

Lower Thames Crossing

10.4 Change Application (August 2023)

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 10

DATE: August 2023
Change Application (August 2023)

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/10.4

VERSION: 1.0

Lower Thames Crossing

10.4 Change Application (August 2023)

List of contents

		Page number
1	Executive summary	1
2	Introduction	2
	2.1 Proposal and scope of the change request	2
	2.2 Accommodating the changes within the Examination statutory timescales	3
3	Overview of the proposed changes	5
	3.1 Proposed changes.....	5
4	Blue Bell Hill and Burham nitrogen deposition compensation sites	7
	4.1 Background and justification of the change	7
	4.2 Description of the change	7
	4.3 Summary of environmental appraisal	9
	4.4 Topic assessment.....	10
	4.5 Schedule of consequential amendments to DCO Application Documents.....	12
5	Limits of deviation for the bored tunnel (north of the alignment)	15
	5.1 Background and justification of the change	15
	5.2 Description of the change	15
	5.3 Summary of environmental appraisal	17
	5.4 Topic assessment.....	18
	5.5 Schedule of consequential amendments to DCO Application Documents.....	20
6	East Tilbury utilities relocations and Order Limits reduction	21
	6.1 Background and justification of the change	21
	6.2 Description of the change	21
	6.3 Summary of environmental appraisal	27
	6.4 Topic assessment.....	27
	6.5 Schedule of consequential amendments to DCO Application Documents.....	30
7	New or different likely significant environmental effects	33
	7.1 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.	33
8	Compliance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010	34
	8.2 Implications for the Statement of Reasons	38

8.3	Implications for the Funding Statement	39
9	Engagement and consultation on the proposed changes.....	40
9.1	Introduction	40
9.2	Minor Refinement Consultation.....	40
9.3	Consultation activities	40
9.4	Incorporation of consultation responses into the proposed change	42
9.5	Tunnel construction methodology	43
10	Conclusion.....	44
11	References	45
	Glossary	46
Appendices		
Appendix A Proposed amendments to Environmental Statement Chapter 2: Project Description		
Appendix B Minor Refinement Consultation Report		

List of plates

	Page number
Plate 4.1 Reduction of nitrogen deposition compensation area and Order Limits at Blue Bell Hill and Burham	8
Plate 5.1 Limit of deviation (LOD) for the northern tunnel entrance headwall at DCO application.....	16
Plate 5.2 Limit of deviation (LOD) proposed for the northern tunnel entrance headwall as a result of the potential change.....	17
Plate 6.1 Utility proposals at East Tilbury at DCO application	23
Plate 6.2 Revised utility proposals at East Tilbury resulting from proposed change	24
Plate 6.3 East Tilbury land use at DCO application	25
Plate 6.4 Revised East Tilbury land use resulting from proposed change	26

List of tables

	Page number
Table 3.1 Summary of proposed changes	5
Table 4.1 Environmental assessment of reduction of nitrogen deposition compensation area and Order Limits at Blue Bell Hill and Burham.....	10
Table 4.2 Proposed DCO Application Document changes	13
Table 5.1 Construction-related environmental assessment of increase in limit of deviation (LOD) for the North Portal headwall.....	18
Table 5.2 Proposed DCO Application Document updates	20
Table 6.1 Environmental assessment of revised utility and Order Limits proposals for East Tilbury	27
Table 6.2 Proposed DCO Application Document updates	31

1 Executive summary

- 1.1.1 This report supports a formal request to change the application submitted by the Applicant on 31 October 2022 under section 37 of the Planning Act 2008 for an order to grant development consent (“the Application”) for the A122 Lower Thames Crossing (the Project).
- 1.1.2 The Applicant submitted a notification of three proposed changes to the application (“the Change Notification”) on 16 March 2023 [**Additional Submission [AS-083](#)**].
- 1.1.3 The Examining Authority (ExA) set out its advice on the procedural implications of the proposed changes, and scale and nature of consultation proposed, in a procedural decision dated 21 March 2023 [**Procedural Decision [PD-011](#)**] (Step 2).
- 1.1.4 The Applicant subsequently carried out targeted non-statutory consultation on the proposed changes between 17 May 2023 and 19 June 2023 and has duly considered responses received prior to making this formal change request.
- 1.1.5 The proposed changes stem from ongoing landowner engagement through which the Applicant has identified an opportunity to make modifications to temporary works near East Tilbury and nitrogen deposition compensation areas at Blue Bell Hill and Burham which would both reduce the land required within the Order Limits.
- 1.1.6 The Applicant is also proposing a change to the parameters within which the North Portal headwall could be constructed to assist deliverability of the Project.
- 1.1.7 The changes are all localised in nature and would affect a small number of landowners and there are no likely materially new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES)
- 1.1.8 The proposed changes would not, individually or collectively, result in a materially different project (i.e. the development now being proposed is in substance the same as the development which was originally applied for) and the Applicant considers that there is sufficient time for these changes to be accommodated in the Examination process.

2 Introduction

2.1 Proposal and scope of the change request

- 2.1.1 National Highways (“the Applicant”) has submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent (“the Application”) for the A122 Lower Thames Crossing (the Project). The Development Consent Order (DCO) application was submitted on 31 October 2022 and accepted for Examination on 28 November 2022.
- 2.1.2 Since the submission of the Application, the Applicant has continued to engage with Interested Parties to listen and respond to feedback and comments while also continuing with detailed project development. This work has identified a small number of minor amendments which are all intended to enhance the Project.
- 2.1.3 The Applicant submitted a notification of an intended request to submit three changes to the application (“the Change Notification”) on 16 March 2023 [**Additional Submission AS-083**] – which represented Step 1 of the six-step process for making a change request to an accepted application as set out in Figure 1 of *Advice Note Sixteen: Requests to change applications after they have been accepted for examination version 3 (Planning Inspectorate, 2023)* (“Advice Note Sixteen”).
- 2.1.4 The Examining Authority (ExA) confirmed receipt of the Change Notification and set out its advice on the procedural implications of the proposed changes, and scale and nature of consultation proposed, in a procedural decision dated 21 March 2023 [**Procedural Decision PD-011**] (Step 2).
- 2.1.5 The Applicant carried out targeted non-statutory consultation (Step 3) on the proposed changes between 17 May 2023 and 19 June 2023 and has duly considered responses received prior to making this formal change request. More information can be found in Section 9 of this report.
- 2.1.6 This document is submitted as part of Step 4 of the process in which the ‘*Applicant makes formal request to the ExA to change the application (the Change Application) by providing the relevant information set out in Figure 2*’.
- 2.1.7 This report addresses each of the requirements of Figure 2b of Advice Note Sixteen which sets out what applicants should include in the Change Application in seven bullet points.
- 2.1.8 The changes presented in this Change Application would only require minor amendments to Schedule 1 (authorised development), Schedule 10 (land in which only subsoil or new rights in and above subsoil and surface may be acquired) and Schedule 11 (land of which temporary possession may be taken) of the draft Development Consent Order (dDCO). 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 step 4 of Figure 2b of Advice Note 16. However, the Applicant can confirm that the Schedule of changes to the draft DCO has also been updated to reflect the changes made to the dDCO.

- 2.1.9 The proposed changes stem from ongoing landowner engagement through which the Applicant has identified an opportunity to make modifications to temporary works near East Tilbury and nitrogen deposition compensation areas at Blue Bell Hill and Burham which would both reduce the land required within the Order Limits.
- 2.1.10 The Applicant is also proposing a change to the parameters within which the North Portal headwall could be constructed to assist deliverability of the Project (by providing the future Delivery Partner with greater flexibility with no change in environmental effects).
- 2.1.11 The proposed changes would not, individually or collectively, result in a materially different project (i.e. the development now being proposed is in substance the same as the development which was originally applied for) and the Applicant considers that there is sufficient time for these changes to be accommodated in the Examination process (as addressed further at Section 2.2 of this report).
- 2.1.12 The proposed changes do not alter the Applicant's confidence that the Project remains in accordance with National Policy Statement policy. The Applicant also considers that, in responding to ongoing stakeholder engagement, the planning balance in favour of the development is improved as a result of these minor changes.
- 2.1.13 The Applicant notes that no consents, permits or licences require update as a result of the proposed changes and the proposed changes do not impede the securing of any consents, permits or licences required to undertake the Project.
- 2.1.14 The Applicant has subsequently, on 3 July 2023 and 1 August 2023, submitted two further Change Notifications relating to four proposed changes arising from further discussions with stakeholders. Should the Applicant progress with these changes following consultation they will be subject to separate formal Change Applications.

2.2 Accommodating the changes within the Examination statutory timescales

- 2.2.1 The Applicant has reviewed the timescales set out in the Rule 8 Letter [\[PD-018\]](#) issued by the Examining Authority on the 27 July 2023 and amended on 3 July [\[PD-020\]](#). 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:
- The proposed changes are not considered complex in nature
 - There are no likely materially new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES)
 - 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.

3 Overview of the proposed changes

3.1 Proposed changes

- 3.1.1 Sections 3 to 7 of this report (in accordance with points 1 and 2 of Figure 2b of Advice Note Sixteen) provide descriptions of the proposed changes and the rationale and pressing need for making the changes – as initially introduced in the Change Notification.
- 3.1.2 Table 3.1 provides a brief summary of the proposed changes and how each would enhance the application as submitted. Further details on each proposed change are provided in the following sections of this report.
- 3.1.3 Although it is not necessary to classify individual changes as ‘material’ or ‘non-material’ it represents a further useful indicator of the ability to accommodate the changes within the Examination. Having regard to the environmental appraisal undertaken for each change (summarised in the relevant sections below) and other factors such as the land required to accommodate the change, the Applicant considers that each individual change is non-material (and collectively would not result in a materially different project).

