



The Planning Inspectorate

National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Customer
Services: 0303 444 5000
E-mail: lowerthamescrossing@planninginspectorate.gov.uk

The Applicant and
those persons potentially interested
in participating in the Examination

Your Ref:

Our Ref: TR010032

Date: 22 December 2022

Dear Sir/Madam,

Application by National Highways for an Order Granting Development Consent for Lower Thames Crossing

Planning Act 2008 – section 89(3)

Procedural Decision to accept Additional Submissions from the Applicant

This letter is to inform you that the ExA has made a Procedural Decision to assist the Applicant, potential Interested Parties and ourselves to prepare for the Examination of this Application.

6. Acceptance of Additional Submissions from the Applicant

On [20 December 2022](#), the Applicant submitted eleven updated documents or groups of updated documents for consideration for acceptance as Additional Submissions by the ExA (the requested documents) in direct response to requests in advice issued by the Planning Inspectorate under section 51 of the Planning Act 2008 (the s51 advice) on 28 November 2022. These are itemised in bullets on pages 1 and 2 of its covering letter. It has also submitted some further documents for consideration for acceptance as Additional Submissions by the ExA (the further documents) and these are considered further below.

Having reviewed **the requested documents**, the ExA is satisfied that these eleven documents and groups have been prepared to respond to the s51 advice, broadly by correcting minor errors and omissions found in the equivalent documents submitted for acceptance on 31 October 2022.

The ExA has had regard to changes proposed to the Environmental Statement (ES) within Chapter 6 – Cultural Heritage:

- ES Section 6.6 includes changes to lists of cultural assets (which have been both removed and added). New effects have been added at paragraphs 6.6.98, 6.6.175-176, 6.6.179-181 and 6.6.187. A change to paragraph 6.6.187 records a permanent significant effect, that did not appear in Chapter 6 as originally submitted and the effect is assessed as moderate, where in the Application document it was assessed as minor. Paragraphs from 6.6.190 onwards add some new heritage assets to the list with new summary paragraphs on the significance of effects.
- The text within the ES Appendix 6.10 Assessment Tables reflects these changes.
- In ES figure 2.4 (the Environmental Constraint Masterplan), the s51 advice identified that this did not include all sections 5 to 8, despite them being listed as present. The Applicant has clarified that these are not included because the relevant sections represent the tunnels, and the Masterplan relates to surface environmental features.

In considering these changes to the ES and the explanations for them, the ExA takes the view that they are close to but within the upper bound of what might reasonably be viewed as the correction of minor errors or omissions. The ExA has considered whether, had the ES documents as changed been submitted at the time of acceptance, the nature of the changes would have been sufficient to change the outcome of the acceptance decision and is clear that they would not have been. It notes and agrees with the Applicant's view that the changes do not constitute material changes to the Application as submitted. Further, because the acceptance of the Application has not yet been notified pursuant to Planning Act 2008 section 56 and the period for Relevant Representations has not yet commenced, notice will include notice of the changes, and persons affected by the changes will be able to address their consequences in Relevant Representations should they so wish. These changes having now been proposed, the ExA is clear that it is in the public interest that they should be published sooner rather than later. It follows that no additional procedures are required to respond to these ES changes, and they can be accepted.

Further documents have also been submitted, consisting of supporting documents to record or explain the changes, and correspondence from Government Departments.

Where documents that did form part of the original Application have been amended, tracked change versions have been submitted, indicating where the changes from the original versions can be found. On plans, changes are tracked with a 'revision cloud' system (a guide to the use of which can be found on page 11 of the Applicant's Covering Letter of 20 December 2022). These were not specifically requested in the s51 advice, but form part of an established practice in Examinations under the Planning Act 2008, that where documents are amended, clear explanations for the amendments and tracked changes (enabling what has changed to be specifically identified) are also provided. Two of the further documents, the Errata Report – Document number 1.6, and a Place Name Gazetteer – Document number 1.7 did not form part of the original Application, but again provide useful explanations of the changes in overview and of the reasons for referring to certain places using more than one name and hence addressing possible concerns about errors or omissions.

Having considered the documents with tracked changes, the Errata Report and the Place Name Gazetteer, the ExA is assisted by them and considers that prospective parties will be assisted by them too. They meet the purpose of the s51 advice, which sought the correction of minor errors and omissions in the interests of improving the

usability of the whole Application before the commencement of the Relevant Representations period.

Finally, two of the further submitted documents are correspondence from Government Departments on national security considerations. There are special provisions for the handling of national security considerations in Examinations under Planning Act 2008 and this correspondence will be taken into account by the ExA in considering procedural design. Further consultations with Government Departments about the procedures to be adopted on such matters may be required at the appropriate time. There is no content in the submitted correspondence that indicates against its publication.

In making its decision about the submitted documents, the ExA has had regard to its Procedural Decision 5 made on 19 December 2022 [[PD-005](#)], which indicates against the acceptance of documents submitted in the pre-Examination period, unless the submission of those documents was specifically requested by the ExA. The ExA is content that acceptance of the additional documents, the tracked change versions and the further submitted documents will not run counter to the purposes of its decision. The ExA is also content that none of the proposed changes amount to a material change to the accepted Application.

The ExA has decided to accept all of the submitted documents and they have been published. The submitted documents respond to and discharge the ExA's Procedural Decision 1 made on 19 December 2022 [[PD-005](#)]. That decision is now cancelled. The Relevant Representations period may now commence, with notice provided of the accepted Application as amended by the submitted documents provided on 20 December 2022.

All Procedural Decisions by the ExA are numbered in sequence and tracked. The decision in the letter is numbered in sequence (6.) from the last decision taken on 19 December 2022(5.). The Decision Tracker records all decisions in force and can be [seen here](#).

Yours sincerely

Rynd Smith

Rynd Smith
Lead Panel Member for the Examining Authority

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.