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Dear Mr Smith

A122 Lower Thames Crossing (Reference Number TR010032)

1 Applicant's proposed changes to the DCO application

- 1.1.1 Further to the notification dated 16 March 2023 of an intended request to submit changes to the application for development consent for the A122 Lower Thames Crossing (the Project) [AS-082 and AS-083], the Applicant encloses a Change Application seeking the Examining Authority's (ExA's) consent to include the proposed changes to the application currently being examined.
- 1.1.2 The documents submitted with this Change Application comply with the requirements for information (the required information), as set out in Figure 2b of the Planning Inspectorate's Advice Note Sixteen (Version 3, published March 2023) (AN16), and the Applicant can confirm that the process and steps for preparing the required information comply with AN16 and the ExA's Procedural Decision dated 21 March 2023 [[PD-011](#)]. Details of the Applicant's compliance with Steps 1 to 4 in Figure 1 of AN16 are included in Table 1 and compliance with the requirements of Figure 2b are set out in Table 2 in Annex A.

2 Preparing the Change Application

- 2.1.1 The Change Application has been prepared to comply with the steps set out in AN16 (as referenced in the ExA's Procedural Decision of 21 March 2023) as follows:

Table 1 Compliance with AN16 Steps 1 to 4

AN16 step number	AN16 step requirement	Applicant's compliance with AN16 steps
Step 1	Applicant decides to request a change to an application which has already been accepted for	The Applicant's Change Notification of 16 March 2023 [AS-082 and AS-083] constituted Step 1.

AN16 step number	AN16 step requirement	Applicant's compliance with AN16 steps
	Examination and informs the ExA in writing (the Change Notification), including the relevant information set out in Figure 2.	
Step 2	ExA provides advice to the Applicant about the procedural implications of the proposed material change and about the need, scale and nature of consultation that the Applicant may need to undertake.	The ExA's Procedural Decision letter of 21 March 2023 [PD-011] confirmed that having reviewed the notification it ' <i>agreed that it justifies an urgent need to seek procedural advice, the ExA has exercised discretion to accept and publish the notification of changes to commence that process. On review of the proposed procedure, the ExA is content that this complies with Advice Note 16</i> '.
Step 3	To the appropriate extent, the Applicant carries out consultation about the proposed change. This step may be initiated earlier to potentially save time and inform the Applicant's approach.	The non-statutory Minor Refinement Consultation was undertaken between 17 May 2023 and 19 June 2023, allowing consultees a period of 32 days within which to consider and respond to the Applicant's proposed changes as set out in the Proposed Changes Consultation Materials.
Step 4	Applicant makes a formal request to the ExA to change the application (the Change Application) by providing the relevant information set out in Figure 2.	This Change Application constitutes Step 4, and Table 2 of Annex A describes where to find the required information as set out in Figure 2b of AN16.

3 Accommodating the changes within the Examination statutory timeframes

3.1.1 The Applicant has reviewed the timescales set out in the ExA Updated Rule 8 letter [\[PD-020\]](#) and considers, subject to the ExA's agreement, that the proposed changes can be accommodated within the statutory timescales of the Examination for the following reasons:

- a. The proposed changes are not considered complex in nature

- b. There are no likely materially new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES)
- c. The proposals would not involve any increase to the extent of land required for construction
- d. There would be a negligible change to the land powers required for operation
- e. The localised nature of the changes which affects a small number of landowners (who have been consulted in relation to impacts on their land)
- f. The submission of the Change Application at this stage provides sufficient time to review and examine any relevant stakeholder concerns relating to the proposed change.

4 The changes

4.1.1 The Applicant can confirm that this application is for three changes, as summarised in Section 3 and detailed in Sections 4 to 6 of the Change Application [**Document Reference 10.4**]. The changes are summarised as follows:

- a. MRC01: Reduction of the Order Limits required for nitrogen deposition compensation requirements
- a. MRC02: Increase in the North Portal headwall limits of deviation
- b. MRC03: Reduction of the Order Limits and relocation of utilities and Utility Logistics Hubs in East Tilbury.