Table 3.1 Summary of proposed changes

Change code	Title of change	Brief summary	Materiality	Improvement to the Application
MRC01	Blue Bell Hill and Burham nitrogen deposition compensation sites	Removal of farmland from the Order Limits (Work No. E2 and part of Work No. E1) to retain agricultural land while still providing sufficient nitrogen deposition compensation. See Section 4 for further details.	Non-material	Reduction of land required to deliver the Project.
MRC02	Limits of deviation on bored tunnel headwall (north of alignment)	Increase in North Portal headwall limits of deviation from 125m to 275m (associated with Works No. 4A and shown on Sheet 2 of the Tunnel Limits of Deviation Plans [Application Document APP-046]). See Section 5 for further details.	Non-material	Enhancing deliverability of the Project - through necessary and proportionate flexibility to construct the tunnel headwall in the best location determined by detailed design.
MRC03	East Tilbury utilities relocations and Order Limits reduction	<ul style="list-style-type: none"> Reduction in Order Limits, west of East Tilbury Relocation of Linford bore pipeline (Works No. MUT6) west of East Tilbury Relocation of Muckingford Road and Low Street Lane 	Non-material	Reduction of land required to deliver the Project; and movement of construction works further away from potentially impacted

Change code	Title of change	Brief summary	Materiality	Improvement to the Application
		Utility Logistics Hubs (ULH 11 and 12 respectively) <ul style="list-style-type: none">• Land designation change for Plot 23-96 See Section 6 for further details.		residents, reducing potential environmental impacts associated with construction works.

4 Blue Bell Hill and Burham nitrogen deposition compensation sites

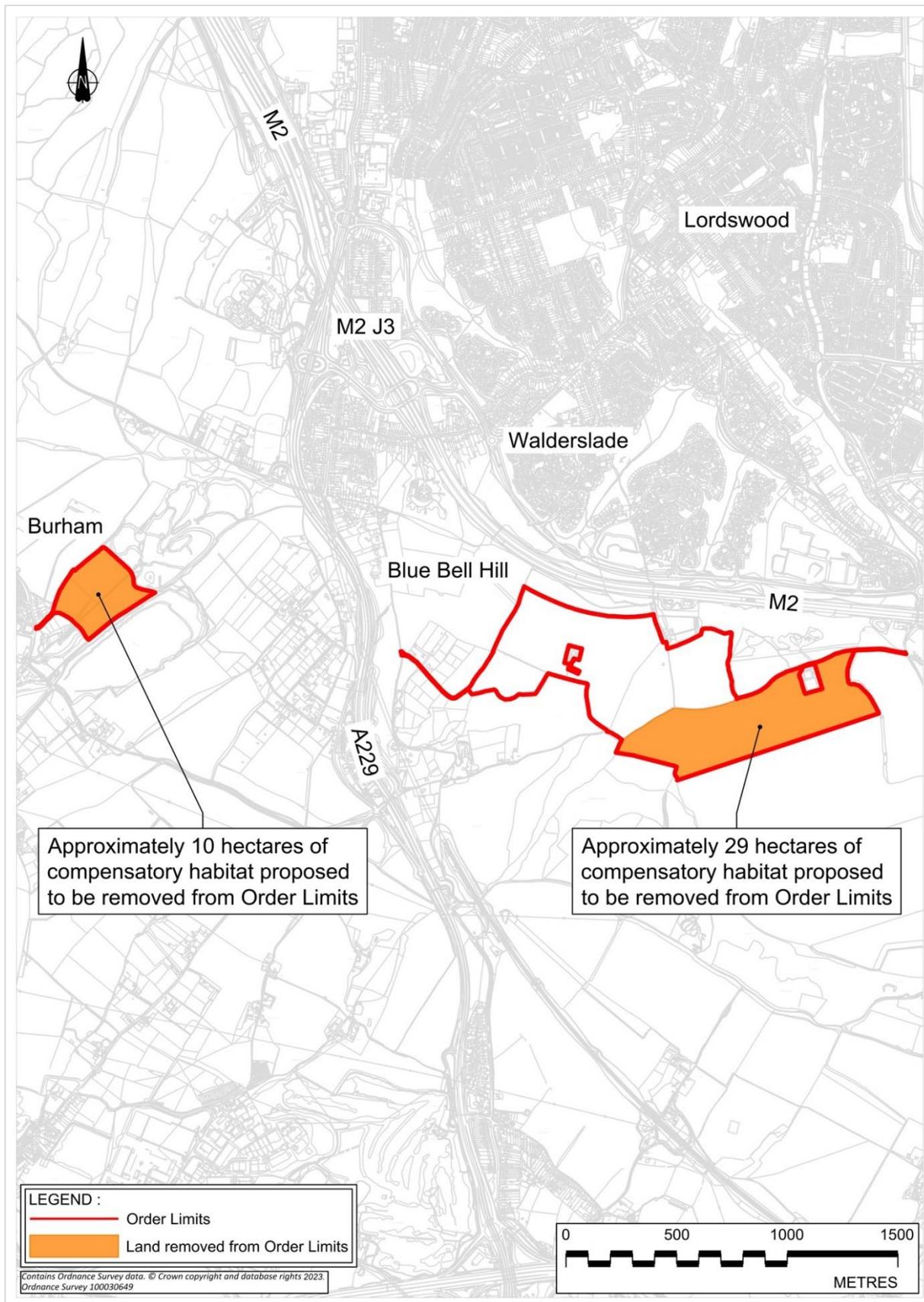
4.1 Background and justification of the change

- 4.1.1 During ongoing landowner engagement following submission of the Application, new information was provided to the Applicant on the potential implications of the Project on a farm business (Harp Farm) and a newly agreed Countryside Stewardship scheme (which provides incentives for farmers and land managers to enhance the natural environment) which is now in place across much of the farm.
- 4.1.2 Two fields (Cossington and Reservoir Fields) within Harp Farm, near Blue Bell Hill (collectively referred to as the Blue Bell Hill nitrogen deposition compensation site and known as Works No. E1 in Schedule 1 to the draft Development Consent Order) [**Additional Submission [AS-038](#)**] and the south-western field of the land at Burham (known as Works No. E2) fall within a 'higher tier' (i.e. supporting the most environmentally significant sites) of the Countryside Stewardship scheme (awarded after the nitrogen deposition compensation sites were selected) which is focused on strengthening hedgerow planting and providing greater borders to field margins.
- 4.1.3 The landowner has also provided further information indicating that the use of 80ha of Harp Farm's arable acreage for compensation could present the landowner with a significant risk of business impact.
- 4.1.4 In response, the Applicant has identified an opportunity to make modifications to the Burham (Works No. E2) and Blue Bell Hill (Works No. E1) nitrogen deposition compensation sites to reduce the amount of land to be taken while still providing sufficient compensation.

4.2 Description of the change

- 4.2.1 The Applicant has reviewed the new information provided by the landowner and has revisited the process set out in ES Appendix 5.6: Project Air Quality Action Plan [**Application Document [APP-350](#)**].
- 4.2.2 The Applicant has concluded that sufficient compensation can be provided within Cossington Field alone and that Reservoir Field and the Burham site would not now be required to achieve the ecological objectives of additional connectivity and comparable area of compensation to affected habitat – while reducing impact on the farm business and agricultural land as well as reducing cultural heritage effects.
- 4.2.3 The Applicant is in discussion with the landowner and is hopeful that an agreement can be reached to purchase the remaining 43ha at Cossington Field for the nitrogen deposition compensation site, thereby avoiding the need for compulsory acquisition.

Plate 4.1 Reduction of nitrogen deposition compensation area and Order Limits at Blue Bell Hill and Burham



4.3 Summary of environmental appraisal

- 4.3.1 The Applicant has developed a compensation package to mitigate nitrogen deposition effects on ecologically designated sites across the air quality study area. The Blue Bell Hill (Works No. E1) and Burham (Works No. E2) compensation sites form part of this compensation package.
- 4.3.2 The proposed change represents a reduction in the size of the compensation area on the basis of new information, on the viability of the farm business and the recently granted Countryside Stewardship scheme.
- 4.3.3 The Applicant considers a reduction of the Order Limits at this location is appropriate for the following reasons:
- a. The landowner has provided details of the impact of the proposals on the viability of their farm business.
 - b. The receipt of new information regarding the implementation of a Countryside Stewardship (Higher Level) means that an increased ecological connectivity would be realised by the Stewardship scheme (as the Stewardship scheme focuses on strengthening hedgerow planting and providing greater borders to field margins) beyond that assumed in the original assessment and so the additional connectivity benefits of the proposals in Reservoir Field and the Burham site would be much reduced.
 - c. The reduction is not expected to result in any new or different likely significant air quality effects compared to those reported in the ES for construction or operation, as detailed in Table 4.1 below.
 - d. A reduction in Reservoir Field would only marginally reduce the ecological benefit associated with the Project's increased connectivity (particularly with reference to point a) as the majority of the ecological connectivity is provided by Cossington Field.
- 4.3.4 The objectives of the nitrogen deposition compensation are (as set out in the PAQAP at para 7.4.2 "*In order to fully compensate the residual effect, the quantum of new habitats had to be broadly comparable with the quantum of affected habitat, as well as acknowledging that the connectivity was a key function of that resource in maintaining resilience*"): to provide a comparable area of habitat creation to the area of significantly affected habitat; and to provide additional ecological connectivity within each identified network of affected sites.
- 4.3.5 In relation to the comparability of area, the area of significantly affected habitat would be 176.4ha and the area of compensation across the Project would be approximately 205ha if the reduction in the Order Limits at Blue Bell Hill and Burham were accepted, which is considered to be appropriate.

