

**Lower Thames Crossing
10.4 Change Application
(August 2023)
Appendix B - Minor Refinement
Consultation Report**

Infrastructure Planning (Examination
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Lower Thames Crossing

10.4 Change Application (August 2023)

Appendix B - Minor Refinement Consultation Report

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1 Minor refinement consultation

1.1 Introduction

- 1.1.1 This report describes the non-statutory minor refinement consultation undertaken by National Highways (the Applicant) from 17 May to 19 June 2023 on proposed changes to the A122 Lower Thames Crossing (the Project).
- 1.1.2 This chapter explains the purpose of the consultation and how it was carried out. Chapter 2 sets out the issues raised through feedback to the consultation and the Applicant's responses to those issues. A series of annexes to this document include documents relevant to the consultation, such as publicity letters and notices. Annex D provides copies of all consultation responses, in line with the requirements of Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3) (AN16)¹.

1.2 Purpose of the minor refinement consultation

- 1.2.1 The Applicant has identified opportunities to improve its Development Consent Order (DCO) application by making a small number of changes to the Project proposals. The minor refinement consultation ensured that all parties with a potential interest in these changes were made aware of them and had the opportunity to provide feedback on those changes in advance of the submission of a formal 'Change Application' to the Examining Authority (the ExA). Additionally, the Applicant provided a construction update, setting out how the tunnels beneath the River Thames could be constructed by either two tunnel boring machines (TBMs), or by using a single TBM to construct both.
- 1.2.2 The scope of consultation activities and the procedure for requesting the changes was set out in a notification to the ExA on 16 March 2023 [[AS-083](#)], and the ExA confirmed [[PD-011](#)] that it was satisfied that the proposed procedure complies with Advice Note 16.

1.3 Consultation schedule

- 1.3.1 The minor refinement consultation took place from 17 May to 19 June 2023. The closing date and time of 19 June 2023 at 23:59 was publicised in the consultation materials, including in the letters sent to statutory consultees and landowners, and in the published newspaper notices.
- 1.3.2 A consultation period of 34 days was considered to be appropriate, based on an assessment of the scale and complexity of the proposals and the likely level of public interest in them.

1.4 Whom the Applicant consulted

- 1.4.1 Owing to the geographically limited extent and technical nature of the proposed changes, the consultation was aimed primarily at organisations that had been treated as prescribed consultees and relevant local authorities under s42 of the Planning Act 2008 for the purposes of pre-application statutory consultation. The Applicant also consulted all parties that had been identified as owning,

¹At the time the Applicant submitted the notification in March 2023, this was under version 2 of AN16

occupying or having a legal interest in land that would be affected by the proposed changes, including parties who may be entitled to make a relevant claim for compensation as a result of them.

- 1.4.2 There was, however, no restriction on who could respond to the consultation, which was also publicised on the Project's consultation webpage.
- 1.4.3 More information on the Applicant's notification and publicity activities is provided in Section 1.6 of this report.

1.5 What the Applicant consulted on

- 1.5.1 The consultation proposals were set out in the minor refinement consultation booklet. It included a foreword (Chapter 1), a chapter to explain the context and purpose of the consultation (Chapter 2), followed by a chapter describing all the proposed changes (Chapter 3), and a further chapter providing information about an update to the tunnel construction methodology (Chapter 4). The contents of Chapters 3 and 4 are summarised below.
- 1.5.2 As was stated in the consultation booklet, the Applicant sought feedback on a small number of minor changes that are localised in nature and minor in extent, with only minimal change to the impacts that are reported in the DCO application.
- 1.5.3 A copy of the consultation booklet is included in Annex A of this report.

Changes presented in the consultation booklet

- 1.5.4 The following proposed changes to the Project were set out in Chapter 3 of the consultation booklet. None of the proposed changes would result in a material change to the Project or the assessment conclusions reported in the Environmental Statement (ES) [[APP-138](#) to [APP-485](#)] submitted as part of the DCO application.

Reduction of nitrogen deposition compensation area at Blue Bell Hill and Burham

- 1.5.5 The Applicant presented proposals for the removal of the Burham nitrogen deposition compensation site and a reduction in the size of the Blue Bell Hill nitrogen deposition compensation site. The Applicant explained that this would be possible while still ensuring the ecological objectives of the nitrogen deposition compensation would be achieved.

Increase in limits of deviation for the North Portal headwall

- 1.5.6 'Limits of deviation' are the permitted limits within which a structure may be built. The Applicant presented a proposal for a minor increase to the limits of deviation in the location of the North Portal headwall, which would provide flexibility as the final design in this area, including the location of the headwall, will be determined by the Contractor during the detailed design process based on the ground conditions in the area.

Revised utility proposals at East Tilbury

- 1.5.7 The Applicant presented proposals for three changes near Linford and East Tilbury:

- a. Relocation of the temporary Linford water pipeline and relocation of the Muckingford Road Utility Logistics Hub (ULH).
- b. Relocation of Low Street Lane ULH to Coal Road east of Low Street Lane.
- c. A land use change west of Linford where the Applicant proposed to amend the land use for some of the agricultural land in this area associated with the operation and maintenance of diverted overhead power lines as well as the realigned Linford water pipeline. The land use would change from temporary possession only, to temporary possession and the permanent acquisition of rights.

1.5.8 These changes resulted in a reduction of land required for the construction of the Project and moved the works further away from residential areas.

1.5.9 More information on these changes is provided in Chapter 5 of the Proposed change submission document.

Summary of the construction methodology update in Chapter 4

1.5.10 Chapter 4 of the consultation booklet sets out how the Project’s two tunnels under the River Thames could be constructed either by using two TBMs or by using a single TBM. This information was included within the proposed consultation in order to provide clarity on the proposed flexibility sought.

1.5.11 The chapter explained how the works would be carried out if a single TBM were to be used. It also explained that the use of one TBM would involve no physical changes to the permanent works or footprint of the Project presented in the DCO application and would not require new powers over land to deliver the works. It would result in no materially new or different environmental effects compared to those presented in the DCO application.

1.6 How consultation was carried out

Consultation materials

1.6.1 The Applicant produced the consultation materials described in Table 1.1 for the purposes of the consultation. Copies of these documents are provided in Annex A.

Table 1.1 Minor refinement consultation materials

Document	Description
Lower Thames Crossing minor refinement consultation booklet	The consultation booklet explains the proposed changes, including maps and computer-generated images, while signposting supporting materials for further information. It also explains how consultees can provide feedback, and the closing date for responses to be received.
Response form	This is a standalone document that contained open and closed questions on the proposed changes described in the consultation materials.

Document	Description
Non-statutory notice	The non-statutory notice presents useful information about the consultation, including where to find more information, key dates and information about how to respond. Notices were published in various newspapers and journals (see the section on non-statutory newspaper notices below) and on the Project's consultation webpage.

- 1.6.2 For those who preferred to read paper copies of the materials, including the Response Form, it was possible to order hard copies of the consultation materials for home delivery, free of charge, with these limited to one copy per household.
- 1.6.3 Consultation documents could also be viewed and downloaded from the Project's consultation website:
<https://highwaysengland.citizenspace.com/ltc/minor-refinement-consultation-2023/>
- 1.6.4 The website hosted an online version of the consultation response form and was available throughout the consultation period. During the consultation, there were approximately 674 visits to the website.

Notification of statutory consultees

- 1.6.5 Although the consultation was undertaken on a non-statutory basis, the Applicant notified all of the organisations previously consulted under section 42(1)(a)-(c) of the Planning Act 2008.
- 1.6.6 On 15 May 2023, letters were sent to these organisations to notify them of the start of the consultation. A copy of this letter is provided in Annex B.
- 1.6.7 For the minor refinement consultation, a total of 47 consultees previously consulted under section 42(1)(d) were sent a letter on 15 May 2023, notifying them of the launch of the consultation. These were the persons who had been identified from the Book of Reference [\[REP1-053\]](#) as those with interests in the plots of land affected by the proposed changes.

Publicity

- 1.6.8 The proposed changes relate to geographically limited areas. Nevertheless, the Applicant sought to ensure that awareness of the consultation extended beyond the consultees to whom letters of notification were sent.
- 1.6.9 Emails were sent to more than 43,000 subscribers on the Project's customer database, informing them of the minor refinement consultation and inviting them to give their views. This included people who had responded to earlier phases of consultation on the Project and had opted-in for further communication. An example of the email is provided in Annex B.
- 1.6.10 A news release (included in Annex C) was issued on 17 May 2023 to a range of local and regional publications to announce the launch of the minor refinement consultation.

1.6.11 The Applicant’s social media accounts, including LinkedIn, Facebook and Twitter, were used to raise awareness of the minor refinement consultation, including links to the consultation website. Examples of social media posts are included in Annex B.

Non-statutory newspaper notices

1.6.12 The Applicant published non-statutory notices in newspapers advertising the consultation.

1.6.13 Although this was a non-statutory consultation, the Applicant had regard to the relevant requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which provide that a notice should appear for at least two successive weeks in local newspapers circulating in the vicinity of the proposed development, once in a national newspaper, once in the London Gazette, and (in the case of offshore development) once in Lloyd’s List and once in an appropriate fishing trade journal. The Applicant chose to repeat the publication for a second week for The Times, London Gazette, and the Fishing News.

1.6.14 The deadline for receipt of responses to the consultation was also 31 days following the date on which the notice was last published on 19 May 2023, which was therefore in excess of the 30-day period set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

1.6.15 Table 1.2 below sets out the publications in which the non-statutory notices were published and when. Copies of these notices are included in Annex C of this report.

Table 1.2 Details of newspaper notices publicising the Local Refinement Consultation

Newspaper	Insertion Date (Week 1)	Insertion Date (Week 2)
The Times	12 May 2023	19 May 2023
Essex Chronicle	11 May 2023	18 May 2023
Kent Messenger	11 May 2023	18 May 2023
Romford Recorder	12 May 2023	19 May 2023
Thurrock Gazette	11 May 2023	18 May 2023
London Gazette	12 May 2023	19 May 2023
Lloyd’s List	12 May 2023	n/a
Fishing News	11 May 2023	18 May 2023

1.7 Conclusions from the consultation

1.7.1 The Applicant appreciates the time and effort taken by each respondent to submit feedback to the consultation, either by filling in the survey or sending an email or letter. Consultation provides an essential channel for the public and stakeholders to challenge the Applicant’s proposals, while the Applicant has an

opportunity to reflect on the feedback and ensure the proposals are appropriate and robust.

- 1.7.2 As set out in Chapter 2 below, the Applicant has been able to address any questions or concerns raised by respondents during consultation, although it is acknowledged that some respondents may not agree with all the Applicant's responses. Having thoroughly considered the feedback received, the Applicant has decided to progress the proposals put forward during the minor refinement consultation.