5 Need for the changes

5.1.1 The Applicant's view is that there is a pressing need to make each of the changes for reasons described in Sections 4 to 6 of the Change Application [**Document Reference 10.4**] and summarised below:

- a. New information has been provided to the Applicant by landowners, including the implications of the Project on the farm business at Blue Bell Hill and a newly agreed Countryside Stewardship scheme. As such, the Applicant has reviewed the mitigation requirements associated with nitrogen deposition compensation and determined that the Order Limits for land required by the Project can be reduced while still meeting the Project's requirements for nitrogen deposition compensation.
- b. Additional flexibility is sought for the limits of deviation for the North Portal headwall to facilitate the detailed design for the headwall. The added

flexibility will facilitate greater certainty over the deliverability of the Project within the changed limits of deviation without introducing any new or different likely significant environmental effects to those reported in the Environmental Statement.

- c. Ongoing landowner engagement has identified an opportunity to make modifications to proposed temporary works at East Tilbury to reduce the Order Limits for land required to construct the Project and move temporary utilities works and Utility Logistics Hubs further away from local residents in East Tilbury, reducing the potential impacts on those residents during construction of the Project.

6 Consultation

- 6.1.1 The Applicant carried out a non-statutory consultation (referred to as the 'Minor Refinement Consultation') on the proposed changes, to ensure that all parties with a potential interest in the changes were made aware of the proposed changes and had the opportunity to provide comments in advance of the submission of the formal change application to the Examining Authority.
- 6.1.2 The proposed scope of consultation activities and procedure for requesting the changes was set out on 16 March 2023 in the Notification of Proposed Changes [[AS-083](#)] and the ExA's procedural decision [[PD-011](#)] confirmed that it was content that the proposed procedure complies with Advice Note 16.
- 6.1.3 A Consultation Report [10.4 Change Application (August 2023) Appendix B - Minor Refinement Consultation Report] has been duly prepared and submitted with this Change Application.

7 Change Application documents

- 7.1.1 This Change Application comprises the documents as listed in Table 2 in Annex A.

8 Relationship with other Proposed Changes

- 8.1.1 The Applicant submitted a Second Notification of Proposed Changes to the Planning Inspectorate [[PD-024](#)] on 3 July 2023 relating to two proposed changes arising from further ongoing discussions with Statutory Undertakers which would affect existing land plot designations. Should the Applicant progress with these changes following consultation, they will be subject to a separate formal change application (on or around Deadline 4 on 19 September 2023).
- 8.1.2 On 1 August 2023, the Applicant submitted a further Change Notification in relation to two further minor proposed changes. These are set out in the Third Notification of Proposed Changes to the Planning Inspectorate [**Document Reference 10.25**]

8.1.3 The Applicant considers that the proposed changes to the Project (in total across the three submissions), both individually and cumulatively, would not be so substantial as to constitute a materially different project.

9 Application of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

9.1.1 Although the proposed changes primarily relate to a reduction in the Order Limits or would not require a change to compulsory acquisition or temporary possession powers, proposed change MRC03 would require further powers to acquire permanent rights over land.

9.1.2 This would involve a change to the land designation of land parcels from temporary possession (green land) to temporary possession of the land and permanent acquisition of rights (blue land) in order for Statutory Undertakers to build, access, maintain and operate their infrastructure.

9.1.3 Section 8 of the Change Application identifies the plots that are subject to the Compulsory Acquisition Regulations.

9.1.4 Further details can be found in Section 8 of the Change Application, including reference to the documents required to be submitted under Regulation 5 of the CA Regulations. The Change Application therefore formally seeks the Examining Authority's consent to accept the proposed provision (comprising powers to acquire additional rights over land within the Order Limits) into the Application.