- 4.3.6 The removal of the Burham nitrogen deposition compensation site would also remove the moderate adverse impact and effect on a medium value non-designated archaeological asset: the below-ground remains of Great Culand, a former Medieval to Modern manor and farmstead (Asset 4745), removing a significant effect. No other change is anticipated in relation to heritage assets.
- 4.3.7 The removal of the Burham nitrogen deposition compensation site would also remove the need to use approximately 30 hectares of best and most versatile land as compensation habitat.
- 4.3.8 The effect of new woodland habitat at Blue Bell Hill would remain beneficial at Representative Viewpoint N-Dep-RV-08 but would, as a result of the reduction in planting caused by the removal of the Reservoir Field site, change from a significant beneficial visual effect to a not significant beneficial effect (moderate beneficial to slight beneficial).
- 4.3.9 The significant beneficial landscape effect on the Mid Kent Downs (sub-area Bredhurst) Local Landscape Character Area (LLCA) would be retained due to the substantial area of proposed new woodland habitat at Cossington Field remaining within the reduced Order Limits.

4.4 Topic assessment

- 4.4.1 The Applicant undertook an assessment of environmental disciplines assessed in the ES to identify potential changes in significant effects as a result of the proposed change. Details of this assessment are provided in Table 4.1.

Table 4.1 Environmental assessment of reduction of nitrogen deposition compensation area and Order Limits at Blue Bell Hill and Burham

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
Air quality	The Blue Bell Hill and Burham compensation sites were identified as a means of compensating for the effects of nitrogen deposition on ecologically designated sites across the air quality study area caused by the forecast increase in traffic as a result of the Project.	No new or different likely significant air quality effects anticipated either during construction or operation.
Cultural heritage	The archaeological asset 'Great Culand, former Medieval to Modern manor and farmstead' (Asset 4745) is located within the land at the Burham site. This is currently assessed to experience a moderate adverse impact and a permanent moderate adverse effect, which is significant, as a result of the planting that had been proposed.	The proposed change would remove the moderate adverse impact and effect to Asset 4745, removing a significant effect reported in the ES. No other change is anticipated in relation to heritage assets either during construction or operation.
Landscape and visual	Blue Bell Hill site: A significant beneficial visual effect is reported in ES Appendix 7.10 [Application	No new or different likely significant adverse effects anticipated in relation

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
	<p>Document APP-385 for footpath KH31 and adjacent residential properties along a farm access track off Bell Lane and from footpath KH31, KH30 and the North Downs Way (Representative Viewpoints N-Dep-RV-07 and N-Dep-RV-08).</p> <p>A significant beneficial landscape effect is reported in ES Appendix 7.9 [Application Document APP-384] on the Mid Kent Downs (sub-area Bredhurst) LLCA.</p> <p>Burham site: No significant visual effects are reported in ES Appendix 7.10 [Application Document APP-385] for Representative Viewpoints N-Dep-RV-05 and N-Dep-RV-06.</p> <p>No significant landscape effects are reported in ES Appendix 7.9 [Application Document APP-384] on Medway Valley (sub-area The Eastern Scarp) LLCA.</p>	<p>to both sites during construction or operation.</p> <p>There would still be a beneficial visual effect at representative viewpoint N-Dep-RV-08 though no longer considered significant due to the proposed reduction in the area of new woodland habitat and therefore the extent of change to the existing view during operation.</p> <p>The significant beneficial landscape effect on the Mid Kent Downs (sub-area Bredhurst) LLCA experienced during operation would remain due to the substantial area of proposed new woodland habitat remaining in the reduced Order Limits.</p>
Terrestrial and marine biodiversity	<p>A significant adverse effect from nitrogen deposition is reported across the Affected Road Network for which the Burham and Blue Bell Hill sites were proposed as compensation habitat creation.</p> <p>Ecological effects on habitats and the two species considered (badger and great crested newt) on the Burham and Blue Bell Hill sites are not significant.</p> <p>There were no reported significant effects associated with marine biodiversity in the ES.</p>	<p>No new or different likely significant effects are anticipated either during operation or construction.</p> <p>There would be a reduction in the overall extent of habitat creation, but the total area of nitrogen deposition compensation provided is still considered to result in effective compensation for these adverse impacts of the Project.</p> <p>There are no significant effects associated with marine biodiversity.</p>
Geology and soils	<p>A significant adverse effect was reported due to the Project's impact on best and most versatile land. The results of the survey are reported in ES Appendix 10.4 [Application Document APP-425]. The Agricultural Land Classification at Burham determined the soils to be grade 2 (9.5ha), while land at Blue Bell Hill was predominantly grade 3a (approximately 21ha) with a small section (approximately 7ha) assigned grade 3b.</p>	<p>No new or different likely significant effects anticipated either during construction or operation.</p> <p>The removal of the Burham site and reduction of the Blue Bell Hill nitrogen compensation sites would result in the removal of approximately 30ha of best and most versatile land from the Order Limits, which would be beneficial but would not result in a change to the overall conclusions in relation to the Project's impact on best and most versatile land presented in the ES.</p>

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
Material assets and waste	The ES identified a significant adverse effect arising from the Project's impact on landfill capacity in the study area.	There are no new or different likely significant effects anticipated either during construction or operation. For the purpose of assessment, it was assumed that there would be no waste-generating activities or earthworks associated with the laying out of these sites as compensatory habitat.
Noise and vibration	There were no significant effects reported within the locality of this change during construction or operation.	There would be no new noise-generating activities during construction and no change to the noise environment in operation at this location. Therefore, this would not give rise to any new or different likely significant noise effects.
Population and human health	No significant adverse effects were reported in relation to works at these sites during construction and operation.	The proposed reduction of the Order Limits would not result in any new or different likely significant effects during construction or operation.
Road drainage and the water environment	There are no significant effects for construction or operation reported in the ES.	The proposed reduction of the Order Limits would not result in any new or different likely significant effects during construction or operation.
Climate	There are no significant effects for construction or operation reported in the ES.	The change would result in a very small increase in reported greenhouse gas emissions (due to the removal of the land use change benefit reported in the DCO application). The overall impact associated with the retained land at Blue Bell Hill would still be beneficial. The proposed reduction of the Order Limits would not result in any new or different likely significant effects during construction or operation.

4.5 Schedule of consequential amendments to DCO Application Documents

- 4.5.1 The Applicant has identified the following DCO Application Documents as requiring a consequential amendment as a result of the proposed change (in accordance with point 3 of Figure 2b of Advice Note 16). The documents shaded green in Table 4.2 are provided with this Change Application. The documents shaded blue are proposed to be updated at a later Deadline in the Examination subject to the changes being accepted.
- 4.5.2 Where a DCO Application Document is not included in this list it would not be affected by the proposed change.

Table 4.2 Proposed DCO Application Document changes

DCO Doc No.	DCO document name	Rev	Extent of change	Refer to
APP-006 / AS-006	2.2 Land Plans Volume A (Key Plan)	2.0	Update to Order Limits in key plan	10.6
APP-007 / AS-008	2.2 Land Plans Volume B (Sheets 1 to 20)	2.0	Update to Order Limits on Sheets 1 and 2	10.6
APP-015	2.5 General Arrangement Volume A (Key Plan)	1.0	Update to Order Limits in key plan	10.7
APP-016	2.5 General Arrangement Volume B (Sheets 1 to 20)	1.0	Update to Order Limits on Sheets 1 and 2	10.7
APP-018	2.6 Works Plans (Volume A) Composite (Key Plan)	1.0	Update to Order Limits in key plan	10.10
APP-019 / AS-024	2.6 Works Plans (Volume B) Composite (Sheets 1 to 20)	2.0	Update to Order Limits for Works No. E1 (Blue Bell Hill site) in Sheet 1 and 2 and removal of Works No. E2 (Burham site) from Sheet 2	10.10
APP-021	2.6 Works Plans (Volume A) Utilities (Key Plan)	1.0	Update to Order Limits in key plan	10.10
APP-022 / AS-028	2.6 Works Plans (Volume B) Utilities (Sheets 1 to 20)	2.0	Update to Order Limits for Works No. E1 (Blue Bell Hill site) in Sheet 1 and 2 and removal of Works No. E2 (Burham site) from Sheet 2	10.10
APP-056 / AS-038	3.1 Draft Development Consent Order	2.0	Update to Schedule 1, 8 & 11	10.11
APP-060 / AS-040	4.1 Statement of Reasons	2.0	Update to land plot references for land at Blue Bell Hill and Burham affected by proposed change	10.14
APP-062 / AS-042	4.2 Book of Reference	2.0	Update to land plot references for land at Blue Bell Hill and Burham affected by proposed change	10.15
APP-140	6.1 Environmental Statement – Chapter 2 – Project Description	1.0	Update to text in Paragraphs 2.3.213 and 2.4.196	10.4 Appendix A
APP-156	6.2 Environmental Statement – Figure 2.1 – Route Alignment and Order Limits	1.0	Update to Order Limits on Page 1	10.13
AS-034/ AS-035	2.17 Temporary Works Plans Volume B (sheets 1 to 20)	2.0	Update to Order Limits	10.9
APP-050	2.17 Temporary Works Plans Volume A (key plan)	1.0	Update to Order Limits	10.9
APP-159	6.2 Environmental Statement – Figure 2.4 – Environmental Masterplan Sections 1 & 1A (1 of 10)	1.0	Update to Scheme Overview, Overview Plan and Section 1A Sheets 1-3 (Sheet 3 to be omitted)	TBC