2 Responses to the consultation

2.1 Overview

- 2.1.1 Parties could respond to the consultation using one or more of the following channels:
- a. An online response form, accessed through the Project's consultation website.
 - b. By email.
 - c. By posting a letter or response form. There were eight requests for physical copies of the consultation guide and response form.
- 2.1.2 Overall, there were **162 responses to the consultation**, in the following categories:
- a. Online response form: **100 responses**
 - b. Email: **57 responses**
 - c. Letter or response form sent by post: **five responses**
- 2.1.3 The categories of respondents are shown in Table 2.1, based on respondents' self-reported status.

Table 2.1 Respondents by type

Type of respondent	Number of respondents
Members of the public	122
Interest groups and other local organisations	12
Non-government organisations	9
Land interests	8
Local authorities	6
Businesses	3
Politicians	1
Statutory undertakers	1
Total	162

- 2.1.4 The list above includes the following organisations previously consulted under s42(1)(a):
- a. Anglian Water Ltd
 - b. Canal and River Trust
 - c. Coal Authority

- d. Environment Agency
- e. Health and Safety Executive
- f. Kent Downs AONB Unit
- g. National Air Traffic Services
- h. Natural England
- i. Network Rail
- j. Shorne Parish Council

2.1.5 The following local authorities previously consulted under s42(1)(b) also responded:

- a. Gravesham Borough Council
- b. Kent County Council
- c. Medway Council
- d. Thurrock Council
- e. Tonbridge and Malling Borough Council

2.1.6 The rest of this chapter explains the way in which the Applicant has had regard to the responses raised in response to the consultation. It comprises two sections: the first presents the responses to the closed survey questions; and a second section presents feedback from the open questions and emails and letters submitted to consultation, along with the Applicant's responses to the issues raised.

2.2 Analysis of closed survey questions

2.2.1 The consultation response form included closed questions that were asked to establish levels of agreement or disagreement with specific proposals set out in the consultation. The results of these closed questions are summarised below.

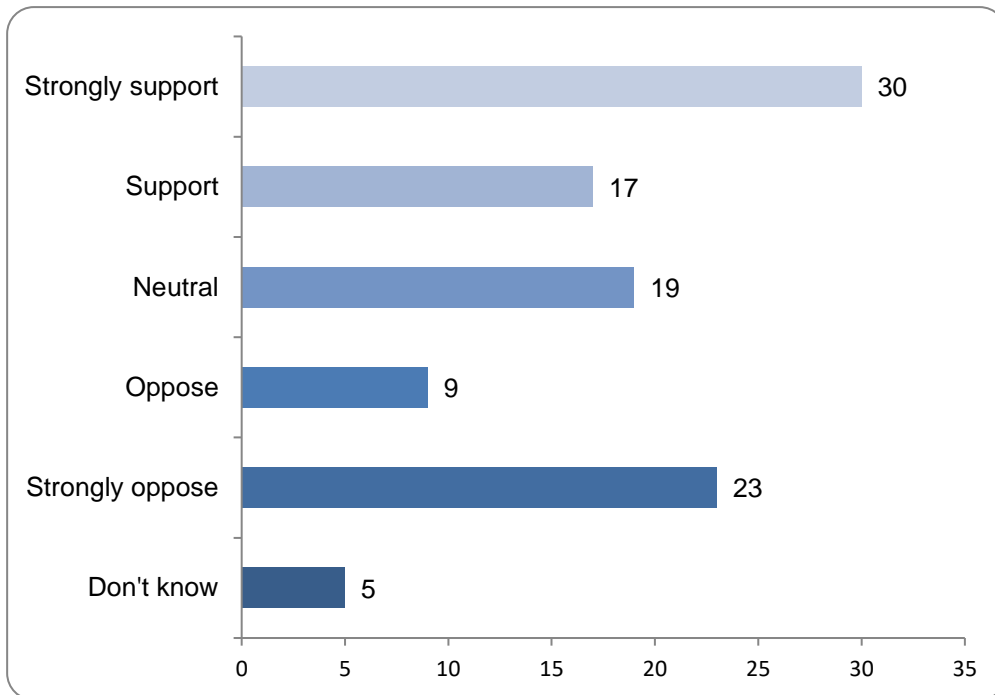
2.2.2 It was not mandatory to respond to the closed questions; and consultees who responded by email or letter typically did not replicate the closed question section of the response form. For these reasons, the number of responses to each closed question, as presented below, is less than the total number of responses to the consultation.

2.2.3 The closed questions asking for consultees' views on the proposed changes were each accompanied by an open question in which consultees were asked to provide feedback in support of their answers to the closed questions.

2.2.4 In the case of the two closed questions on the quality of the delivery of the consultation process, a single, combined, open question was asked. In addition, there was one open question asking for feedback on any other aspect of the proposed changes. A copy of the response form is provided in Annex A.

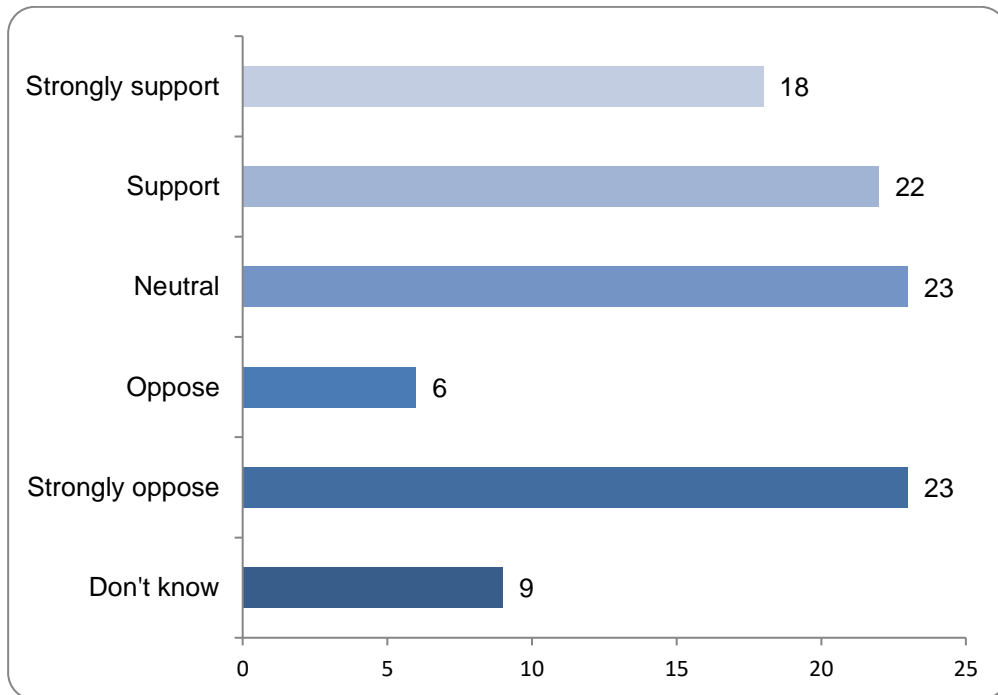
- 2.2.5 Feedback provided in response to the open questions, along with the Applicant’s responses to the issues raised, is set out in Section 2.3.
- 2.2.6 There were 103 responses to Question 1a.

Plate 2.1 Responses to Question 1a: “Do you support or oppose the proposed reduction of the Nitrogen Deposition compensation area and Order Limits at Blue Bell Hill and Burham?”



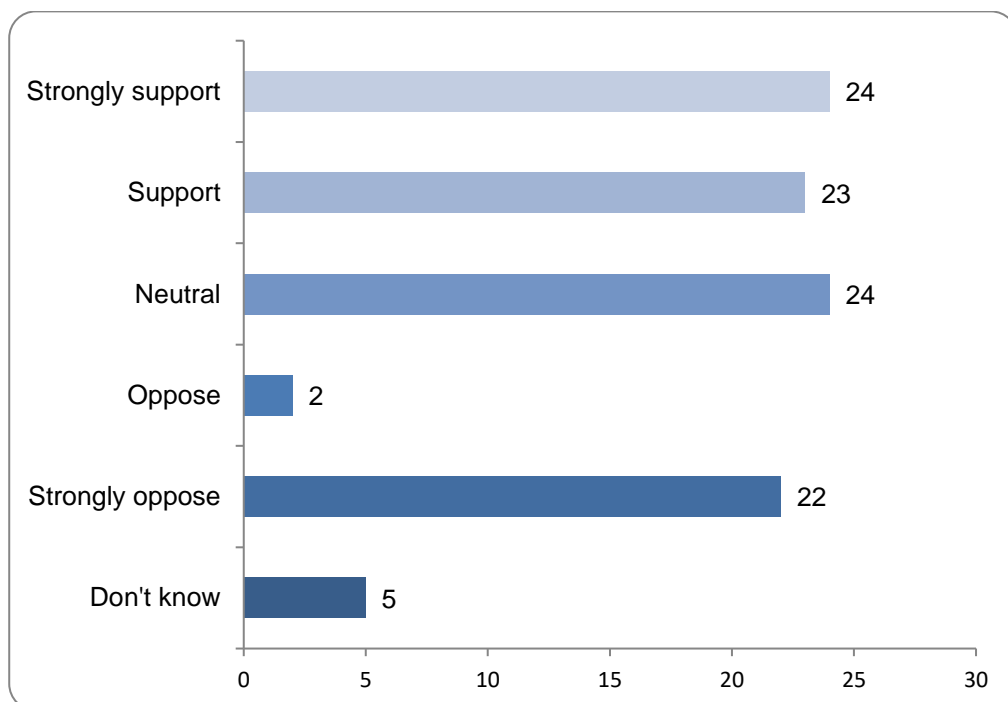
- 2.2.7 There were 101 responses to Question 2a.

Plate 2.2 Responses to Question 2a: “Do you support or oppose the proposed increase to the limits of deviation for the northern tunnel entrance headwall?”



