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Examining Authority

**By email/portal**

Direct tel	+443330060098	Date	18 July 2023
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Dear Sirs

**Planning Act 2008**

**Application by National Highways for a Development Consent Order for the Lower Thames Crossing  
Planning Inspectorate Reference: TR010032**

We are instructed by the Department for Transport which was registered as an Interested Party as confirmed by the Planning Inspectorate on 23 February 2023. Our client submitted a Relevant Representation as follows:

- 1 The application states that the applicant is working towards an agreement with the DfT and HS1 and that it is anticipated this will be finalised prior to the end of the Examination period. The DfT can confirm that discussions are on-going and will comment accordingly.
- 2 The application refers to a site know as Southern Valley Golf Course and that Heads of Terms are agreed between the owners and the applicant subject to DfT and HMT approval. Initial discussions with the DfT have taken place and all parties are continuing to discuss the way forward and the DfT will comment accordingly.
- 3 The application states that the applicant is in contact with the landowners who are aware of the Project's impact on their land. The Project has an impact on numerous DfT and other Crown land holdings. The DfT can confirm that discussions are on-going and are expected to continue throughout the process. The DfT will comment accordingly.

**For what comes next**

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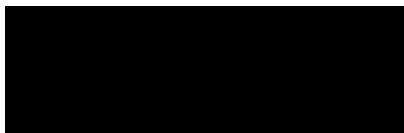
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Our client is aware of the procedural deadline of 18 July 2023 to submit to the Examining Authority written representations and would like this letter to be taken as such a submission. Our client is able to update the Examining Authority as follows:

- 1 DfT and National Highways (NH) have engaged in regular discussions regarding the inclusion of land in the ownership of the Secretary of State for Transport with the Development Consent Order. Whilst it is noted that NH advise that the majority of the Secretary of State for Transport's affected land is within the existing HS1 demised land and that the remainder is land likely to be ancillary to the M25 for which NH are the relevant Highway Authority, it remains the case the NH have not yet provided satisfactory evidence to demonstrate this and therefore both parties continue to work together to clarify the situation as soon as possible.
- 2 Whilst the DfT may support the proposed DCO in principle, it is important to note that the DfT cannot make decisions where it simply has not been provided with sufficient detailed information to make any decision that is reasonable in the context of its public duty to exercise its powers both lawfully and proportionately.
- 3 The Examining Authority should note that the DfT is HS1's landlord as HS1 operates as the Secretary of State's nominated undertaker in accordance with the terms of the Channel Tunnel Rail Link Act 1996 and has the benefit of a 30 year concession agreement in order to fulfil that role. Our client expects both HS1 and NH to work collaboratively with the DfT in order to implement the DCO (if it is approved) without prejudicing HS1's ability to continue to run the rail network that has already been through its own consenting process where it was demonstrated to be in the public interest.
- 4 NH have provided a draft tri-partite agreement between HS1, DfT and NH which all parties are currently reviewing and continuing to progress. Our client understands that HS1 will be providing the Examining Authority with its own position statement. The DfT's stated priorities includes improving journeys and safe, secure and sustainable transport and wishes to facilitate both HS1 and NH in being part of delivering these priorities.
- 5 Since submission of the Relevant Representation the acquisition of Southern Valley Golf Course has progressed to exchange of contracts and therefore the DfT withdraws its concerns relating to this particular property.

Yours faithfully



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