DCO Doc No.	DCO document name	Rev	Extent of change	Refer to
APP-490	6.7 Outline Landscape and Ecology Management Plan	1.0	Update to Section 5.16 (Blue Bell Hill), update to Plate 5.16 and removal of Section 5.17 (Burham)	TBC
APP-516	7.5 Design Principles	1.0	Removal of Principle S1.18 (relating to Blue Bell Hill) and removal of Principle S1.22 (relating to Burham)	TBC

5 Limits of deviation for the bored tunnel (north of the alignment)

5.1 Background and justification of the change

- 5.1.1 The Applicant proposes to seek further flexibility over the placement of the underground headwall that provides the interface between the cut and cover structure and the bored tunnel at the North Portal.
- 5.1.2 This would, if necessary, enable the headwall to move further north underground, which would result in a reduction in the length of the cut and cover structure (Work No. 5A(ii)) and an equal increase in the length of the bored tunnel (Work No. 4A(i)).
- 5.1.3 This additional flexibility is sought for the location of the North Portal headwall as the nature of the existing ground conditions is such that further ground investigation is required to be undertaken by the Applicant's Delivery Partner (when they are appointed) to facilitate the detailed design for the headwall.
- 5.1.4 For clarity, this proposed change does not alter the external appearance of the North Portal or affect any above ground elements of the Project.
- 5.1.5 The proposed change will facilitate greater certainty over the deliverability of the Project without introducing any new or different likely significant environmental effects to those reported in the ES.
- 5.1.6 The Applicant considers the proposed change has no impact on the Project's accordance with National Policy Statement policy and the planning balance remains as stated in the DCO application.

5.2 Description of the change

- 5.2.1 This change can be made by increasing the limits of deviation, described as the 'Limit of deviation on bored tunnel headwall' on Sheet 2 of the Tunnel Limits of Deviation Plans [**Application Document [APP-046](#)**] from 125m North on alignment to 275m North on alignment.

Plate 5.1 Limit of deviation (LOD) for the northern tunnel entrance headwall at DCO application

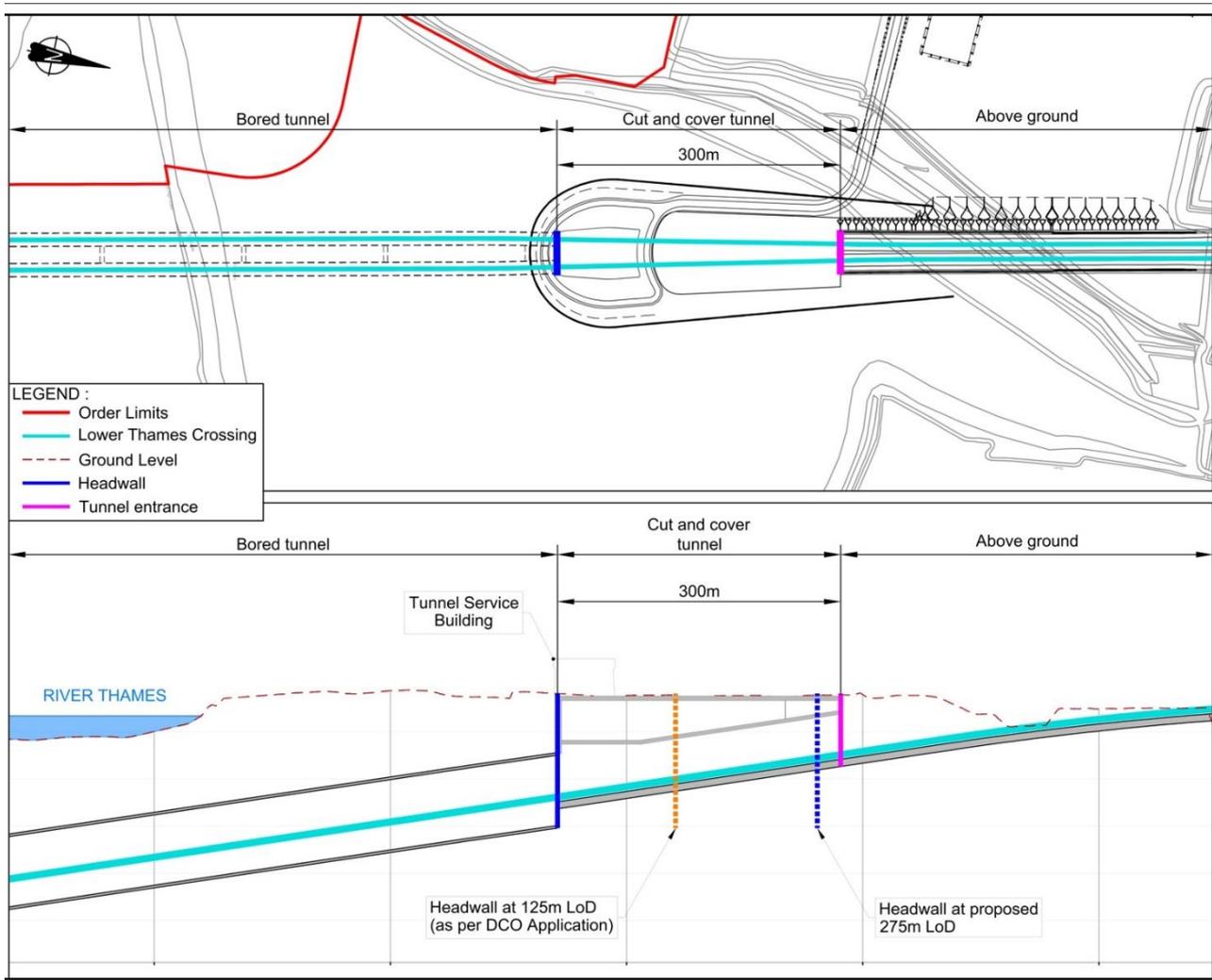
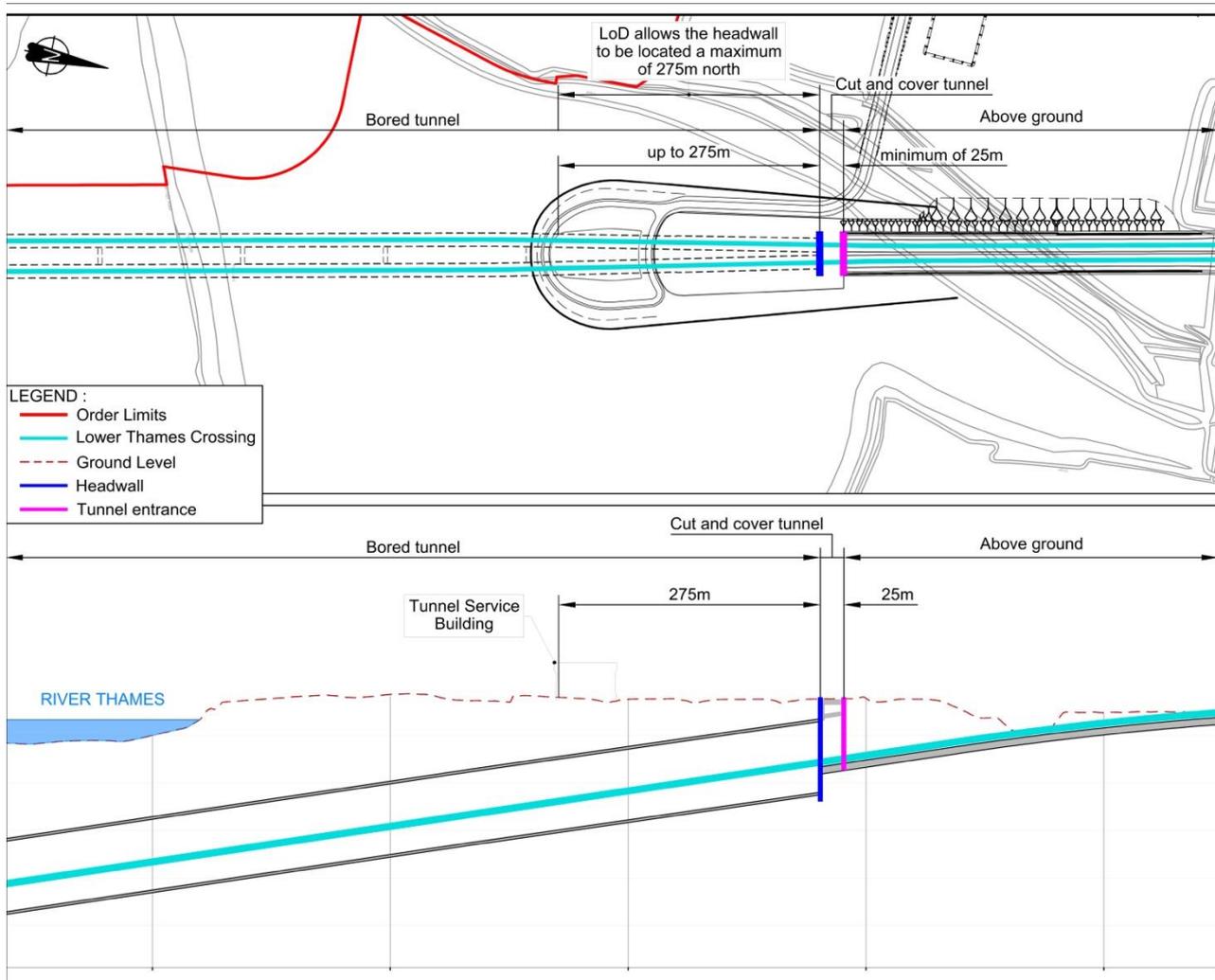