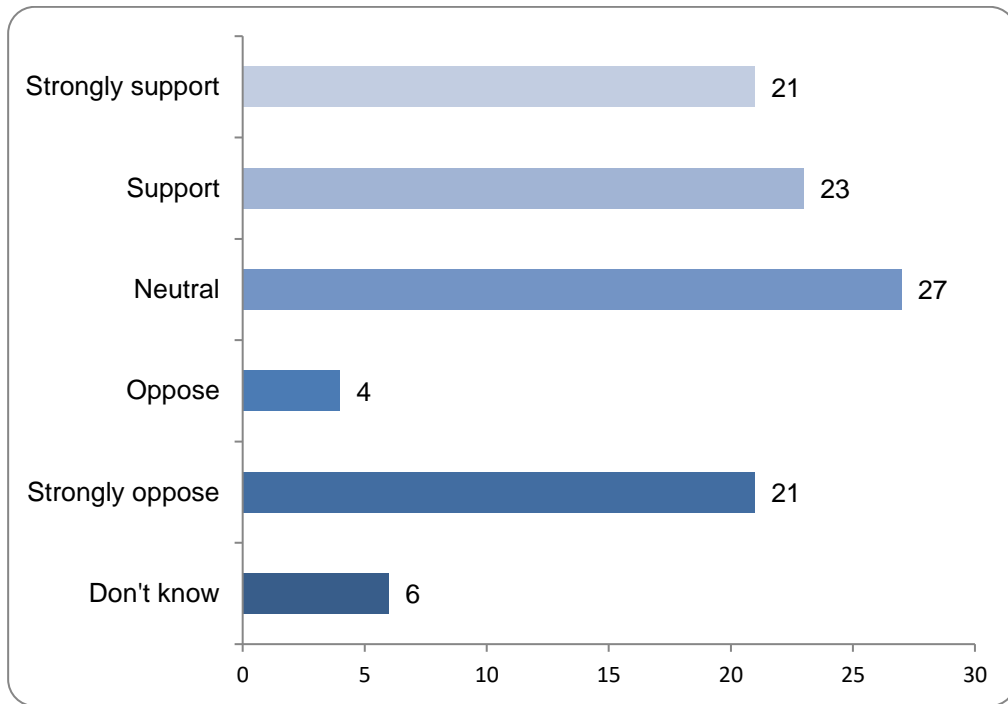
2.2.8 There were 100 responses to Question 3a.

Plate 2.3 Responses to Question 3a: “Do you support or oppose the proposed realignment of the temporary Linford water pipeline and the relocation of Muckingford Road ULH?”



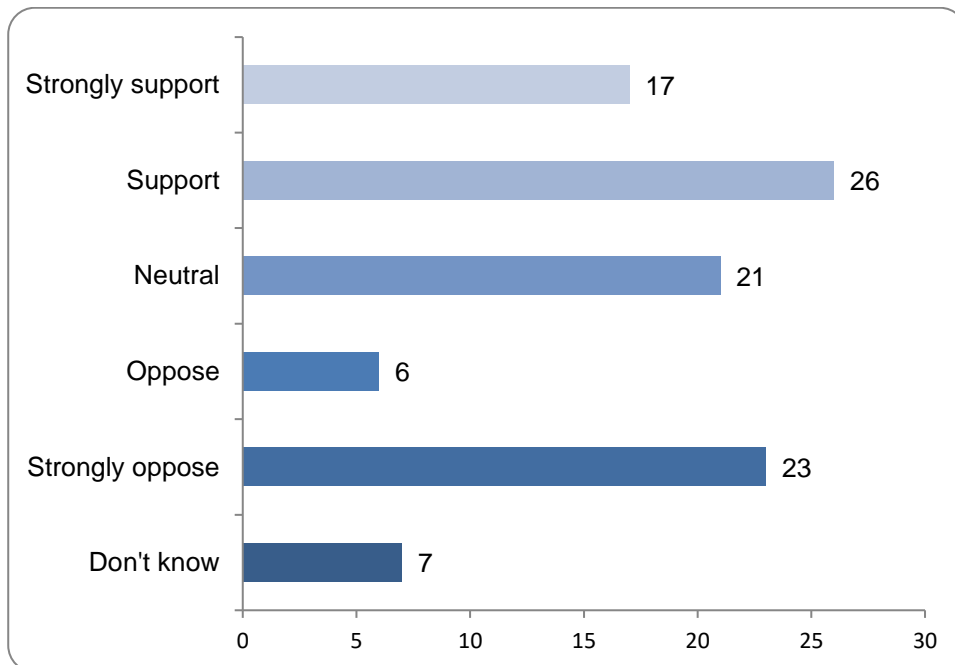
2.2.9 There were 102 responses to Question 4a.

Plate 2.4 Responses to Question 4a: “Do you support or oppose the proposed relocation of Low Street Lane ULH?”



2.2.10 There were 100 responses to Question 5a.

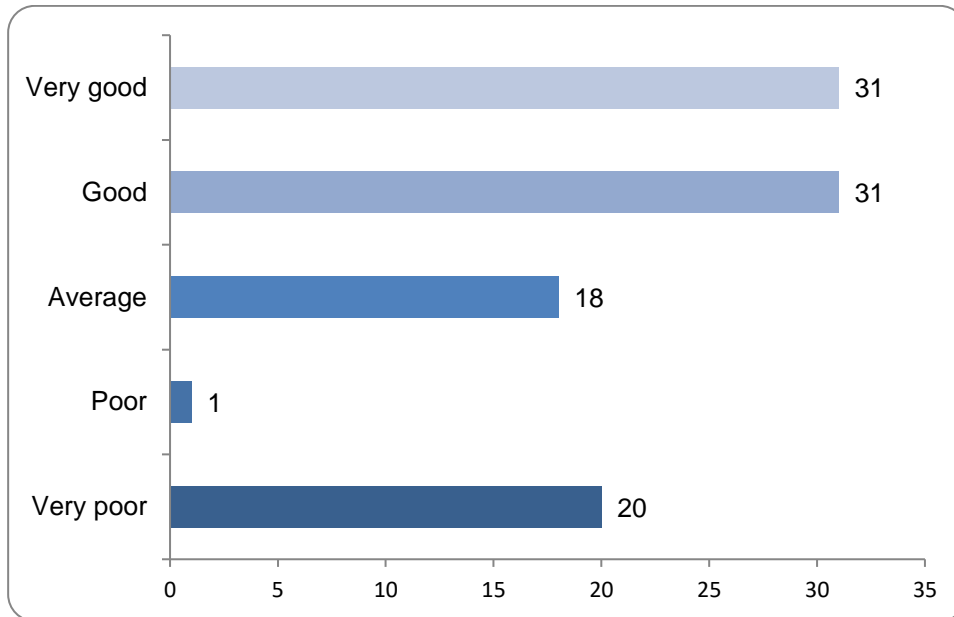
Plate 2.5 Responses to Question 5a: “Do you support or oppose the proposed changes to the land use west of Linford?”



2.2.11 Plate 2.6 and Plate 2.7 below show the responses to the supplementary questions 7a and 7b, which followed on from Question 7: “Please let us know your views on the quality of our minor refinement consultation materials, the accessibility of our online information, and anything else related to this consultation.”

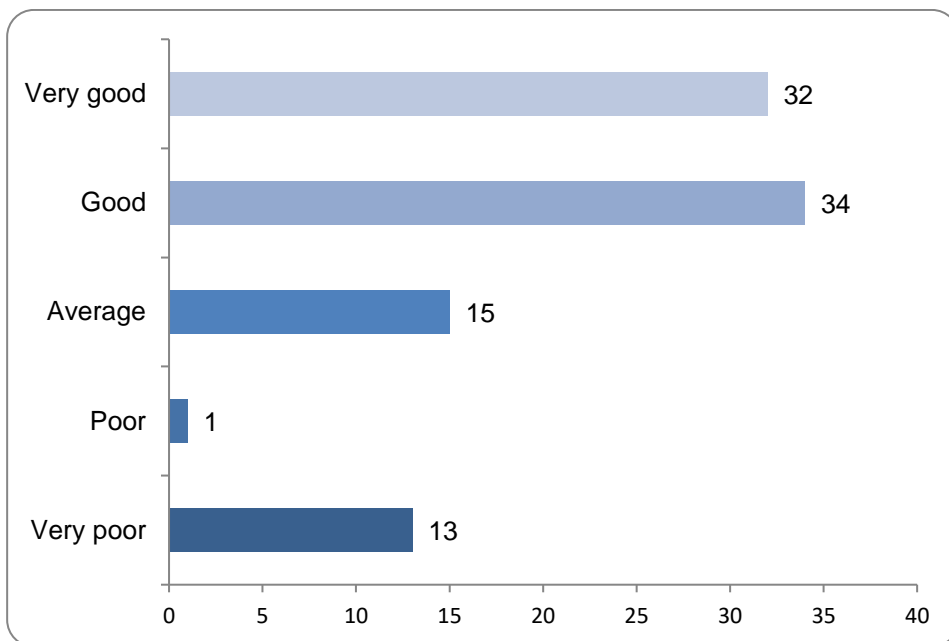
2.2.12 There were 104 responses to Question 7a.

Plate 2.6 Responses to Question 7a: “Was the information presented clearly?”



2.2.13 There were 101 responses to Question 7b.

Plate 2.7 Responses to Question 7b: “Was the website easy to navigate?”



2.3 Analysis of open survey questions

Analysis methodology

- 2.3.1 As well as the closed questions addressed in Section 2.2, six open questions (to which consultees could respond using free text) were asked as part of the online survey and in the Response Form. There was one open question (Q1b) about the nitrogen deposition change, three separate open questions about the utility, ULH and land changes near Linford (Q2b, Q3b and Q4b), one question about the headwall limits of deviation (Q5b), and one final question that asked for any additional feedback on the proposals in the consultation booklet.
- 2.3.2 Consultees could also send free text responses by email or letter.
- 2.3.3 All free text responses, whether submitted through the survey or by email or letter, were considered by the Applicant. The responses were subject to an analysis process which involved grouping issues raised in the responses into themes. The issues raised were then summarised into the statements presented in the following tables, with responses to those concerns and questions drafted by the Applicant and set out below.
- 2.3.4 In the tables below, where a single response can cover two or more issues, then the responses have been combined. The tables also show how many individuals and stakeholders raised a particular issue.
- 2.3.5 Having considered the feedback received during consultation, the Applicant has submitted the changes to the ExA as originally proposed.

Issues raised in response to open Question Q1b

- 2.3.6 Table 2.2 below presents the Applicant's responses to the issues raised, in particular the feedback and issues raised in response to open question Q1b in the consultation response form, although it also includes issues raised in other questions and those received in letters and emails. Q1b was as follows:
- 2.3.7 *Q1b. Please let us know the reasons for your response and any other comments you have on the proposed reduction of the nitrogen deposition compensation area and Order Limits at Blue Bell Hill and Burham.*
- 2.3.8 Q1b refers to the associated closed question, Q1a, information about which can be found in Section 2.2 of this report.
- 2.3.9 The Applicant has fully considered all of the feedback received during consultation. Table 2.2 summarises the issues raised with regards to the proposed changes to the nitrogen deposition compensation area, while also presenting the Applicant's responses to those issues.

