylons to be removed as part of the work, where applicable. For completeness, Work No. OH2 only includes the</li> </ul>

Matter Raised	LTC Response
	<p>removal of pole and doesn't include the removal of any pylons hence there are no squares shown.</p> <p>Explanatory text reflecting the approach above has been included in the introductory text of the Works Plans (Application Document 2.6) in paragraph 1.1.12 and additional call out boxes have been added to the relevant sheets of the Composite set: sheets 4, 12, 32, 38, 39 and 40 to assist interested parties.</p>
<p>To assist with searching for works, the Applicant should be consistent when naming works numbers with or without an 0 and/or a space and ensure that they are the same format on both the Works Plans and the dDCO, eg ULH6 and ULH 06, and CA2 and CA 2.</p>	<p>The Works Plans (Application Document 2.6) and Temporary Works Plans (Application Document 2.17) and Schedule 1 of the draft Order (Application Document 3.1) have been updated to ensure that the compound references are consistent. Main works compounds are named CA1 to CA16 (as detailed in Schedule 1) and the utilities logistic hubs are named as ULH01 to ULH16 (as detailed in Schedule 1).</p>
<p><b>2.7 Rights of Way and Access Plans</b></p>	
<p>The Applicant is advised to undertake a full check of these Plans and make any correction of errors or for clarification, for example:</p>	<p>Noted and check undertaken.</p>
<p>Check the description in Schedule 1 of the dDCO against the Rights of Way and Access Plans to ensure the location on the plans is clear, eg Work No. 1H (iii) and (iv), 1L and NS167.</p>	<p>The approach taken by the Applicant regarding reference points in Schedule 1 of the draft Order (Application Document 3.1) is as follows:</p> <ul style="list-style-type: none"> <li>Public right of Way routes are described in Schedule 1 using all the necessary reference points, as shown in the Rights of Way and Access Plans (Application Document</li> </ul>

Matter Raised	LTC Response
	<p>2.7), in order to identify start and end points. The Rights of Way and Access Plans (Application Document 2.7) and Schedule 5 further detail the different categories of the proposed PRow, using specific line types as identified in the legend.</p> <ul style="list-style-type: none"> <li>• Permissive paths are described in Schedule 1 using all the necessary reference points, as shown in the Rights of Way and Access Plans (Application Document 2.7), in order to identify start and end points. The Rights of Way and Access Plans (Application Document 2.7) identifies permissive paths by using a specific line type, as identified in the legend.</li> <li>• Private means of access (PMA) are described in Schedule 1 and shown in The Rights of Way and Access Plans (Application Document 2.7), by using a specific hatching, as identified in the legend. Schedule 1 descriptions don't use any reference points as these don't exist for all proposed PMAs. (as Schedule 5 only lists PMA works that are a replacement for existing PMA)</li> </ul> <p>All reference points shown in The Rights of Way and Access Plans (Application Document 2.7) and not used in Schedule 1 are used in Schedule 4 and/or Schedule 5.</p> <p>Further text has been provided in the Introduction text for The Rights of Way and Access Plans (Application Document 2.7</p>

Matter Raised	LTC Response
	(paragraph 1.1.16) to assist the reader regarding reference points and schedules.
<p>Check that the designations are accurately, consistently, and clearly identified on the plans as reflected in the dDCO, eg, NS167 between 10/12 and 6/10 described on page 165 of the dDCO and as shown on the plans</p>	<p>The designations have been reviewed and confirmed as accurate. Some PRoWs are split across different works, and so reference points are used to demarcate the length of the PRoW included in each work. Where set out in Schedule 5, only the start and end reference points are used.</p> <p>To assist interested parties, Schedule 5 to the dDCO has been updated to include all references points for Public Rights of Way in that Schedule. This reflects the approach in Schedule 1, and also provides the references points which lay "in between" the existing references in the previous iteration of Schedule 5."The Rights of Way and Access Plans (Application Document 2.7) sheet 39 was also updated to show a missing reference point (35/8 as used in Schedule 5).</p>
<p><b>4.2 Book of Reference (BoR)</b></p>	
<p>The Applicant is advised to check for correctness and consistency, eg road name 'Gammon Field' or 'Gammonfields' should be checked and corrected where necessary throughout the application documents (eg BoR and Consultation Report).</p>	<p>There are inconsistencies for known placenames for certain locations within the Order Limits. In order to resolve this issue, the Applicant has produced a gazetteer of place names used in the application documents. It is proposed that this gazetteer remains a live document and is updated during examination to reflect any additional instances that arise.</p>
<p>The Applicant is advised to add the relevant DCO article reference against plots for clarity, please refer to paragraph 10, Annex D of the Planning Act 2008: guidance related to</p>	<p>This has been actioned and an updated document provided.</p> <p>This amendment has additionally been made to Table 4.1 of the Statement of Reasons (Application Document 4.1).</p>