Plate 5.2 Limit of deviation (LOD) proposed for the northern tunnel entrance headwall as a result of the potential change



5.3 Summary of environmental appraisal

- 5.3.1 The proposed change to the limits of deviation for the North Portal headwall would provide greater flexibility over the location in which the bored tunnel would transition to the cut and cover structure within the tunnel itself.
- 5.3.2 With the exception of a reduction in the extent of the cut and cover structure, which is constructed from the ground surface, all other changes associated with the option afforded by this flexibility are restricted to the tunnel itself, below ground level.
- 5.3.3 The change in potential impacts is considered negligible and consistent with those impacts already assessed in the ES.
- 5.3.4 On this basis, the environmental appraisal of the proposed change has not identified any new or different likely significant environmental effects to those reported in the ES.

5.4 Topic assessment

- 5.4.1 The Applicant undertook an assessment of environmental disciplines assessed in the ES to identify potential changes in significant effects as a result of the proposed change. Details of this assessment are provided in Table 5.1.

Table 5.1 Construction-related environmental assessment of increase in limit of deviation (LOD) for the North Portal headwall

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
Air quality	No significant air quality effects are predicted in the area around the northern tunnel entrance headwall.	The increased flexibility to move the location of the northern portal headwall further north within the bored tunnel/cut and cover structure would not bring the North Portal tunnel entrance or construction activities closer to any residential or other sensitive areas. Therefore, there is no change in the significant effects reported.
Cultural heritage	A number of significant adverse effects to archaeological assets have been reported in Section 6.6 of ES Chapter 6: Cultural Heritage [Additional Submission AS-044] in relation to works comprising the construction of the northern tunnel entrance headwall and the cut and cover works.	The increased flexibility to move the location of the northern portal headwall further north within the bored tunnel/cut and cover structure does not alter the location of the tunnel entrance or the footprint of the Project. Therefore, there is no change in the significant effects reported.
Landscape and visual	The landscape and visual effects of the northern tunnel entrance headwall and associated Project features are reported in Section 7.6 of ES Chapter 7: Landscape and Visual [Application Document APP-145]. Significant adverse landscape effects are presented in the assessment in association with the works comprising the northern tunnel entrance headwall.	The increased flexibility to move the location of the northern portal headwall within the bored tunnel/cut and cover structure does not alter the location of the tunnel entrance or the footprint of the Project. Therefore, there is no change in the significant effects reported.
Terrestrial and marine biodiversity	A number of significant adverse effects have been reported in Section 8.6 of ES Chapter 8: Terrestrial Biodiversity [Application Document APP-146] in relation to the works comprising the construction of the northern tunnel entrance headwall, notably around direct habitat loss, and visual and noise disturbance.	The increased flexibility to move the location of the northern portal headwall within the bored tunnel/cut and cover structure does not alter the location of the tunnel entrance or the footprint of the Project. Therefore, there is no change in the significant effects reported. There are no significant effects associated with marine biodiversity.

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
	There were no reported significant effects associated with marine biodiversity in the ES.	
Geology and soils	<p>No significant adverse effects have been reported in relation to the construction of the northern tunnel entrance headwall location for geology or contamination.</p> <p>A significant effect has been reported for the Project's impacts to best and most versatile land.</p>	<p>The increased flexibility to move the location of the northern portal headwall within the bored tunnel/cut and cover structure does not alter the location of the tunnel entrance or the footprint of the Project. Therefore, there is no change in the significant effects reported (including the impact on best and most versatile land).</p> <p>The measures set out in the Register of Environmental Actions and Commitments (REAC) within ES Appendix 2.2 Code of Construction Practice [Application Document APP-336] to control potential contamination effects at the northern tunnel entrance headwall during construction and tunnelling activities, would continue to apply and would not change as a result of increasing the flexibility in the position of the headwall.</p>
Material assets and waste	A significant adverse effect has been reported in relation to the Project's impact on landfill capacity in the study area.	<p>No new or different likely significant effects to those reported are anticipated.</p> <p>The increased flexibility within the limits of deviation provides an opportunity to further reduce the length of the cut and cover structure. A reduction in the cut and cover structure length would result in a minor reduction in material use and construction waste generated and material excavated during construction.</p> <p>These changes do not affect the overall conclusions reported in ES Chapter 11: Material Assets and Waste [Application Document APP-149].</p>
Noise and vibration	There are no significant noise effects reported within the locality of this change.	No new or different likely significant noise effects to those reported are anticipated, as construction activities will not be moving closer to sensitive receptors.

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
Population and human health	There are no significant effects reported within the locality of this change.	No new or different likely significant effects to those reported are anticipated.
Road drainage and the water environment	There are no significant effects reported.	No new or different likely significant effects to those reported are anticipated.
Climate	There are no significant effects reported.	The proposed increase in the limits of deviation will have a negligible effect on the Project's resilience to climate change and on the amount of carbon generated in the construction phase. Therefore, no new or different likely significant effects are anticipated.

5.5 Schedule of consequential amendments to DCO Application Documents

- 5.5.1 In Table 5.2 the Applicant has identified the DCO Application Documents requiring a consequential amendment because of the proposed change and is provided with this Change Application.
- 5.5.2 Where a DCO Application Document is not included in this list it would not be affected by the proposed change.

Table 5.2 Proposed DCO Application Document updates

DCO Doc No.	DCO document name	Rev	Extent of change	Refer to
[APP-046]	2.15 Tunnel Limits of Deviation Plans	1.0	Update to limits of deviation shown on Sheet 2.	10.8

6 East Tilbury utilities relocations and Order Limits reduction

6.1 Background and justification of the change

- 6.1.1 During ongoing landowner engagement, the Applicant identified that there was an opportunity to make modifications to the proposed temporary works in the Tilbury area. By changing the location of the two Utility Logistics Hubs and modifying the alignment of the temporary Linford bore pipeline, it would be possible to reduce the temporary land requirements in the area, reducing the Order Limits and impacts on land as a result. This change would also move construction works further away from residential properties in East Tilbury, reducing the potential environmental impacts associated with those works.

6.2 Description of the change

Relocation of the temporary Linford pipeline (Work No. MUT6)

- 6.2.1 It is proposed to relocate the temporary Linford bore pipeline (Work No. MUT6) 250m further west of the residents at East Tilbury. The realigned pipeline would remain within the existing Order Limits and the redesign has considered the working room needed for National Grid Electricity Transmission (NGET) to construct, operate and maintain Work No. OH4 (the ZJ Route) in its proposed alignment.
- 6.2.2 Movement of the pipeline would require the movement of the Muckingford Road Utility Logistics Hub (ULH 11).

Relocation of Muckingford Road and Low Street Lane Utility Logistics Hubs

- 6.2.3 It is proposed to consolidate the Muckingford Road and Low Street Lane Utility Logistic Hubs (ULH 12) at a single location on both sides of Coal Road, Tilbury adjacent to Low Street, Tilbury (within the existing Order Limits). The Muckingford Road ULH will be moved approximately 350m west, and the Low Street Lane ULH approximately 550m north, of the locations shown in the DCO application.
- 6.2.4 There is no change to the proposed construction traffic access for the Utility Logistic Hubs which will remain off Muckingford Road using the construction access road.

East Tilbury Order Limits reduction

- 6.2.5 The relocation of the Work No. MUT6 pipeline and ULH 11 provides the major benefit of enabling a reduction of approximately 17ha of land from the Order Limits by moving the boundary further west to align with the relocated Work No. MUT6 pipeline.

Plot 23-96 land designation change

- 6.2.6 The proposed relocation of Work No. MUT6 requires a change to the land designation of a portion of Plot 23-96 from temporary use (shaded green in the

land plans [**Application Document APP-008** and Additional Submission **AS-010**] to temporary use and permanent acquisition of rights (shaded blue in the land plans).

- 6.2.7 NGET has also requested an amendment to the land designation for a further portion of Plot 23-96 from temporary possession of land, to temporary possession of land and permanent acquisition of rights. The request relates to their infrastructure on the ZJ network, Work No. OH4.
- 6.2.8 The proposed change to the land designation secures the rights for NGET to attend, maintain and operate their infrastructure. Refer to Section 8 for further details in relation to the proposed compulsory acquisition of rights in respect of this plot.