Table 2.2 Summary of issues raised relating to changes to the nitrogen deposition compensation land at Blue Bell Hill and Burham, along with the Applicant’s responses

Summary of issues raised	No. of times issue raised	The Applicant’s response
<p>Comments expressing concern about the validity of the Applicant's assessments of predicted nitrogen deposition. There were concerns as to how the package of compensatory land would still be effective despite being reduced. There were also questions as to whether changes to traffic flows have been properly accounted for, including those around Blue Bell Hill that are predicted for when the Project is operational.</p> <p>Comments also included calls for the Applicant to appoint an independent assessor to review all of the nitrogen deposition-related proposals, particularly given an anticipated delay of two years to the opening year, and questions as to whether there is sufficient compensatory land south of the River Thames to account for localised effects.</p>	<p>17</p>	<p>The Applicant’s assessments have been carried out in response to emerging science and following discussions with Natural England, the Government’s independent advisor on nature conservation. The methodology used is in line with the latest evidence and advice and is based on reliable baseline information. Given the robust nature of the assessments and the oversight from Natural England, there is no requirement or necessity for an additional independent assessor to review the proposals. The support from Natural England for the Applicant’s methodology is made clear in the Statement of Common Ground between the Applicant and Natural England [APP-099].</p> <p>The assessment of nitrogen deposition impacts required several steps, with each carried out according to the latest guidance and best practice. Traffic modelling, carried out to identify the Affected Road Network, is reported in the Transport Package of the Combined Modelling and Appraisal Report [APP-518 to APP-523] and the Traffic Forecasts Non-Technical Summary [APP-528]. Air quality modelling, based on the Project’s traffic data, identified the predicted nitrogen deposition, and is reported in ES Chapter 5: Air Quality [APP-143]. This air quality assessment informed the ecological assessment of the impacts of the predicted nitrogen deposition on sites and habitats, which is reported in ES Chapter 8: Terrestrial Biodiversity [APP-146], in ES Appendix 8.14: Designated Sites Air Quality Assessment [APP-403 to APP-406] and in the Habitats Regulations Assessment – Screening Report and Statement to Inform an Appropriate Assessment [APP-487].</p>
<p>Comments stating that, in the face of the environmental impacts of the Project, the Applicant should be increasing the amount of proposed compensatory land, rather than reducing it.</p>	<p>13</p>	<p>The Applicant’s response to the significant effects reported in ES Chapter 8 is the proposals for compensation sites presented in ES Appendix 5.6: Project Air Quality Action Plan [APP-350].</p> <p>The Applicant reduced the amount of land at the locations consulted on because it would have had a significantly detrimental impact on the landowner’s business and because the Stewardship scheme reduced the additional ecological connectivity achievable on parts of the site.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>The reduced area of compensatory land would still be adequate to offset the Project's impacts on nitrogen deposition. This is because there are two key objectives for these compensatory sites, which are additional ecological connectivity at each site, and a comparable area of compensation to the area of significantly affected habitat across the Project. There is no requirement for comparable scale at each site.</p> <p>The reductions at Blue Bell Hill and Burham do not reduce the total amount of compensation below the area of significantly affected habitat, so the comparable area objective is still achieved. The additional connectivity objective is still achieved by the compensation retained in the Order Limits.</p> <p>The additional connectivity that would have been achieved by including the areas that have since been removed from the Order Limits is now considered inappropriate when balanced against the additional business effects that are now apparent as a result of further consultation and engagement with the landowner.</p> <p>The highway schemes that are included within the Project's transport model are set out within Table A.2 of the Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Annexes [APP-523]. This does not include the proposed Blue Bell Hill improvements, being progressed by Kent County Council, because they have not yet reached a sufficient level of design development.</p> <p>The Applicant has taken a landscape-scale approach to nitrogen deposition compensation, to enable enhanced biodiversity and connectivity predominantly through the planting of new woodland. Nitrogen deposition compensation sites were selected using a robust site selection methodology agreed with Natural England. The methodology included an assessment of the ecological suitability of land parcels using a proximity analysis. This considered proximity and, therefore, connectivity to other important existing ecological features, planting provided by the Project as part of the landscape design, and the area affected by potentially significant nitrogen deposition changes.</p> <p>Overall, the Applicant is satisfied that the assessments and the site-selection methodology are robust and that sufficient land has been provided north and south of the River Thames to compensate for the predicted impacts of nitrogen deposition.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>For more information on the assessments, methodology and conclusions, see ES Appendix 5.6: Project Air Quality Action Plan [APP-350].</p> <p>The DCO, if granted, would allow for the Government's two-year Project rephase without any need for change in the Application documents, including the submitted assessments of nitrogen deposition and the proposals for compensatory land.</p>
<p>Comments expressing concern that the Applicant's nitrogen deposition strategy is flawed and that the predicted impacts should be avoided and mitigated against, rather than compensated for. Some respondents mentioned the impacts on Epping Forest, saying these have not been properly addressed.</p>	<p>6</p>	<p>As part of the nitrogen deposition assessment process, the Applicant considered several mitigation measures, including speed reductions between M25 junctions 27 and 26 and vertical barriers 9m high between roads and potentially affected habitats. Speed reduction measures and vertical barriers 9m high were deemed to be insufficient to mitigate the predicted effects or inappropriate. Information about mitigation and assessments can be found in ES Appendix 5.6: Project Air Quality Action Plan [APP-350].</p> <p>The Applicant has concluded that speed enforcement on the M2 between junctions 3 and 4 would be technically feasible, would have negligible traffic impacts, and would reduce nitrogen deposition for some designated sites along this section of the M2. A commitment to provide this mitigation measure is in the Register of Environmental Actions and Commitments (REAC) (Ref: TB025), which forms part of ES Appendix 2.2: Code of Construction Practice (CoCP), First Iteration of Environmental Management Plan [REP1-157]. The measures in the CoCP and REAC are secured in the draft DCO [REP1-042].</p> <p>Epping Forest Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) were assessed for impacts from nitrogen deposition, but this was found to be not significant. For more information, see ES Appendix 8.4: Designated Sites Air Quality Assessment (1 of 4) [APP-403] and the Habitats Regulations Assessment – Screening Report and Statement to Inform an Appropriate Assessment [APP-487].</p>
<p>Comments expressing concern that the Applicant was not aware of the Burham site landowner's stewardship plans.</p>	<p>11</p>	<p>The landowner's participation in the Countryside Stewardship scheme was raised with the Applicant by the landowner during discussions that took place after submission of the DCO application. The new information about the Countryside Stewardship scheme led the Applicant to put forward the revised proposals for</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		compensatory land presented during consultation, which respond to the feedback from the landowner while also meeting the required compensatory objectives.
Comments expressing concern on the grounds that the Applicant did not consult on the proposed Burham compensatory land before submitting its application for development consent.	13	<p>The Burham nitrogen deposition compensation area was added to the Order Limits as part of the DCO application in October 2022. This followed consideration of the responses to the Local Refinement Consultation that took place in May 2022 and following consultation with the affected landowner. The Applicant consulted with affected landowners on minor changes to the Project, including the Burham site, in September 2022. Information about this change is included in Table 9.15 in the Consultation Report – Part 1 of 6 [APP-064].</p> <p>The Burham site was added after the landowner proposed alternative locations within their land (including the Burham site), which were reviewed for consistency with the achievement of the compensation objectives. It was concluded that a combination of some of the original Blue Bell Hill site and the Burham site would achieve the objectives and accommodate the landowner's preferences.</p>
Comments expressing concern about the impact of nitrogen deposition on human health.	2	As set out during the Local Refinement Consultation in May 2022, there are no predicted impacts from nitrogen deposition on human health during the construction or operation of the Project.
Comments expressing concern about the impact of nitrogen deposition on farmland, both directly through degradation of agricultural land, but also through the removal of farmland to provide compensatory land. Respondents question the wisdom of impacting the UK's ability to grow its own food.	4	<p>Guidance requires the assessment of nitrogen deposition on ecologically designated sites and irreplaceable habitats such as ancient woodland. There is no requirement to assess farms or other non-designated land, nor to compensate landowners. The wider evidence base shows that nitrogen deposition would be likely to enhance agricultural production, whereas it is likely to damage natural habitats, which is why ecological habitats are assessed and agricultural habitats are not.</p> <p>The Applicant reduced the amount of land at the locations consulted on because it would have had a significantly detrimental impact on the landowner's business and this could be done without compromising the effectiveness of the compensation package. This became apparent after further engagement with the landowner.</p>
A comment calling on the Applicant to clarify any compensation for landowners in light of the predicted impacts of nitrogen deposition on their land.	1	<p>With regards to the Project's wider impacts on farmland, the Applicant has carried out Agricultural Land Classification surveys, which are presented in ES Chapter 10: Geology and Soils [APP-148]. These surveys assess the Project's impact on the 'best and most versatile land' (Grades 1, 2 and 3a) and explain how impacts on</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>farmland would be minimised. The Applicant has also assessed the impact of the Project on the viability of farm businesses in ES Chapter 13: Population and Human Health [APP-151].</p> <p>The Project would result in the loss of areas of best and most versatile (BMV) agricultural land, resulting in a negative impact that cannot be mitigated. The Applicant considers the benefits of the Project outweigh the impact of unmitigable loss of BMV agricultural land due to its objective to relieve the congested Dartford Crossing and approach roads, improve the resilience of River Thames crossings and the major road network, and improve safety. The Project also has the potential to strengthen and improve the efficiency of road links between food producers (in the UK and further afield) and consumers.</p>
<p>A comment suggesting that the proposed compensatory land be made available for new Public Rights of Way, which could connect to the existing network, benefiting walking, cycling and horse riding.</p>	<p>1</p>	<p>The Applicant would aim to provide public access to the nitrogen deposition compensatory land where this is practicable and would not interfere with the land's primary purpose.</p>
<p>Comments expressing support for the latest proposals for nitrogen deposition compensatory land</p>	<p>21</p>	<p>These comments have been noted</p>
<p>Comments expressing support for the latest proposals for nitrogen deposition compensatory land on the grounds that they would have less of an impact on agricultural land than previously.</p>	<p>12</p>	
<p>A comment noting that the reduction in land required for nitrogen deposition compensation is likely to reduce the impacts of the Project on buried archaeological assets.</p>	<p>1</p>	

Issues raised in response to open Question Q2b

- 2.3.10 Table 2.3 below presents the Applicant’s responses to the issues raised, in particular the feedback and issues raised in response to open question Q2b in the consultation response form, although it also includes issues raised in other questions and those received in letters and emails. Q2b was as follows:
- 2.3.11 *Q2b. Please let us know the reasons for your response and any other comments you have on the proposed increase to the limits of deviation for the northern tunnel entrance headwall.*
- 2.3.12 Q2b refers to the previous closed question, Q2a, information about which can be found in Section 2.2 of this report.
- 2.3.13 The Applicant has fully considered all of the feedback received during consultation and Table 2.3 presents the Applicant’s responses to those issues raised, with information about any changes to the proposals in response to feedback.