Matter Raised	LTC Response
<p>procedures for the compulsory acquisition of land. It is noted that this is explained in the introductory text of the BoR, however it aids the reader if each individual plot description lists the relevant article.</p>	
<p><b>6.2 Environmental Statement (ES) and associated documents</b></p>	
<p>The Applicant is advised to undertake a full check of these documents and make any correction of errors or for clarification, for example:</p>	<p>The Applicant refers to the Errata Report (Document number 1.6) which identifies minor corrections following a review of the Environmental Statement.</p> <p>The following documents have been updated following the correction of errors or for clarification:</p> <ol style="list-style-type: none"> <li>1. ES Appendix 2.1 Construction Supporting Information – Plate 1.3 has been updated to match the Book of Plans.</li> <li>2. ES Chapter 6 - The references to the corrupted heritage asset numbers and impacts from Appendix 6.10 (see item 4 below) were updated. In order to ensure consistency between low value assets, asset numbers have been added to those experiencing non-significant effects.</li> <li>3. ES Appendix 6.7 Geophysical Survey Reports – A printing error occurred and only half of the appendix was included within the submission. This has been rectified.</li> <li>4. ES Appendix 6.10 Assessment Tables – part of the assessment tables did not print to PDF correctly and some of the heritage asset numbers were corrupted, this</li> </ol>

Matter Raised	LTC Response
	<p>has been addressed and the excluded parts highlighted in the updated appendix.</p> <p>5. ES Appendix 7.8 – Technical Methodologies. An omission of a reference to one photomontage location has been added and horizontal field of view details have been updated in Table 3.1.</p>
<p>Figure 2.2 – Shows an area with green stars which is not on the key.</p>	<p>The legend item ‘Proposed nitrogen deposition compensation planting’ has been amended to more accurately reflect the symbology used in the map in the updated version of Environmental Statement Figure 2.2 (Application Document 6.2) included within this submission.</p> <p>The ‘route alignment’ and ‘earthworks’ legend items have been moved from the end (far right) of the legend to the front of the legend (far left) to be consistent with other ES figures.</p>
<p>Figure 2.4 – The Environmental Constraint masterplan featured in each of the plans does not show all section listed as being present (ie. 5-8). The Inset identified that these should not be included, but there is no further explanation. In addition, there are plans that do not appear to be present, for example plan 7 of section 1.</p>	<p>Figure 2.4 of the Environmental Statement (Application Document 6.2) is the Environmental Masterplan (EMP). Sections 5 to 8 cover the tunnel section of the Project and are not included as part of the EMP as no works are proposed above ground in these sections.</p> <p>The identified missing sheets (e.g. Sheet 7 of Section 1) are explained in the notes to the scheme overview plan.</p>
<p>Figures 10.2 and 14.4 open with an error message. The Applicant is advised to provide new versions to avoid confusion.</p>	<p>These documents have been re-published and provided as part of this submission.</p>

## Further explanation of changes

The Applicant has provided an update draft Development Consent Order (Application Document 3.1). This contains amendments which flow through from the matters identified in relation to the section 51 advice. It also contains a small number of other changes which it was considered interested parties would benefit from having sight of at the earliest opportunity. An explanation for these changes is contained in an annex to this letter.