Plate 6.1 Utility proposals at East Tilbury at DCO application

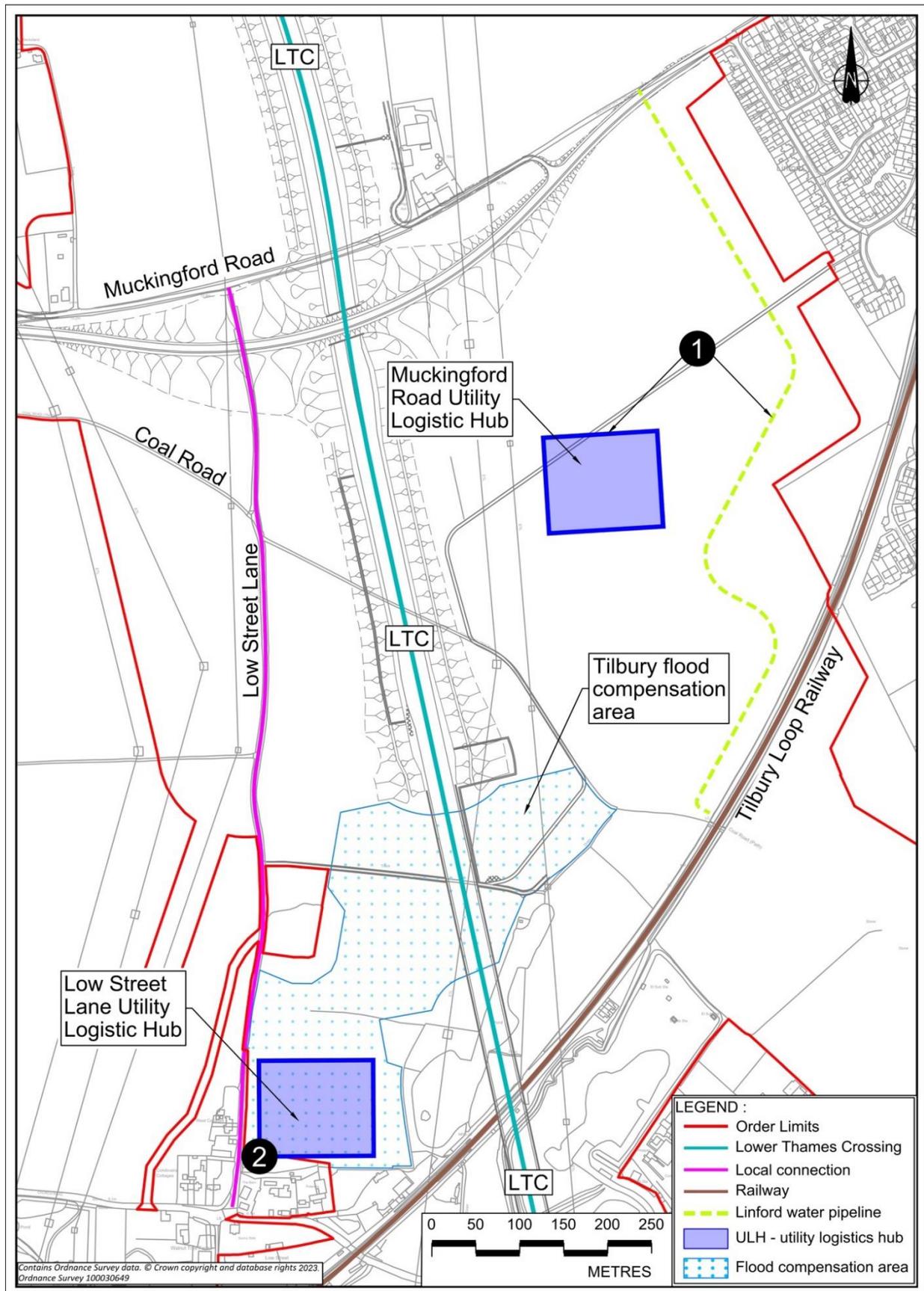


Plate 6.2 Revised utility proposals at East Tilbury resulting from proposed change