Table 2.3 Summary of issues raised relating to the North Portal headwall, along with the Applicant’s responses

Summary of issues raised	No. of times issue raised	The Applicant’s response
Comments expressing doubt about the statement in the consultation materials that increasing the limits of deviation of the headwall at the North Portal could result in a decrease in the materials needed to build this element of the Project and could reduce the volume of excavated material.	2	The benefits of this change could include a reduction in the amount of material required for construction and the volume of excavated material. The reduction in material use would depend on where the appointed Contractor decides is the appropriate location for the headwall, which is the transition point between the bored tunnel and the cut and cover structure. This would be determined during their detailed design stage. The potential for a reduction in material use relates to the length of the cut and cover structure and associated volume of material excavated for the cut and cover structure. In the consultation booklet's environmental assessment of the headwall change, the Applicant reported no new or different significant effects with regards to materials. The conclusions reported in ES Chapter 11: Material Assets and Waste [APP-149] are still valid.
Comments expressing concern that increasing the limits of deviation of the headwall at the North Portal would mean giving greater powers to the appointed Contractor, with respondents claiming that	5	Contractors are appointed after a rigorous and competitive tendering process during which they present their proposed construction methodology, which is judged by the Applicant against a range of metrics including quality and cost. The appointed Contractors would be required to build the Project according to the proposals set out in the DCO, and according to the specifications and standards

Summary of issues raised	No. of times issue raised	The Applicant's response
this would result in a lower quality construction because contractors may choose to cut costs.		<p>presented in the control documents secured in the draft DCO [REP1-042], which include the Design Principles [APP-516], the CoCP (incorporating the REAC) [REP1-157] and the Book of Plans [APP-005 to APP-055]. The Applicant would work closely with the appointed Contractors to ensure they maintained the required high standards throughout the construction phase.</p> <p>Increasing the limits of deviation for the North Portal headwall would provide flexibility to allow the appointed Contractor to build the tunnels in an efficient way, without compromising quality, while still ensuring they built this element of the Project within carefully defined parameters.</p>
Comments expressing concern that the proposal to increase the limits of deviation of the headwall at the North Portal have been formulated too late in the process, with this seen as evidence that the Applicant does not have a solid grasp on the Project's design.	4	<p>The Applicant continues to develop its Project design as a collaborative and iterative process, as explained in ES Chapter 2: Project Description [APP-140]. The Applicant's DCO provides parameters for detailed design which would be subject to further approval through the discharge of requirements. In general, some flexibility in DCOs is standard practice to ensure projects are deliverable.</p> <p>The location of the headwall and the existing limits of deviation were derived from ground investigation data available at the time of the assessment. The proposed increase to the existing limits of deviation provides the appointed Contractor with greater flexibility in determining the most appropriate location for the headwall based on their additional ground investigation and detailed design. As set out in Chapter 3 of the consultation booklet, this greater flexibility does not introduce any materially new or different significant environmental effects. 'Significant' in this context is explained in Section 4.5 of ES Chapter 4: EIA Methodology [APP-142].</p>
Comments expressing concern about the claim that the change to the headwall limits of deviation would not result in any new significant environmental impacts. Some respondents expressed scepticism about the accuracy of this statement, while also questioning the meaning of 'significant' in this context.	3	<p>The proposed change to the limits of deviation does not change the location of the North Portal, which has been designed in the optimal location accounting for factors such as the ground conditions, existing local infrastructure and cost. For more information about the design development that has resulted in the proposed location of the tunnel portals, see the Project Design Report Part A – Introduction and Project Background [APP-506].</p>
Comments expressing concern that the North Portal has been designed in the wrong location. One respondent said it should be further towards the River Thames to reduce impacts, while another said it should be further inland.	2	<p>The proposed change to the limits of deviation does not change the location of the North Portal, which has been designed in the optimal location accounting for factors such as the ground conditions, existing local infrastructure and cost. For more information about the design development that has resulted in the proposed location of the tunnel portals, see the Project Design Report Part A – Introduction and Project Background [APP-506].</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>Comments expressing support for the proposed change to the limits of deviation for the headwall at the North Portal. Some respondents said the change would give the appointed Contractors useful flexibility in designing this element of the Project, which would result in a better overall outcome, and that engineering decisions should be left to the experts.</p>	<p>21</p>	<p>These comments have been noted.</p>
<p>Comments not stating a view on the proposal, either because the respondents said they did not understand it fully or that they were indifferent to the proposal.</p>	<p>4</p>	

Issues raised in response to open Questions Q3b, Q4b and Q5b

- 2.3.14 The responses to open questions Q3b, Q4b and Q5b in the consultation response form – which asked for views on the changes at Linford, Low Street and Muckingford Road ULHs, and the associated changes in land use – overlapped sufficiently in their themes and content that it was considered appropriate to summarise the feedback and present the Applicant's responses together. Table 2.4 below presents the Applicant's responses to the issues raised in the questions, although it also includes issues on these topics raised in other questions and in emails and letters. Q3b, Q4b and Q5b were as follows:
- 2.3.15 *Q3b. Please let us know the reasons for your response and any other comments you have on the proposed realignment of the temporary Linford water pipeline and the relocation of Muckingford Road ULH.*
- 2.3.16 *Q4b. Please let us know the reasons for your response and any other comments you have on the proposed relocation of Low Street Lane ULH.*
- 2.3.17 *Q5b. Please let us know the reasons for your response and any other comments you have on the proposed changes to land use west of Linford.*
- 2.3.18 Q3b, Q4b and Q5b make reference to their respective closed questions, Q3a, Q4a and Q5a, information about which can be found in Section 2.2 of this report.
- 2.3.19 The Applicant has fully considered all of the feedback received during consultation and Table 2.4 presents the Applicant's responses to those issues raised, with information about any changes to the proposals in response to feedback.

Table 2.4 Summary of issues raised relating to the revised utility proposals, the relocation of the ULH and land use change, and the Applicant's responses

Summary of issues raised	No. of times issue raised	The Applicant's response
Comments questioning why it is possible now to consolidate the two ULHs, when this was not the Applicant's favoured approach before this consultation. There were also questions as to how it is possible to reduce the amount of land allocated to the two ULHs when they are co-located rather than combined. Some	6	The Applicant continues to develop its Project design as a collaborative and iterative process, as explained in ES Chapter 2: Project Description [APP-140]. There are still two ULHs proposed, with the Low Street and Muckingford Road ULHs being relocated. This is possible because whereas previously the overhead power line works would have been complete before the Flood Compensation Area (FCA) was built, now the implementation of the FCA has come forward in the construction programme, so it is necessary to relocate the ULH.

Summary of issues raised	No. of times issue raised	The Applicant's response
respondents also asked why the Low Street ULH was previously located in a flood compensation area and now has to be moved.		The Applicant has reviewed its wider proposals and determined that relocating the Low Street ULH to its proposed location reduces the impacts on the residents of Low Street Lane and permits the reduction of the combined sizes of the ULHs, therefore impacting less land temporarily while ensuring the deliverability of the Project on time. Space is saved because the proximity of the two ULHs allows them to share some facilities, such as office space. The circumstances that allow these two ULHs to be co-located do not apply to other ULHs, all of which have been located and configured to achieve an optimal balance between minimising impacts and ensuring works can be carried out safely and efficiently. For more information on the ULHs, see ES Chapter 2: Project Description [APP-140] and ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] .
Comments expressing concern about the changes in the Linford area, with respondents claiming that this demonstrates that the Applicant has not carried out the required investigations and design development to finalise the Project plans at the correct time.	3	
Comments expressing concern that the relocated Muckingford Road and Low Street ULHs would occupy land described by respondents as high-quality agricultural land. One respondent claimed that the consultation materials are contradictory with regards to the impact of this change on soils.	5	<p>Page 20 of the consultation booklet states that there would be a minor adverse temporary impact on soils as a result of this change to the ULHs. The environmental assessment on page 26 confirms this adverse impact and also states that there is no change to overall significance of the Project's impact on soils as a result of the latest proposals.</p> <p>The consultation booklet also explains that the Agricultural Land Classification has predominantly characterised the soils affected by the revised ULH and pipeline proposals as grade 3a, with pockets of grade 3b in the land directly south of Muckingford Road and directly to the east of Low Street Lane (in the current proposed location of Low Street Lane ULH). A small area of grade 2 land was also identified within the land south of Muckingford Road, which coincides with the alternative location of the ULH.</p> <p>The alternative location for Low Street Lane ULH would move (0.4ha) from an area of grade 3b to grade 3a/grade 2, which would be an adverse impact, in terms of best and most versatile soil, but would not change the overall assessment of significance reported in the ES. For more information about the Applicant's assessment of the Project's impacts on soils, see ES Chapter 10: Geology and Soils [APP-148].</p>
Comments expressing concern that the revised proposals around Linford would	13	As set out in the consultation booklet, the Applicant assessed the changes in impacts on the environment and local people, concluding that there would be no

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>have a negative impact on local communities and the environment. Some respondents said the proposals and land use changes have been put forward for the wrong reasons, and changes should be made to benefit local people. Some respondents also objected to the relocation of the Low Street ULH on the grounds that this would have a negative impact on biodiversity in the affected area.</p>		<p>additional significant effects, including on biodiversity. There would be some benefits to local people living in Low Street Lane, with the proposed ULH moved further away from their properties, and the pipeline works moving away from the residents of East Tilbury.</p> <p>The proposed change of land use relates to plots of land that have multiple utilities running through them (overhead power lines and the temporary Linford water pipeline). The land use change relates to the need to acquire permanent rights to access, maintain and operate these utilities, as opposed to the previous temporary land use which only permitted construction of those utilities.</p>
<p>Comments expressing concern about changes to proposed land use, with the Applicant now requesting permanent rights over more of an area of land that had originally been proposed for temporary use with no permanent right over it,. The permanent rights would be to carry out any future utility maintenance. Respondents say that the existence of these utility diversions within the Project design should have prompted the Applicant to assign the currently proposed land use profile before the application for development consent was submitted.</p>	6	
<p>Comments expressing concern that the 24/7 operation of the TBM water supply would impact groundwater in the area.</p>	2	<p>As stated on Page 29 of the consultation booklet, the location of the realigned temporary Linford pipeline (Works No. MUT6) has the potential to change groundwater effects. However, there are already REAC mitigation measures to address similar potential impacts associated with utilities works in the same area. As such, and as was detailed in the consultation booklet, the conclusion on the degree of significance already presented in the Environmental Statement remains the same,</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		and REAC item RDWE054 will be updated to include reference to Works No. MUT6. For more information, refer to the ES Appendix 2.2: Code of Construction Practice, First Iteration of the Environmental Management Plan - Annex B - Outline Materials Handling Plan [APP-338] .
<p>Comments questioning why the pipeline route has been made more direct (compared to its previous route) and why 17ha of land have been removed from the Order Limits.</p> <p>Some respondents speculate that the reason is to free up land near Linford for development purposes, with some referencing a housing application that is in the public domain.</p> <p>There were additional questions as to whether the construction and long-term traffic impacts of the proposed new housing development have been included in the Project's assessments.</p>	3	<p>The previous alignment of the water pipeline was located between the proposed Tilbury FCA – which has subsequently reduced in size – and existing utility networks. The pipeline is now located within the area that the FCA has vacated and is located further from receptors in East Tilbury.</p> <p>The proposed changes near Linford have not been made at the request of Icenl or any stakeholders connected to the proposed housing development. The Applicant continues to develop the Project design as a collaborative and iterative process, as explained in ES Chapter 2: Project Description [APP-140]. Following stakeholder feedback and other design developments such as the reduction in the size of the FCA, the Project has reviewed its wider proposals and, following assessments of them, has determined it would benefit the Project to implement these modifications to the Application. This consultation was the first point at which these proposals were developed sufficiently to consult on them.</p> <p>The potential housing development at East Tilbury and Linford is included within the Project's Uncertainty Log – as set out in Table A.1 of the Combined Modelling and Appraisal Report - Appendix C - Transport Forecasting Package Annexes [APP-523]. The Project's transport model has been configured to include this proposed 1,000-home residential development.</p> <p>Output from the Project's transport model is shown within the Transport Assessment [APP-529] and data from the model is used by the Applicant in its assessment of a number of environmental topics as set out within the ES.</p> <p>The inter-project cumulative effects assessment presented in ES Chapter 16: Cumulative Effects Assessment [APP-154] did not include planning application 16/01232/OUT because at the time of assessment the development did not fall within the temporal scope of the assessment. The information available for the planning application at the time of submission indicated that the development was no longer being progressed. The amended information for the development,</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		indicating that it may be progressed, was not available to the Applicant until after the DCO application for the Project had been submitted. The proposed housing development was not included in the assessment of development land in ES Chapter 13: Population and Human Health [APP-151] because it does not benefit from an allocation or planning permission.
Comments expressing support for the proposed changes around Linford on the grounds that they would require less land, including agricultural land, and have fewer impacts on local people.	33	These comments have been noted.
Comments expressing support for the proposed changes around Linford, including to the water supply pipeline, and the consolidation of the Muckingford Road and Low Street ULHs. Respondents said the changes would improve the Project, reduce overall land acquisition, while having no significant additional environmental impacts.	6	
Comments expressing support for the changes in land use in the Linford area proposed during consultation.	6	