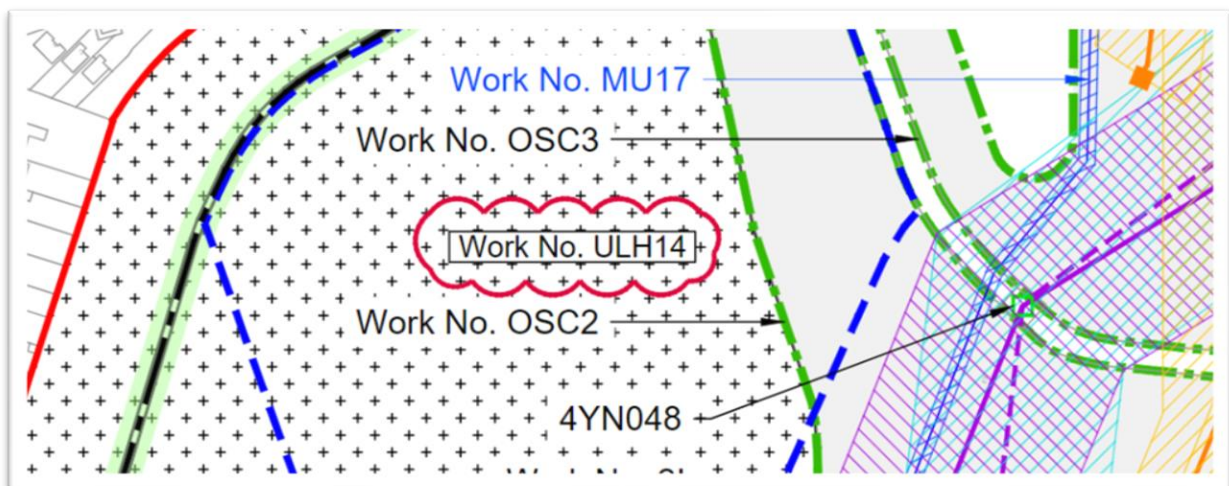
For completeness, the Applicant would propose that a validation report is not provided until the final examination deadline. This ensures the document is compliant, without having to provide a confirmation for each iteration submitted. The Applicant would welcome the Examining Authority's agreement to this approach.

For each updated document a clean and 'track changed' version has been provided.

For the Book of Reference (Application Document 4.2) this also includes an excel spreadsheet for the Planning Inspectorate and Examining Authority use only. These spreadsheets have an added section for 'changes from previous Version' which, for every row, will identify any cell that has been changed and provide the original text / value found in that cell. We hope you find this useful and propose to use this method for any further iterations of the Book of Reference (Application Document 4.2).

Updates to the Plans (Volume 2) a clean version will be provided as well as 'tracked version'. On the 'tracked version' changes will be shown through a 'revision cloud' – see Plate 1 as an example of what this looks like:

**Plate 1: Example of a revision cloud on a revised drawing**



*Example of revision cloud used on updated 2.5 Works Plan Sheet 11 Composite to show changes between the two versions.*

## **Non- Disclosure Agreements**

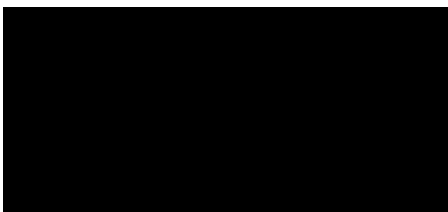
Following the procedural decision dated 19 December 2022, National Highways wishes to clarify the position in relation to non-disclosure agreements or clauses. To confirm, as part of its data sharing agreements, National Highways and local authorities have agreed to include provisions which relate to the release of commercially sensitive and proprietary traffic modelling information. This does not prevent any representations on traffic matters being raised by local authorities, or their views on the traffic modelling being referenced in their representations. In relation to landowners, there are non-disclosure clauses included in settlement agreements, but these relate to matters which have been agreed between the parties. National Highways acknowledges the need for interested parties to participate in the Examination in order raise important and relevant matters. National Highways is happy to confirm this position with any third party who raises concerns in this context

## **Other matters**

Enclosed within this submission are two letters received by the Department of Transport and the Department for Business, Energy, and Industrial Strategy providing confirmation and agreement of the approach taken in the project relating to security implications.

We trust you find this helpful and meet the matters identified in the advice note. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,



Dr Tim Wright

Head of Consents  
National Highways

## Annex A: Update to the draft DCO

The table below provides a description of the amendments made to the draft Development Consent Order (Application Document 3.1, Rev 2) and an explanation of the changes.

Provision	Description of amendment	Commentary
Article 2(1)	<p><i>“access” includes passing and repassing with or without plant and vehicles and accessing land in the Order land from streets or other parts of Order land;</i></p> <p><i>“overhead lines” includes associated apparatus which is installed for the purposes of its maintenance or operation;</i></p>	<p>These definitions have been inserted following ongoing discussions with National Grid to confirm that the rights sought to be compulsorily acquired in Schedule 8 to the dDCO allow access with, and without, vehicles and that the rights sought to be compulsorily acquired in connection with overhead lines extend to the apparatus attached to the overhead lines (e.g. towers).</p> <p>The Applicant considers these insertions to be clarificatory, rather than modifying the substance of the rights sought; it is considered that a plain reading of “access” and “overhead lines” includes such matters, but the definitions have been inserted at the request of National Grid. The absence of these definitions from other Orders should not be seen as limiting the scope of rights authorised to be compulsorily acquired therein.</p>
Article 2(10)	<p><i>“In this Order, references to materially new or materially different environmental effects in comparison with those reported in the environmental statement shall not be construed so as to include the avoidance, removal or reduction of an adverse environmental effect that was reported in the environmental statement as a result of the authorised development.”</i></p>	<p>There are provisions in the dDCO where activities are constrained to those which do not give rise to materially new or materially different environmental effects or where variations are permissible provided they do not give rise to such effects (e.g. the definition of maintenance, article 6(2), paragraph 3 of Schedule 2 to the dDCO). The explanation and justification for the ability to make these variations is contained in the Explanatory Memorandum (Application Document 3.2).</p> <p>The Applicant notes that the A57 Trans-Pennine Upgrade Development Consent Order 2022, made following the acceptance of the Project, uses the phrase “materially new or materially worse” environmental effects. Whilst the Applicant has not sought to replicate the</p>