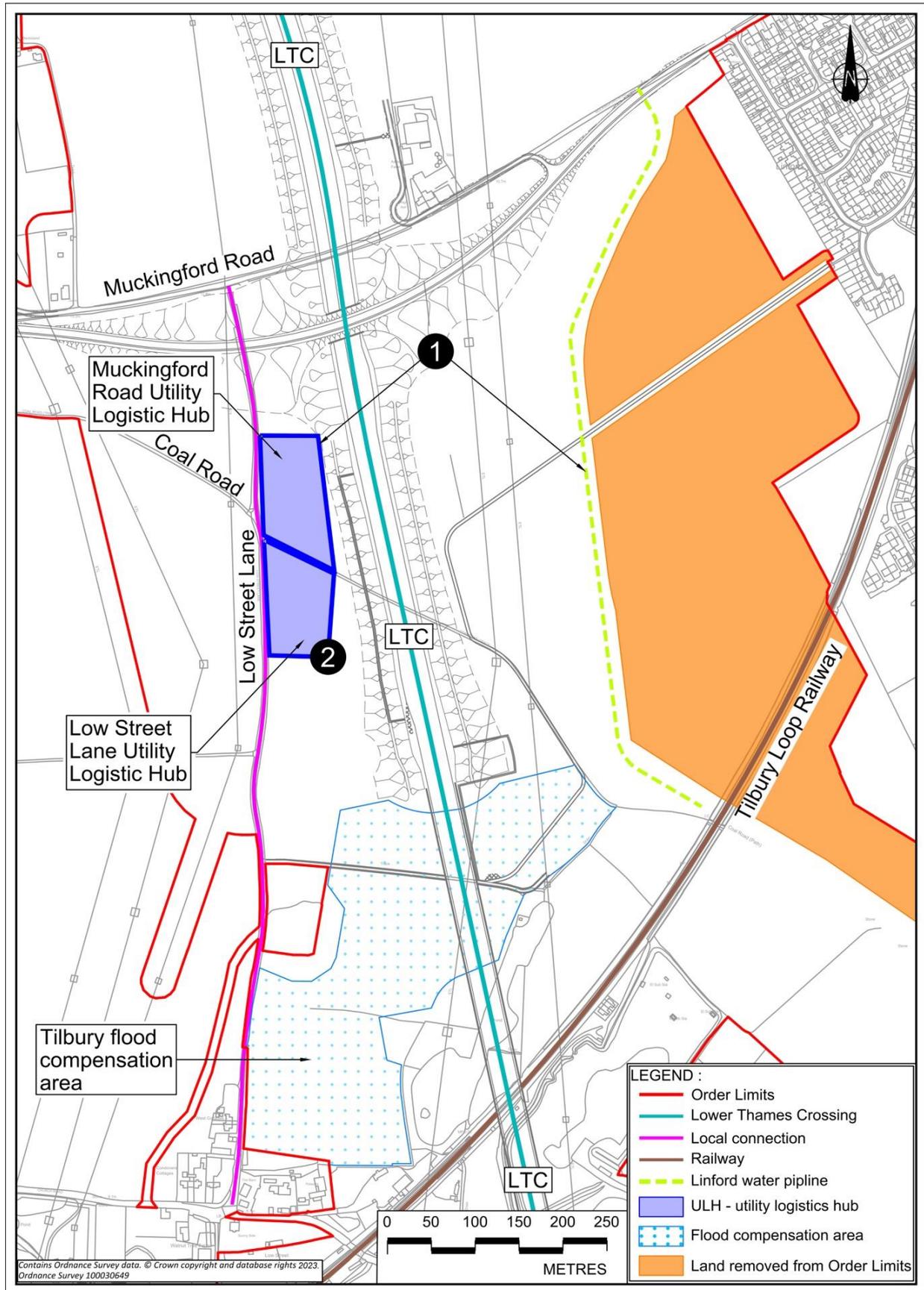


Plate 6.3 East Tilbury land use at DCO application

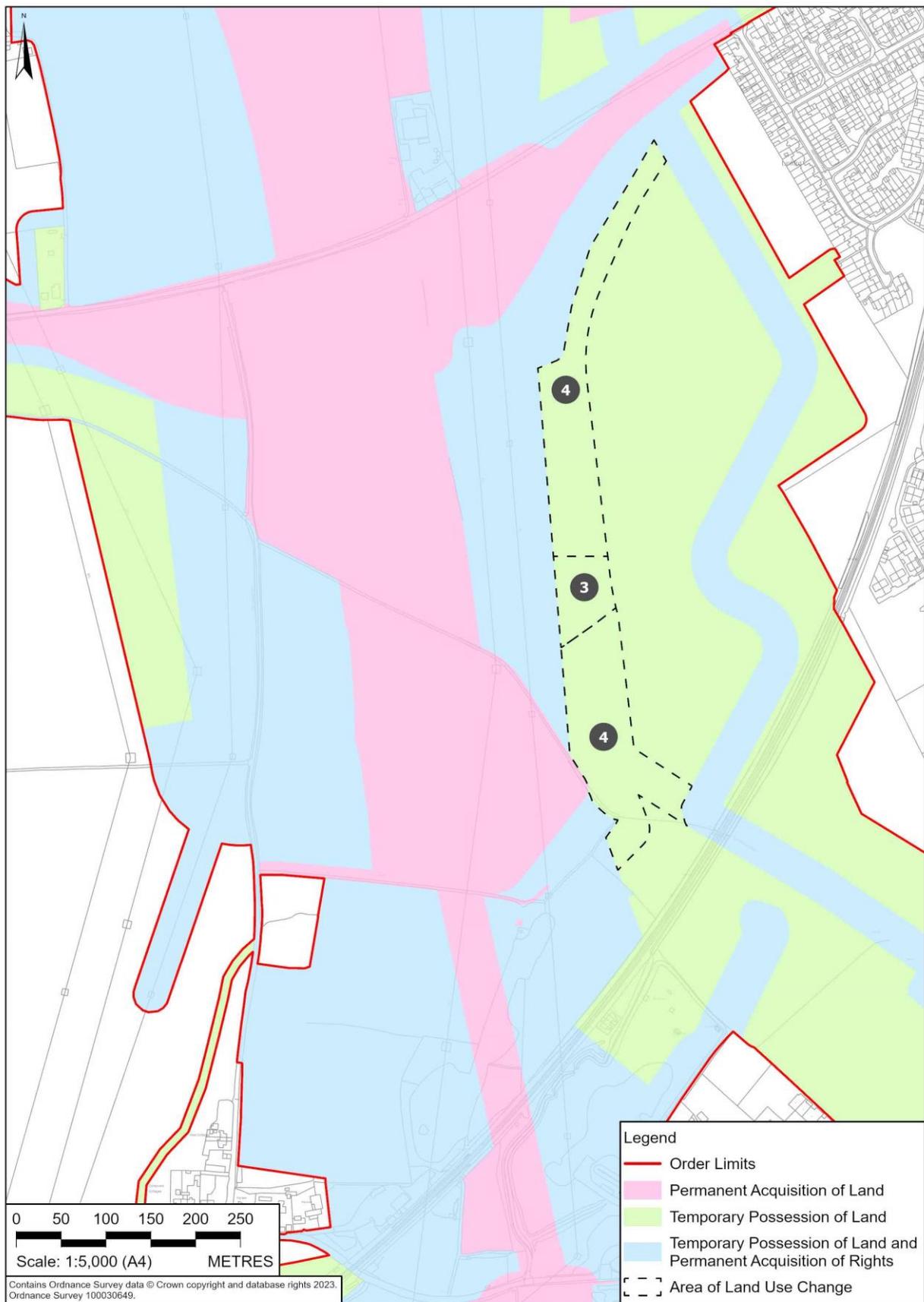
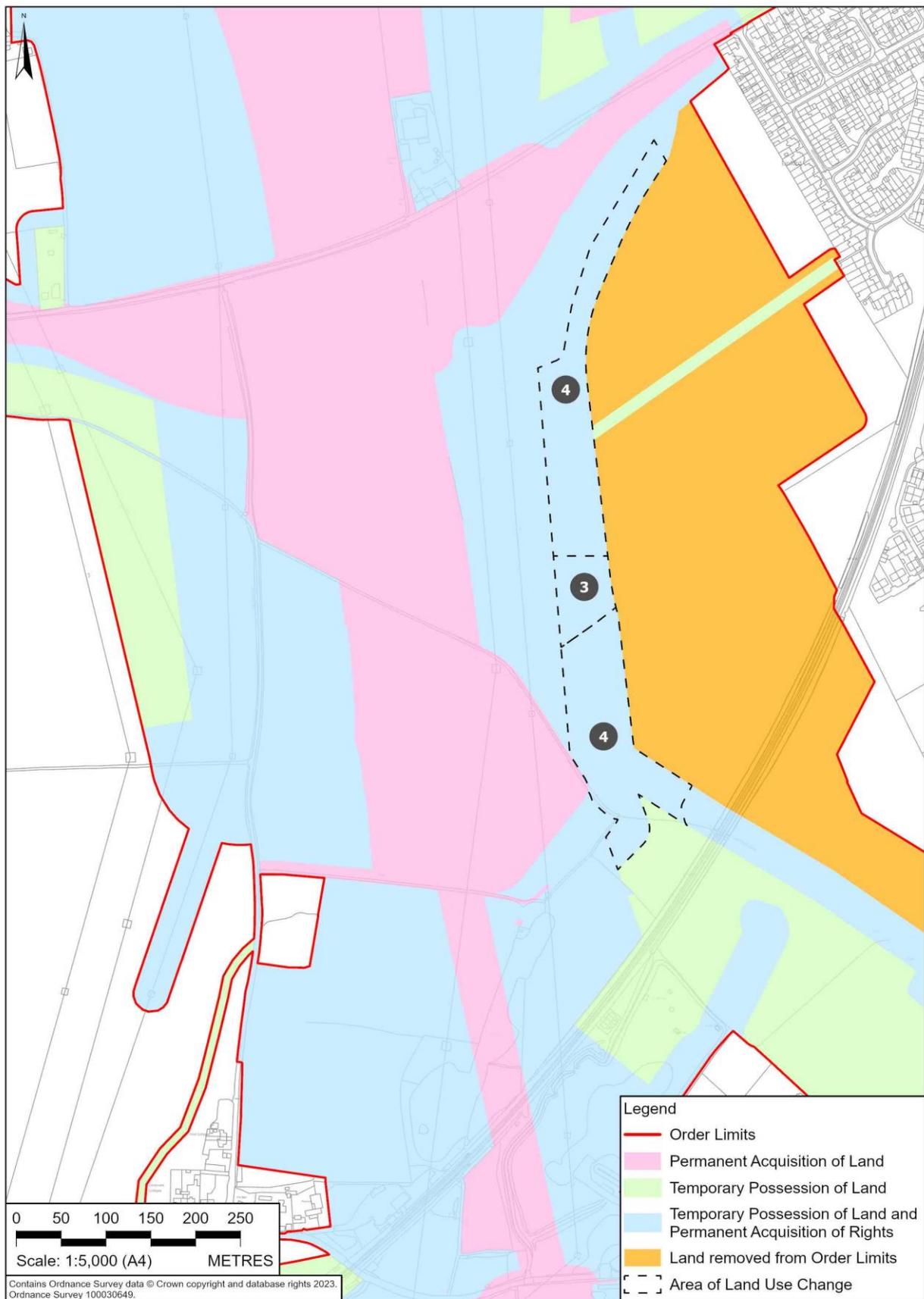


Plate 6.4 Revised East Tilbury land use resulting from proposed change



6.3 Summary of environmental appraisal

- 6.3.1 The relocation of Work Nos. MUT6, ULH11 and ULH12 and the associated reduction in Order Limits would result in the movement of the alignment or the position of underground utilities works and Utility Logistics Hubs further away from the existing locations of residential dwellings located within East Tilbury. This would therefore increase the distance between those receptors and potential environmental effects such as dust emissions and noise impacts.
- 6.3.2 The change in the Order Limits would result in the Project no longer affecting approximately 17ha of grade 3a and 3b soils compared to the original Order Limits boundary. Although beneficial, in the context of the overall impact on soil it is not considered that the reduction in impact would change the reported effects in the ES.
- 6.3.3 The relocation of the Low Street Lane Utility Logistics Hub (ULH12) would result in a temporary impact to approximately 0.84ha of grade 2/3a soils. The Low Street Lane Utility Logistics Hub previously affected grade 3b soils. Although this represents an increase to the temporary impact on best and most versatile land, the overall impact is not considered to change the reported effects in the ES.

6.4 Topic assessment

- 6.4.1 The Applicant undertook an assessment of environmental disciplines assessed in the ES to identify potential changes in significant effects as a result of the proposed change. Details of this assessment are provided in Table 6.1.

Table 6.1 Environmental assessment of revised utility and Order Limits proposals for East Tilbury

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
Air quality	There are no significant effects reported in terms of air quality during construction. Operational environmental effects on air quality are not relevant to these changes.	These changes move the alignment or position of underground utilities works and logistic hubs to areas that are further away from residents located within Linford and West Tilbury and would therefore serve to increase the distance between dust emission sources and these receptors during construction. No new or different likely significant effects are therefore anticipated during construction.
Cultural heritage	While some significant effects on heritage assets are reported in the ES none are in close proximity to the land affected by this change and therefore no significant effects have been reported from the existing proposals.	No new or different likely significant effects are anticipated.