Issues raised in response to open Question Q7

- 2.3.20 Table 2.5 below presents the Applicant’s responses to the issues raised, in particular the feedback and issues raised in response to open question Q7 in the consultation response form, although it also includes issues raised on the consultation submitted in other questions and in emails and letters. Q7 was as follows:
- 2.3.21 *Q7. Please let us know the reasons for your response and any other comments you have on the delivery of this consultation.*
- 2.3.22 Q7 refers to closed questions, information about which can be found in Section 2.2 of this report.
- 2.3.23 The Applicant has fully considered all of the feedback received during consultation and Table 2.5 presents the Applicant’s responses to those issues raised, with information about any changes to the proposals in response to feedback.

Table 2.5 Summary of issues raised relating to the consultation and the Applicant’s responses

Summary of issues raised	No. of times issue raised	The Applicant’s response
Comments expressing concern about the quality or composition of the consultation materials, with respondents saying not enough information was provided for consultees to understand the proposals. Some comments asked for more information as to how the Applicant came to conclusions that the proposed changes would not have significant impacts compared with the previous proposals. Some respondents said that maps were not of sufficient quality.	35	The Applicant’s minor refinement consultation materials provided sufficient information about the changes for consultees to take an informed view of the proposals. The amount of information in the consultation booklet was proportionate to the scale and content of the proposals and included maps and diagrams where necessary. Both the text and the maps went through a rigorous production process to ensure accuracy and that they were suitable for their purpose. The ExA recognised the consistency of the proposed consultation materials with the information provided in the Planning Inspectorate’s Advice Note 16 ² . Environmental impact assessments were carried out by the appropriate technical specialists. More information about these assessments, including any updates to appropriate DCO documents, can be found in the Change Report.
Comments expressing concern on the grounds that the consultation process was in some way dishonest. Some respondents referred to the title, the Minor Refinement Consultation, saying	9	The consultation was carried out fairly and in accordance with good practice, with the ExA recognising the consistency of the proposed consultation materials with the information provided in the Planning Inspectorate’s Advice Note 16. The title ‘minor refinement consultation’ was appropriate in the context of a Nationally Important Infrastructure Scheme, for which the scale of change proposed was relatively minor.

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/#The%20role%20of%20the%20Examining%20Authority>

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>this was misleading because the changes proposed were significant. Others said that some statements in the Foreword were incorrect.</p>		<p>There were no factual inaccuracies in the Foreword, which summarised the benefits of the Project in line with the assessments presented in various Application documents, including the Need for the Project [APP-494], Chapter 4 of the Planning Statement [APP-495], and the Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526]. The Foreword was also consistent with assessments in the ES [APP-138 to APP-485] and the other information provided in the submission documents.</p>
<p>Comments expressing concern on the grounds that the consultation was not genuine and that decisions have already been taken. Some respondents said that carrying out another consultation was a waste of time and money, while others said the Applicant should get on with building the Project straightaway, rather than consulting again.</p>	15	<p>It is acceptable for consultations to be carried out during the Examination phase if, as was the case with the minor refinement consultation, an Applicant has made a formal notification to the relevant ExA of a request to make changes to their Application, and the ExA consents to that process being undertaken.</p> <p>It is common for large schemes such as the Project to develop on an iterative basis as designs progress from initial concepts through to fully developed proposals. This is also a natural consequence of the consultation process. In this regard, the Applicant has considered views expressed throughout various consultations and made changes to the Project in response to feedback received from individuals and stakeholders, as well as changes that reflect updates to technical assessments and continued reappraisal of the Project's performance against the Scheme Objectives. The Applicant has complied with its duty to have regard to views expressed by consultees in shaping the Project.</p>
<p>Comments expressing concern about the timing of the consultation, with respondents saying that the Applicant should have consulted on changes before submitting the application for development consent. Some respondents said that the consultation was a distraction from the Examination and diverted resources away from reviewing the large number of Application documents. Some respondents claimed the timing showed that the Applicant has not competently designed the Project.</p>	12	<p>The development consent process is carried out according to procedural rules determined by the Planning Act 2008 and the Planning Inspectorate, acting on behalf of the Secretary of State. The Pre-Examination and Examination schedule is determined by the ExA, a group of people delegated by the Planning Inspectorate to carry out a thorough inspection of the Applicant's proposals.</p> <p>The schedule for the consent process is designed to give the public and stakeholders the opportunity to understand and comment on the Project, and the ExA to understand the proposals well enough to make a recommendation to the Secretary of State as to whether the Project should be granted consent or not.</p>
<p>Comments expressing concern about the way the consultation was carried out.</p>	10	<p>The minor refinement consultation was publicised through the channels set out in Chapter 1 of this report, including emails to key stakeholders and previous</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
Some respondents said there should have been in-person events as part of the consultation. Some respondents said there was insufficient publicity, particularly for those who use the internet less frequently or not at all, or that questions posed during the consultation were not responded to quickly enough.		consultation respondents, letters to affected land interests, press releases, notices in newspapers and journals, and via social media. The ExA confirmed agreement with the scope of consultation and the Applicant is satisfied that the channels used were appropriate to the scale and content of the changes in the consultation. Given the relatively small scale of the changes, it was decided that organising and staffing in-person events was not an appropriate use of public funds. However, the Project team was available to answer queries via telephone and email during the consultation period for any consultees who had questions about the content of the consultation materials. The Applicant replied to two queries during the consultation, with these being replied to within the consultation period.
Comments expressing support for the way the consultation has been carried out, including the consultation materials. Some consultees expressed support for the consultation process in general, saying that it is required to refine the Project and achieve the most equitable and favourable outcomes.	13	These comments have been noted.
Comments expressing support on the grounds that the Applicant has considered feedback presented at an earlier stage of the Project and included that in the latest proposals.	3	

Issues regarding the construction information provided in Chapter 4 of the consultation booklet

- 2.3.24 Table 2.6 below presents the Applicant's responses to the issues raised regarding the construction information, which outlined a revised methodology should one TBM be used to construct the tunnels instead of two.
- 2.3.25 The Applicant has fully considered all of the feedback received during consultation and Table 2.6 presents the Applicant's responses to those issues raised.

Table 2.6 Summary of issues raised regarding the use of TBMs, along with the Applicant’s responses

Summary of issues raised	No. of times issue raised	The Applicant’s response
<p>A comment expressing concern that the appointed Contractors would have the final say as to whether to use one TBM or two, with concerns that they would choose the cheapest option, no matter what the overall impacts would be.</p>	<p>1</p>	<p>Contractors are appointed after a rigorous and competitive tendering process during which they present their proposed construction methodology, which is judged by the Applicant against a range of metrics including quality and cost.</p> <p>The appointed Contractors would be required to build the Project according to the proposals set out in the draft DCO, and according to the specifications and standards presented in the control documents secured in the draft DCO [REP1-042], which include the Design Principles [APP-516], the CoCP (incorporating the REAC) [REP1-157] and the Book of Plans [APP-005 to APP-055]. The Applicant would work closely with the appointed Contractors to ensure they maintained the required high standards throughout the construction phase.</p> <p>Permitting the appointed Contractor to choose one TBM or two might allow them to make cost savings without impacting the overall construction schedule or increasing any significant impacts.</p>
<p>Comments expressing doubt about the Applicant's claim that the use of one TBM instead of two would result in cost savings for the Project and the use of fewer materials during construction. Some consultees asked for costs so as to compare the use of one or two TBMs.</p>	<p>10</p>	<p>The Applicant is currently in the process of procuring the appointed Contractor for the Tunnels and Approach Roads contract. It is anticipated that cost savings could be derived from using one TBM, but costs will not be determined until the procurement process is complete. No decision has been taken on whether one or two TBMs would be used.</p>
<p>Comments expressing concern about the Applicant's claim that the use of one TBM instead of two would result in a reduction in the Project's greenhouse gas emissions (GHG) of 38,000 tonnes of carbon dioxide equivalent. Comments included those predicting that one TBM doing twice as much work as one would result in the same GHG emissions.</p>	<p>5</p>	<p>The reduction in carbon emissions predicted from using the single-TBM construction methodology would be as a result of the reduction in machinery required, which means the reduced amount of steel required to build one TBM rather than two. A TBM of the scale required to bore the tunnels for the Project would likely weigh several thousand tonnes.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
Comments expressing concern that there was no specific question in the consultation survey relating the use of one TBM instead of two.	3	The information presented about the potential use of one TBM, as opposed to two, was provided in the interests of transparency, keeping the public and stakeholders up to date with potential developments and options affecting the Project's construction. However, given that no decision on the number of TBMs to be used has been made and that there are predicted to be no additional significant impacts, or changes to the construction schedule or Order Limits, it was decided not to include a specific question on the TBM information. Question 6 on the survey asked for any additional feedback on the information presented in the consultation booklet, and some respondents chose to include their views on the alternative TBM methodology in their answers to that question or in emails and letters submitted as consultation responses.
Comments expressing the view that changing from the use of two TBMs, as stipulated in the DCO application for development consent, to one TBM constitutes a significant change in the proposals, which needs to be reflected through the DCO process and in the DCO documentation.	6	<p>Any relevant DCO documents will be updated and submitted to the ExA at the appropriate time. For example, ES Addendum (version 2) [Document Reference 9.8 (2)] will be submitted at Examination Deadline (ED) 2. This document will include, in Appendix C, a review of any changes to construction effects from the single TBM compared to the two-TBM method as reported in the DCO application ES.</p> <p>Changes required to ES Chapter 2: Project Description [APP-140] to reflect the alternative construction methodology will be published in ES Addendum (version 3) [Document Reference 9.8 (3)] at ED 3, if this is agreed with the ExA.</p>
Comments expressing concern about the logistics of using one TBM instead of two. Some respondents claimed that this proposal would require extensive additional traffic journeys, substantial infrastructure at the South Portal, as well as major changes to staff accommodation and movements. Some respondents said transporting lining segments and other materials through the tunnel would have negative impacts.	8	Even if one TBM were used instead of two, the slurry treatment and tunnel segment production processes would remain the same as those described in paragraphs 2.7.147 to 2.7.150 of ES Chapter 2: Project Description [APP-140] . All the tunnel production facilities would remain within the northern tunnel entrance compound, with slurry from the northbound tunnel drive being pumped through a pipe network to north of the River Thames through the tunnel that would already have been constructed by the southbound drive. Similarly, concrete segments for the northbound tunnel drive would be manufactured at the northern tunnel entrance compound and transported through the newly bored tunnel to south of the River Thames to line the tunnel bored by the northbound drive. Moving water, slurry and segments through the tunnel would not have significant additional impacts, either