10 Conclusion

10.1.1 The proposed changes detailed in the Change Application [**Document Reference 10.4**] stem from ongoing landowner engagement and ongoing design and construction methodology refinement.

10.1.2 The proposed changes would not be so substantial as to constitute a materially different project.

10.1.3 The Applicant considers that the early request for these proposed changes at the start of the Examination process, and their minor nature, means that they are capable of being fairly examined within the Examination period.

Yours sincerely

Dr Tim Wright

Head of Consents – Lower Thames Crossing

Annex A Compliance with AN16 Figure 2b requirements

Table 2 Applicant's compliance with AN16 Figure 2b

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
TR010032/EXAM/10.4	Change Application (August 2023)	Section 3 provides an overview of the proposed changes.	Figure 2b (1)
		Subsection 2 of Sections 4–6 provides a description of the proposed changes to accord with the requirement of Figure 2b (1).	Figure 2b (1)
		Subsection 1 of Sections 4–6 provides a rationale for each design change to accord with the requirement of Figure 2b (2).	Figure 2b (2)
		Subsection 5 of Sections 4–6 introduces the f schedule of Application Documents and plans, listing required consequential revisions, as required by Figure 2b (3). Where there would be no change to a document these have not been listed.	Figure 2b (3)
		Section 8 sets out the position in relation to additional land as required by Figure 2b (5).	Figure 2b (5)

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
		Subsection 3 of Sections 4–6 describes the environmental assessment of each proposed change as required by Figure 2b (6).	Figure 2b (6)
TR010032/EXAM/10.4	Change Application (August 2023) Appendix A - Proposed amendments to Environmental Statement Chapter 2 Project Description	This provides details of the proposed amendments to Environmental Statement Chapter 2: Project Description [APP-140] reflecting the proposed changes.	Figure 2b (6)
TR010032/EXAM/10.6	Extract from Land Plans	This provides updated Land Plans reflecting the proposed changes.	Figure 2b (5)
TR010032/EXAM/10.7	Extract from General Arrangement Plans	This provides updated General Arrangement Plans reflecting the proposed changes.	Figure 2b (1)
TR010032/EXAM/10.10	Extract from Works Plans	This provides updated Works Plans reflecting the proposed changes.	Figure 2b (1)
TR010032/EXAM/10.8	Extract from Tunnel Limits of Deviation Plans	This provides updated Tunnel Limits of Deviation Plans reflecting the proposed change to the North Portal Limits of Deviation.	Figure 2b (1)
TR010032/EXAM/10.11	Draft Development	This provides the updated draft	Figure 2b (4)

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
	Consent Order for Change Application (August 2023)	Development Consent Order Schedules 1, 8 and 11 reflecting the proposed changes. These changes to the dDCO do not require a modification or update to be made to the Explanatory Memorandum and so no revised Explanatory Memorandum is provided with this Change Application, for the purposes of point 4 of Figure 2b of Advice Note 16.	
TR010032/EXAM/10.14	Extract from Statement of Reasons	This provides details of the proposed updates to the Statement of Reasons reflecting changes to land plot information as a result of the proposed changes.	Figure 2b (5)
TR010032/EXAM/10.15	Extract from Book of Reference	This provides details of the proposed updates to the Book of Reference reflecting changes to land plot information resulting from the proposed changes.	Figure 2b (5)
TR010032/EXAM/10.13	Environmental Statement Fig 2.1 - Route Alignment and Order Limits	This provides an updated Environmental Statement Figure 2.1: Route Alignment and Order Limits reflecting the proposed amendments to the	Figure 2b (6)

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
		Order Limits resulting from the proposed changes.	
TR010032/EXAM/10.4	Change Application (August 2023) Appendix B - Minor Refinement Consultation Report	This is the Minor Refinement Consultation Report that confirms who has been consulted in relation to the proposed changes, explains why they have been consulted, and includes the Applicant's consideration of the content of the consultation responses received, as required by Figure 2b (7).	Figure 2b (7)