Provision	Description of amendment	Commentary
		<p>drafting in that Order, following a review of that decision further drafting has instead been inserted in the dDCO to make clear what the scope of “materially new and materially different” environmental effects includes. This insertion is clarificatory and confirms that an environmental effect should not be deemed to be “<i>materially new or materially different</i>” where it entails the avoidance, reduction or removal of an adverse environmental effect.</p> <p>The Applicant is mindful that the precedented “materially new or materially different” drafting “<i>reflects the Secretary of State’s preferred drafting and ensures a consistency of approach across transport development consent orders</i>”. This was noted by the Inspectorate in their advice dated 11 November 2021. In particular, the Inspectorate advised:</p> <p><i>..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</i></p> <p>Accordingly, the Applicant does not wish to modify this preferred drafting (notwithstanding the A57 decision) but instead wishes to provide the interpretive and clarificatory provision for the following reasons:</p> <p>(1) It positively addresses the aforementioned section 51 advice from the Inspectorate which sets out:</p> <p><i>“...the Planning Inspectorate noted that the judgement of ‘materially different’ within the DCO would benefit from being clearly defined”</i></p> <p>The provision therefore clarifies that reductions and removals of adverse effects are not to be taken as materially new or materially different, providing</p>

Provision	Description of amendment	Commentary
		<p>further certainty as to the interpretation of the “materially new or materially different” test, where relevant.</p> <p>(2) The amendment confirms that where a proposed change or activity avoids, removed or reduces adverse environmental effects that were reported in the environmental statement, a material or non-material amendment to the Development Consent Order is not required. Requiring a material or non-material amendment to the Development Consent Order would introduce significant delay and therefore disincentivises appointed contractors from delivering the Project in a manner with environmentally better outcomes. The Applicant does not consider it is the Secretary of State’s intention to place barriers to delivering improved environmental outcomes in relation to the sensitive environment in which the scheme is situated. It is to be noted that the Secretary of State confirmed that it was not the intention to avoid environmentally better outcomes in the correction notice issued in connection with the A19/A184 Testo’s Junction Alternation Development Consent Order. In particular, the Secretary of State confirmed that:</p> <p><i>“It is the Secretary of State’s view that the recommended wording would allow the necessary scope for changes that are better for the environment providing such changes do not result in significant effects that have not already been previously identified and assessed in the Environmental Statement.”</i></p> <p>(3) The Applicant has necessarily undertaken an environmental which conforms to the “Rochdale envelope” approach (as explained in Advice Note 9 and R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew [1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]). The purpose of such an assessment is to ensure that a reasonable worst case scenario is adopted so that mitigation measures which protect the environment on that basis are incorporated. The proposed provision</p>

Provision	Description of amendment	Commentary
		<p>(article 2(10)) in the dDCO is consistent with that approach; and the requirement to ensure an appropriately precautionary assessment should not be read as requiring the delivery of that worst case scenario. Instead, that requirement is properly understood as setting an envelope in which activity and works can be carried out.</p> <p>(4) The Applicant considers that the approach is consistent with its licence obligations to “minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment”. The compliance with this obligation in the licence is a legal requirement imposed upon it under the Infrastructure Act 2015. The absence of a clear ability to carry out activity or works with environmentally better outcomes puts it at risk of not being able to comply with that obligation.</p>
Article 3(3)	<p><i>“Any enactment applying to land within, adjoining or sharing a common boundary <b>with</b> the Order limits (other than land comprising part of the river Thames outside of the Order limits) has effect subject to the provisions of this Order.”</i></p>	Correction of typographical error; “with” was inadvertently omitted.
Article 6(1)	<p><i>(b) construct the tunnel portal structures, approach ramps, tunnel service buildings and ground protection tunnel (comprised in Works Nos. 3A, 3C, 4A, 5A, and 4B), within the limits shown on the tunnel limits of deviation plans; <b>and</b></i></p> <p><i>(c) construct the tunnel within the lateral limits of deviation shown on the tunnel limits of deviation plans.</i></p>	Correction of typographical error; insertion of the word “and” is required as the matters in subparagraphs (a) to (c) are a list.
Article 56(3) – (4)	<p><del>(3) As from the date on which the authorised development is commenced any conditions of a planning permission granted under section 57(-) (requirement of planning permission) of the 1990 Act which relate to land</del></p>	This change is made to address the Supreme Court’s ruling in Hillside Parks Ltd v Snowdonia National Park Authority 2022 UKSC [30]. That judgment relates to planning permissions granted under the Town and Country Planning Act 1990. It holds that, unless there is a express