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>Comments expressing concern about the Applicant's assessment that there would be no additional significant environmental impacts as a result of using one TBM instead of two. Some respondents said that using one TBM for longer would result in noise and vibration impacting local people for longer than if two TBMs were used. One respondent asked whether removing one TBM from the North Portal (instead of two from the South Portal) would have any additional localised effects in Thurrock.</p>	<p>6</p>	<p>environmental or traffic-related. As noted within the consultation booklet, there would be an overall reduction in movements related to the tunnelling activities if a single TBM was chosen because of the lower number of staff needed for a single TBM compared with two. An assessment of the reasonable worst case number of journeys is presented in Chapter 8 of the Transport Assessment [APP-529].</p> <p>The TBM would be turned around within the South Portal structure. There are no changes to the impacts already assessed for residents south of the River Thames associated with the turnaround of a single TBM or a south-north tunnel drive.</p>
<p>Comments expressing concern about the Applicant's claim that using one TBM would not significantly impact the construction duration, with tunnelling starting 10 months earlier and being completed within the overall construction programme.</p>	<p>12</p>	<p>The Applicant stands by the assertion that, using one TBM or two, the overall tunnelling schedule for the Project would remain in line with Plate 2.13 on page 147 of ES Chapter 2: Project Description [APP-140]. While it would take longer to construct two tunnel bores using one TBM, there would be time savings elsewhere. For example, in that scenario the construction works required at the North Portal before tunnelling can start would be smaller in scale, allowing tunnelling to start approximately 10 months earlier in the construction programme. This is because the size of the initial portal structure could be smaller to launch a single TBM (approximately half the size). The remainder of the structure would be excavated for receipt of the returning TBM, but this would be carried out after the TBM's southbound launch.</p> <p>There would be no change to the timing of the construction of the haul road required to service the TBM launch. Tunnelling would start after the haul road is available to enable the delivery of construction equipment for the North Portal and TBM construction.</p>
<p>Comments expressing concern that the sinkhole that appeared during HS2's construction is indicative of the type of</p>	<p>3</p>	<p>The Project's proposals have been informed by extensive ground condition surveys, which indicate the Project tunnelling area's suitability for tunnelling. These surveys are documented in the ES, including in Chapter 10: Geology and Soils [APP-148]</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
incident that is likely during the Project's tunnelling period.		<p>and Appendix 10.2: Stability Report [APP-423]. The proposals include provision for ground protection, as set out in paragraph 2.6.103 of ES Chapter 2: Project Description [APP-140], which also includes information about the ground protection tunnel (see paragraph 2.7.120), designed to allow some land above the tunnel boring in the vicinity of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site to be reinforced before these works begin.</p> <p>Furthermore, the Applicant regularly meets with other major projects to learn lessons across different programmes relating to a range of matters. HS2 has confirmed that its investigations are ongoing.</p>
<p>Comments expressing concern about the volume of water required to operate the TBM. Some respondents are concerned about water supplies south of the River Thames being affected, while others state that the volume of water needed is too high and would waste water and create long-term shortages wherever the supply is taken from. One respondent said pumping water through the tunnel to operate the TBM would increase the impacts on the water supply.</p>	11	<p>Water required for the operation of TBMs would be supplied from Linford, whether one or two TBMs are used. The water would be piped from the northern tunnel entrance compound to service both tunnel drives. No water would be sourced from south of the river to supply the TBM.</p> <p>Chapter 4 of the consultation booklet reported that there would be no changes to significant environmental effects due to using one TBM instead of two. For example, there would be no adverse impacts on local communities, noise or the water environmental as a result of pumping water along pipes through the tunnels. Water used during the tunnel boring process would not be wasted, rather it would be appropriately cleaned and returned into the local water system.</p>
<p>A comment expressing support for the potential savings in greenhouse gas emissions as a result of using one TBM instead of two.</p>	1	<p>These comments have been noted.</p>

Issues raised on topics outside the scope of the minor refinement consultation

- 2.3.26 Table 2.7 below presents the Applicant’s responses to the issues raised on topics outside the scope of the minor refinement consultation.
- 2.3.27 Some respondents chose to comment on aspects of the Project that were not being consulted on, such as the need for the Project, the wider environmental impacts and mitigation, construction, design, and so on. These elements of the Project are currently being considered by the ExA during the Examination process.
- 2.3.28 The Applicant has fully considered all of the feedback received during consultation and Table 2.7 presents the Applicant’s responses to those issues raised, with references to the Application documents, where the most thorough explanations of the assessments and conclusions relating to the issues raised can be found.

Table 2.7 Summary of issues raised relating to issues outside the scope of the minor refinement consultation and the Applicant’s responses to those issues

Summary of issues raised	No. of times issue raised	The Applicant’s response
<p>Comments opposing the Project on the grounds that the Applicant has not made an adequate case for its implementation. Respondents said that the Project would not sufficiently improve the congestion at the Dartford Crossing, would cost too much, and would cause too much disruption and environmental degradation to justify its benefits. The impacts on agricultural land, ancient woodland and Green Belt land were mentioned too, as were the Project’s benefit-to-cost ratio and its projected figures for reducing congestion at Dartford, both of which were said to be too low to justify the Project’s budget. Negative impacts on the nearby road network were also cited as an issue, with some respondents calling</p>	<p>75</p>	<p>The Scheme Objectives set out in Table 4.1 of the Planning Statement [APP-495] include relieving the congested Dartford Crossing and its approach roads, improving their performance by providing free-flowing north–south capacity, improving the resilience of the River Thames crossings and the major road network, and improving safety.</p> <p>The case for the Project is made comprehensively in the DCO documents, including in Chapter 5 of the Need for the Project [APP-494], in the Combined Modelling and Appraisal Report – Appendix C – Transport Forecasting Package [APP-522] and Appendix D – Economic Appraisal Package: Economic Appraisal Report [APP-526], and in the Transport Assessment [APP-529]. These documents demonstrate that the Project would reduce congestion at the Dartford Crossing and create additional capacity across the River Thames east of London. This additional connectivity would support sustainable development and economic growth, locally, regionally and nationally, and would help meet the demands of future traffic growth east of London. The Project would make the local area and the South East more attractive for businesses to locate and contribute to the promotion of a competitive local economy.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>for alternative schemes to reduce motor traffic, such as investment instead in public transport. Some consultees called for the existing Dartford Crossing to be upgraded instead of a new crossing being built.</p>		<p>The Applicant has identified the beneficial and adverse impacts on traffic flows across the road network during operation, and this assessment is set out in Section 7.6 of the Transport Assessment [APP-529]. The conclusion is that the Project would provide substantial net benefits to the road network.</p> <p>The Project alignment and extents have been chosen to balance the environmental impacts and to ensure provision of environmental mitigation, compensation and enhancement measures, such as habitat creation, landscaping and Public Rights of Way. Development of the Project's design is set out in the Project Design Report [APP-506 to APP-515].</p> <p>The Project has been aligned and designed, as far as practicable, to reduce its impacts while still achieving the Scheme Objectives. These effects have been avoided or mitigated wherever practicable, including during the route selection process. Residual adverse impacts, following mitigation, are identified in the chapters in the ES and summarised in ES Chapter 17: Summary [APP-155]. The residual impacts on farmland, ancient woodland and Green Belt land are outweighed by the national need and the benefits which would be delivered by the Project, with the Applicant's assessments set out in the ES and the Planning Statement.</p> <p>The Benefits-Cost Ratio appraisal has been carried out in line with Department for Transport's (DfT's) Transport Analysis Guidance and demonstrates that the Project would provide positive value for money. This is summarised within the Combined Modelling and Appraisal Report [APP-518] and in more detail within its Appendix D [APP-524 to APP-527].</p> <p>The Applicant has considered reasonable alternatives to the Project, including modal alternatives, which are detailed in ES Chapter 3: Assessment of Reasonable Alternatives [APP-141]. The Project would be available to public transport operators for buses and coaches, while it would also improve access to some railway stations. Options to upgrade the existing Dartford Crossing have been rigorously assessed. More information about the decision-making process that led to the identification of the preferred route can be found in Section 5.4 of the Planning Statement [APP-495], with information about the subsequent design development in the Project Design Report - Part A - Introduction and Project Background [APP-506].</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
<p>Comments expressing concern about the environmental impacts of the Project during its construction and operation. Concerns included the Project's claimed impacts on local communities, noise, air quality, biodiversity, greenhouse gases, drainage and flooding. Some consultees expressed concern in general terms, while others highlighted detailed concerns such as particular impacts on towns or villages, or perceived failures of mitigation such as efforts to reduce dust and noise. The impacts on vulnerable people such as the elderly, children and those with long-term health conditions were also mentioned, as were the loss of irreplaceable habitats such as ancient woodland and impacts on Listed Buildings and Conservation Areas. It was also claimed that the Project would prevent the Government achieving its legally binding targets to reduce climate change.</p>	<p>48</p>	<p>Minimising adverse impacts on the environment is one of the Scheme Objectives agreed between the Applicant and the DfT, with the Scheme Objectives set out in Table 1.1 of the Need for the Project [APP-494]. The Project's proposals have been designed to provide an appropriate balance between the need to reduce environmental impacts during construction and operation, including impacts on local people, while still allowing the Project to be built safely and efficiently.</p> <p>The Project has also been developed to minimise the amount of land needed for its construction while still fulfilling the Scheme Objectives. The proposals avoid unnecessary impacts on local communities, the water environment, noise and light-sensitive areas, assets of cultural value, and flora and fauna. Where adverse impacts are identified appropriate mitigation measures would be implemented to reduce the impacts on local communities and the environment. Where impacts are unavoidable, such as impacts on ancient woodland, then compensatory habitats have been proposed.</p> <p>An Environmental Impact Assessment (EIA) of the Project assesses its likely significant environmental effects and presents the proposed mitigation. These mitigation measures have been decided upon after careful consideration of feedback from the public and key stakeholders. They are addressed in the topic-specific chapters of the ES [APP-143 to APP-153] and relevant appendices. Mitigation measures are set out in ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] and the REAC, which forms part of the CoCP. The mitigation measures proposed would be legally secured through requirements in Part 1 of Schedule 2 of the draft DCO [REP1-042]. The residual significant environmental effects of the Project (following mitigation) are identified in each topic chapter in the ES and summarised in ES Chapter 17: Summary [APP-155].</p> <p>All the environmental assessments have been carried out following the methodologies set out in the Design Manual for Roads and Bridges (DMRB), in accordance with relevant legislation and having regard to national and local plans and policies, and with regards to the relevant guidance from organisations such as Natural England, Historic England and the Environment Agency.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>The assessments for air quality, terrestrial biodiversity, cultural heritage, noise and vibration, local communities, and flood risk are presented, along with the proposed mitigation, in the following ES chapters: Chapter 5: Air Quality [APP-143], Chapter 6: Cultural Heritage [AS-044], Chapter 8: Terrestrial Biodiversity [APP-146], Chapter 12: Noise and Vibration [APP-150], Chapter 13: Population and Human Health [APP-151], and Chapter 14: Road Drainage and the Water Environment [APP-152]. These chapters provide references to the relevant ES appendices and figures, which cover many topics in additional detail.</p> <p>Additional assessments of the Project's impacts on local people are presented in the Health and Equalities Impact Assessment (HEqIA) [APP-539], which considers impacts on local communities and those protected by equalities legislation, such as children, older people, disabled people, and those with pre-existing health conditions.</p> <p>The Project's impacts on climate are presented in ES Chapter 15: Climate [APP-153], with additional information in the Planning Statement Appendix I: Carbon Strategy and Policy Alignment [APP-504] and in the Carbon and Energy Management Plan [APP-552]. These conclude that the Project would not impact the Government's commitments to reducing greenhouse gases to acceptable levels.</p>
<p>Comments expressing concern about the Project's design, including the road, junctions and Public Rights of Way, environmental mitigation, and other elements including proposed land acquisitions. Some respondents were concerned that the Project would make use of smart motorway technology, saying this is not sufficiently safe for road users.</p>	<p>14</p>	<p>During the Project's design development phase, the Applicant has selected options and designs that have been rigorously tested against the Scheme Objectives and, at the appropriate stages, have been presented at public consultation. The Applicant has worked closely with stakeholders to understand their needs and, wherever practicable, to incorporate their feedback into the designs while still fulfilling the Scheme Objectives.</p> <p>Having carried out and documented this design process, the Applicant has concluded that the Project uses the optimal alignment and road design, including junction layouts in the most suitable locations. More information about the design process, including selecting links to the strategic road network, can be found in the Project Design Report [APP-506 to APP-515].</p> <p>The Design Principles [APP-516] describe the key principles that have shaped the design development, and establishes the principles to be met in the detailed design</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>phase, supplementing the requirements and guidance within the DMRB. The Design Principles are legally secured via Requirement 3 of the draft DCO [REP1-042], as well as Requirement 5.</p> <p>The Project has sought to reduce severance of roads and Public Rights of Way once the Project is operational. All roads crossing the Project would be maintained, with the exception of Hornsby Lane, which would require a section near the new route to be permanently closed. For information regarding permanent stopping up of roads and Public Rights of Way (PRoWs) that do not cross the Project, see Schedule 4 of the draft DCO [REP1-042]. For more information, see the Rights of Way and Access Plans [APP-024, REP1-025 and REP1-026], which identify within the Order Limits any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way.</p> <p>The Project's wider walking, cycling and horse riding (WCH) strategy aims to improve connectivity and access for more users. Where appropriate, bridges have been designed to accommodate active travel, and tie into the wider footpath and bridleway network. The WCH strategy has also explored improving and enhancing WCH network connectivity between the surrounding communities. Total additional and improved provision equates to 64km of routes. These are summarised in Table 13.54 of ES Chapter 13: Population and Human Health [APP-151].</p> <p>The Applicant has also sought to minimise impacts during construction, although some impacts are essential to maintain the safety of the public and workforce. Temporary restrictions due to construction are shown in the Streets Subject to Temporary Restrictions of Use Plans [APP-027, REP1-029 and REP1-030], which shows roads that would be subject to temporary alteration, diversion and restriction of use. Information about the impact of the Project on PRoWs can be found in the Transport Assessment [APP-529] and ES Chapter 13: Population and Human Health [APP-151].</p> <p>The Project is being designed to the requirements and specifications set out in the DMRB. The new road is designed and would operate as an all-purpose trunk road (APTR). The DMRB baseline for APTRs is that there is no hard shoulder provision. The Project introduces safety and operational enhancements that are not normally associated with a standard APTR and include variable mandatory speed limits, signs</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		and signalling, stopped vehicle detection, red-X lane signalling to support incident management, CCTV and emergency areas for road users to use in an emergency. More information about the design of the road and the tunnel, including their safety features, can be found in the Project Design Report [APP-506 to APP-515].
<p>Comments expressing concern about the Project's construction on the grounds that it would cause long-term disruption to local people and businesses. Respondents highlighted the potential for negative impacts, with concerns about the construction duration, proposed working hours, noise and dust pollution, congestion and road danger from construction traffic and roadworks, along with impacts on PRowWs and built heritage. Some respondents said the Applicant would not do enough to reduce the impacts to acceptable levels.</p>	<p>6</p>	<p>The Project would provide benefits to local communities arising from increased employment and training opportunities, improved cross-river connectivity (benefiting local people and businesses), and improvements in traffic flows at key locations such as the Dartford Crossing and some other major roads. The benefits of the Project are set out in Chapter 5 of the Need for the Project [APP-494], in the Combined Modelling and Appraisal Report - Appendix C – Transport Forecasting Package [APP-522] and Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526], and in the Transport Assessment [APP-529].</p> <p>The construction of the Project has been designed to minimise the impacts on local people, the road network and the environment, while still allowing the Project to be built safely and efficiently. The Project Design Report [APP-506 to APP-515] explains how the Applicant's design development has sought to minimise community and environmental impacts during construction, while the Applicant's CoCP in ES Appendix 2.2 [REP1-157] sets out the range of controls and good practice mitigation measures that would be used to limit or avoid impacts on local communities, including local roads, during construction. The CoCP sets out general environmental management principles, as well as information about construction site management and traffic management.</p> <p>Chapter 8 of the Transport Assessment [APP-529] presents the impacts during construction of the Project on the road network, including changes to existing traffic patterns as a result of predicted construction traffic movements and temporary traffic management measures. The Transport Assessment - Appendix A - Public Rights of Way [APP-530] presents the impacts on PRowWs during construction.</p> <p>Measures to reduce and manage the impact of the Project's construction on the road network would be secured through the Framework Construction Travel Plan [APP-546], the outline Materials Handling Plan [APP-338] and the outline Traffic Management Plan for Construction [REP1-175], which are secured through Requirements 10 and 11 of Part 1 of Schedule 2 of the draft DCO [REP1-042].</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
		<p>These control documents require the preparation of traffic management plans for construction and construction travel plans prior to the commencement of works.</p> <p>With a Project of this scale, some residual impacts on local people and the environment are predicted and these have been assessed through the Environmental Impact Assessment, which is presented, including any proposed mitigation or compensation measures in the Project's ES. ES Chapter 5: Air Quality [APP-143], Chapter 12: Noise and Vibration [APP-150] and Chapter 13: Population and Human Health [APP-151] describe how local communities are predicted to be affected by the construction of the Project and explains the ways in which these impacts such as dust and noise would be reduced to acceptable levels.</p> <p>As well as these assessments, the Applicant has carried out a HEqIA [APP-539], which considers the Project's impacts during construction and operation on the health and wellbeing of local communities covering a number of topics including severance, accessibility, work and training, access to open spaces and mental health and wellbeing.</p>
<p>Comments expressing concern about the volume of documents submitted by the Applicant in its application for development consent, with concerns that this makes it difficult to find important facts about the proposals and that information is hidden among the documents.</p>	<p>2</p>	<p>The Application is made up of several hundred individual documents, comprising reports, maps and drawings, organised within seven volumes. The purpose and contents of these seven volumes are described in the Introduction to the Application [APP-003], with an accompanying Navigation Document [REP1-003] listing each document and its Examination Library Reference Number. The number and size of Application documents reflects the scale, complexity and importance of the Project.</p> <p>The Application documents were prepared in accordance with all relevant requirements and guidance, making use of the Applicant's extensive experience of preparing DCO applications. In many instances, draft documents were shared with technical stakeholders, including local authorities and statutory undertakers, prior to submission in order to improve their accuracy and readability.</p> <p>Additional submissions that have been permitted by the ExA are also listed in the Application Library.</p> <p>The Examination period provides a further opportunity for Application documents to be scrutinised, and the Applicant is committed to correcting or revising any additional issues that might be identified with the material submitted.</p>

Summary of issues raised	No. of times issue raised	The Applicant's response
Comments expressing concern that the pre-application consultations were not fair or carried out according to legal requirements.	2	<p>The Applicant's Consultation Report [APP-064 to APP-069] and its appendices [APP-070 to APP-090] provide a detailed account of pre-application consultation, including the statutory consultation undertaken in 2018 and all subsequent phases of consultation undertaken on a non-statutory basis.</p> <p>Relevant local authorities were asked to review the Applicant's Consultation Report and to provide the Planning Inspectorate with Adequacy of Consultation Representations [AoC-001 to AoC-019]. Having considered the local authorities' feedback and carried out its own review of the Consultation Report, the Planning Inspectorate concluded that the Applicant had provided sufficient evidence that pre-application consultation had been carried out to the required standard.</p> <p>The Planning Inspectorate, in accepting the Application for development consent in November 2022, stated that the Applicant has complied with Chapter 2 of Part 5 of the Planning Act 2008, including carrying out the necessary pre-application consultation with stakeholders, land interests and the public.</p>
Comments expressing support for the Project. Some respondents called for the consent process to be expedited so that the Project could be built sooner in order to improve journey times and reliability at the Dartford Crossing.	59	These comments have been noted.
Comments expressing support for the Project, in particular the way that impacts on communities and the environment would be managed or compensated for during the construction and operational phases.	4	
Comments expressing support for the Applicant's latest changes, saying that minor changes are important in the overall process of improving and refining the Project.	3	

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