Provision	Description of amendment	Commentary
	<p><del>within the Order limits or land adjacent to the Order limits cease to have effect to the extent they are inconsistent with the authorised development or with anything done or approved under the requirements in Schedule 2 (requirements).</del></p> <p><del>(3) To the extent any development carried out or used pursuant to a planning permission granted under section 57 (requirement of planning permission) of the 1990 Act or compliance with any conditions of that permission is inconsistent with the exercise of any power or right under this Order or the authorised development—</del></p> <p><del>(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and</del></p> <p><del>(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.</del></p> <p><del>(4) Any development or any part of a development within the Order limits which is constructed or used under the authority of a granted under section 57 of the 1990 Act including permissions falling under sub-paragraph (1) or (3) or otherwise, is deemed not to be a breach of, or inconsistent with, this Order and shall not prevent the authorised development being carried out or used or any other power or right</del></p>	<p>provision otherwise, where development has taken place under one permission, whether another planning permission may lawfully be implemented depends upon whether it remains physically possible to carry out the development authorised by the second permission in light of what has already been done under the first permission.</p> <p>Article 56(3) has substituted with a provision which reflects the terminology used by their Lordships in that case, and confirms that planning permissions which conflict with the Project can proceed without the risk of enforcement action being taken notwithstanding any incompatibility between the Project and the development authorised under a planning permission. It is considered this is necessary to confirm that developments are not prevented. Article 56(4) has been inserted to deal with the converse situation and confirms that development under a planning permission is not to prevent activity authorised under the Order.</p>

Provision	Description of amendment	Commentary
	<i>under this Order being exercised.</i>	
Article 61(3)(c)	<i>“...the undertaker must, as soon as reasonably practicable after the Secretary of State determines an application for the revocation, suspension or variation of a measure, notify the person(s) with the benefit of the measure <del>must be notified</del> of that determination.</i>	Correction of typographical error; the deleted wording is superfluous as the requirement to notify is secured by the earlier drafting.
Schedule 1	Insertion of the following preamble in relation to ancillary works: <i>“For the purposes of or in connection with the construction of any of the works and other development in the Order limits, ancillary or related development which is not likely to give rise to any materially new or materially different environmental effects to those assessed in the environmental statement consisting of-“</i>	This provision was omitted from the dDCO in error; the drafting makes clear that the ancillary works can only be carried out where they would not give rise to materially new or materially different environmental effects identified in the environmental statement. This limitation was inserted at the request of Thurrock Council in the pre-application phase.
Schedule 1 and 5	Insertion of additional references for particular streets, and ways.	This change is explained above, and relates to the insertion of further references points shown in the Rights of Way and Access Plans and/or Works Plans.  There have also been corrections of typographical errors in Work Nos. ULH01 to ULH16.
Paragraph 4 of Schedule 12	A road user charge imposed by paragraph 3(1) must be paid in accordance with the provisions of this <del>article</del> paragraph.	Correction of typographical error; the provision is a paragraph, rather than an article, as it appears in a Schedule.
Paragraph 107(3)(b) of Schedule 14	<i>“by the undertaker, its employees, contractors or agents in accordance with plans or particulars submitted to or modifications or conditions specified by the PLA, or in <del>a</del> manner approved by the PLA, or under its supervision or the supervision of its duly authorised representative...”</i>	The insertion of “a” corrects a typographical error. This change is made at the request of the Port of London Authority.
Schedule 16	Updates to certified document list.	Schedule 16 has been updated to include updated documents (as set out above), as

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Provision	Description of amendment	Commentary
		well as correcting revision numbers to refer to the revision number on the cover sheet of the relevant documents.