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
<p>Landscape and visual</p>	<p>The landscape and visual effects of utility works during construction are reported in ES Chapter 7: Landscape and Visual [Application Document APP-145]. A significant adverse visual effect on views encompassing these works during construction is reported from residential properties in East Tilbury (off Beechcroft Avenue).</p> <p>A significant adverse visual effect during construction, including the Muckingford Road ULH and associated access track, is reported from residential properties in East Tilbury (off Beechcroft Avenue).</p> <p>A significant overall adverse visual effect during construction, including the Low Street Lane ULH, is also reported from Low Street Lane adjacent to a cluster of residential properties.</p>	<p>No new or different likely significant effects are anticipated in relation to the change in the alignment of the temporary water pipeline or reduction to the Order Limits because significant adverse visual effects during construction would remain from other utilities works and construction activities. The changes in the temporary Linford water pipeline would also not affect the operational visual assessment, due to the pipeline being located underground.</p> <p>The relocation of the ULHs would not result in new or different significant effects.</p> <p>This is because significant adverse visual effects during construction would remain from other utilities works and construction activities. Looking east towards the site of the proposed location for both ULHs on Coal Road, significant adverse effects during construction are already reported in ES Chapter 7: Landscape and Visual [Application Document APP-145] (large adverse effect) and while the relocated ULHs would introduce an additional construction feature, it would not change the overall level of assessment from these two representative viewpoints. From an operational perspective there would be no change in the assessment of significance reported in the ES.</p>
<p>Terrestrial and marine biodiversity</p>	<p>Significant adverse effects have been reported in ES Chapter 8: Terrestrial Biodiversity [Application Document APP-146] in relation to the construction of the Project, notably around direct habitat loss and visual and noise disturbance.</p> <p>The changes proposed at East Tilbury are not considered to have significant adverse effects on the habitat at this location.</p>	<p>No new or different likely significant effects are anticipated.</p> <p>Habitat loss and disturbance would be reduced marginally but not to a level which would result in a change to the conclusions of significance in the assessment.</p> <p>There are no significant effects associated with marine biodiversity.</p>

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
	There were no reported significant effects associated with marine biodiversity in the ES.	
Geology and soils	<p>A significant adverse effect was reported during construction due to the impact of the Project on 'best and most versatile land'. This is agricultural land classified as grade 1, 2 or 3a across the whole Project.</p> <p>The Agricultural Land Classification has predominantly characterised the soils 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>No new or different likely significant effects are anticipated during construction or operation as a result of the reduction in the Order Limits associated with the revised utility proposals. This change would result in the removal of approximately 17ha of grade 3a and 3b soils from the Order Limits which would be beneficial.</p> <p>However, this would not change the reported effects in the ES as the impact on best and most versatile soil is considered across the whole Project.</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.</p>
Material assets and waste	The ES identified a significant adverse effect arising from the Project's impact on landfill capacity in the study area.	<p>There are no new or different likely significant effects anticipated.</p> <p>There would be no waste-generating activities or earthworks associated with these works above and beyond what has already been reported.</p>
Noise and vibration	There are no significant effects reported within the locality of these changes.	<p>These changes would move the construction works further away from the residential area located within Linford which would reduce the noise impact for a short phase of construction. However, in the context of the wider construction no new or different likely significant effects are anticipated.</p> <p>This design change would also move the ULHs further away from the residential area located within Linford and West Tilbury and would also reduce temporary noise impacts, although in the context of the construction assessment there</p>

Environmental topic	Reported significant effects in the DCO ES	Change in significant effects reported in the DCO ES
		would be no change to the overall assessment of significant effects. From an operational perspective there would be no change in the assessment of significance reported in the ES.
Population and human health	There are no significant effects for construction or operation reported in the vicinity of this change in ES. In relation to the area covered by the new location for the ULHs, the ES reports a slight adverse effect (which is not significant) during construction.	No new or different likely significant effects are anticipated. The proposed changes would not have an effect on the sensitivity of this land (which is low) and the significance of effect during construction is likely to remain slightly adverse as reported in the ES.
Road drainage and the water environment	The layout and below ground construction and materials of the utility corridors in the vicinity of the Low Street irrigation reservoir have the potential to cause drainage from or reduced groundwater seepage to the reservoir, which is groundwater fed. The Project's commitment in the REAC Ref. RDWE054 as set out within ES Appendix 2.2: Code of Construction Practice [Application Document APP-336] would mitigate against these potential effects and therefore there are no significant effects reported in the ES. There are no significant residual effects on surface water receptors/flood risk reported in the ES.	Realignment of the temporary Linford water pipeline further west from Linford has the potential to change reported groundwater effects. REAC RDWE054 would be modified to include the changed work to prevent any potential impacts to the irrigation reservoir. The conclusion of significance presented in the ES would therefore remain as presented in the DCO application.
Climate	There are no significant effects reported.	The changes proposed would result in no changes to the reported greenhouse gas emissions or conclusions in relation to climate resilience.

6.5 Schedule of consequential amendments to DCO Application Documents

- 6.5.1 The Applicant has identified the DCO Application Documents requiring a consequential amendment because of the proposed change. In Table 6.2 the documents shaded green are provided with this Change Application. ~~of this Change Application.~~ The documents shaded blue are proposed to be updated at a later Deadline in the Examination subject to the changes being accepted.
- 6.5.2 Where a DCO Application Document is not included in this list it would not be affected by the proposed change.

Table 6.2 Proposed DCO Application Document updates

DCO Doc No.	DCO document name	Rev	Extent of change	Refer to
APP-006 / AS-006	2.2 Land Plans Volume A (Key Plan)	2.0	Update to Order Limits in key plan	10.6
APP-008 / AS-010	2.2 Land Plans Volume C (sheets 21 to 49)	2.0	Update to Order Limits on Sheets 22, 23 and 24	10.6
APP-015	2.5 General Arrangement Volume A (key plan)	1.0	Update to Order Limits in key plan	10.7
APP-017	2.5 General Arrangement Volume C (Sheets 21 to 49)	1.0	Update to Order Limits on Sheets 22, 23 and 24	10.7
APP-018	2.6 Works Plans (Volume A) Composite (Key Plan)	1.0	Update to Order Limits in key plan	10.10
APP-020 / AS-026	2.6 Works Plans (Volume C) Composite (Sheets 21 to 49)	2.0	Update to Order Limits on Sheets 22, 23 and 24, update location for Works MUT6.	10.10
APP-021	2.6 Works Plans (Volume A) Utilities (Key Plan)	1.0	Update to Order Limits in key plan	10.10
APP-023 / AS-030	2.6 Works Plans (Volume C) Utilities (Sheets 21 to 49)	2.0	Update to Order Limits on Sheets 22, 23 and 24, update location for Works MUT6.	10.10
APP-056 / AS-038	3.1 Draft Development Consent Order	2.0	Update to Schedules 1, 8 and 11	10.11
APP-060 / AS-040	4.1 Statement of Reasons	2.0	Update to land plot references	10.14
APP-062 / AS-042	4.2 Book of Reference	2.0	Update to land plot references	10.15
APP-140	6.1 Environmental Statement – Chapter 2 – Project Description	1.0	Update to Order Limits in Plates 2.5 and 2.6, updates to Tables 2.8 and 2.11 (affecting ULH size), updates to Paragraphs 2.3.213 and 2.6.138(b).	10.4
APP-156	6.2 Environmental Statement – Figure 2.1 – Route Alignment and Order Limits	1.0	Update to Order Limits on Page 1	10.13
AS-036/ AS-037	2.17 Temporary Works Plans Volume C (sheets 21 to 49)	2.0	Update to Order Limits on Sheets 22, 23 and 24, update location for Works MUT6.	10.9
APP-169	6.2 Environmental Statement – Figure 2.5 – Construction Information	1.0	Update to ULH locations and MUT6 alignment	TBC
APP-163	6.2 Environmental Statement – Figure 2.4 –	1.0	Update to Overview Plan and Sheets 4 and 18	TBC

DCO Doc No.	DCO document name	Rev	Extent of change	Refer to
	Environmental Masterplan Section 9 (5 of 10)			
APP-164	6.2 Environmental Statement – Figure 2.4 – Environmental Masterplan Section 10 (6 of 10)	1.0	Update to Scheme Overview Plan and Sheets 1, 2 a1	TBC
APP-336	6.3 Environmental Statement Appendix 2.2 – Code of Construction Practice, First iteration of Environmental Management Plan	1.0	Update to Plate 6.1 and REAC item RDWE054	TBC
APP-338	6.3 Environmental Statement Appendix 2.2 – Code of Construction Practice, First iteration of Environmental Management Plan – Annex B – Outline Materials Handling Plan	1.0	Update text for Paragraph 5.4.7(c) (relating to Muckingford Road ULH 11 now being west of main alignment) and updates to Plates 5.2 and 5.3	TBC
APP-546	7.13 Framework Construction Travel Plan	1.0	Update Plate 5.2	TBC
APP-529	7.9 Transport Assessment	1.0	Update Plate 5.2	TBC
APP-547	7.14 Outline Traffic Management Plan for Construction	1.0	Update Order Limits for Plates 4.2, 4.3 and B.6 and Order Limits and ULH 11 & 12 locations in Plates 4.6 and 4.7.	TBC

7 New or different likely significant environmental effects

7.1 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 7.1.1 Advice Note Sixteen Figure 2b (6) (A) and (B) sets out requirements for publicity and consultation where a proposed change results in any new or different likely significant effects.
- 7.1.2 Figure 2b (6)(A) requires the Applicant to adequately assess the effects of any proposed change which results in any new or different likely significant effects and to subject that assessment to publicity which should reflect the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 7.1.3 Figure 2b (6)(B) requires the Applicant to consult with consultation bodies who might have an interest in the proposed changes and submit copies of any responses received from the bodies in the Change Application.
- 7.1.4 As detailed in the environmental appraisals for each of the proposed changes, the Applicant does not believe that the proposed changes would either alone in combination with other changes result in any new or different likely adverse significant environmental effects and, as such, the requirements of Figure 2b (6) (A) and (B) do not apply to this application. However, as detailed in Paragraph 4.3.7 there is a reduction in a beneficial visual effect at Bluebell Hill from a significant beneficial to a not significant beneficial effect.
- 7.1.5 For completeness, the Applicant has proceeded to carry out publicity in relation to the proposed changes to reflect the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as part of the minor refinement consultation. The Applicant has also carried out consultation with those bodies who might have an interest in the proposed changes.
- 7.1.6 Details of the publicity undertaken for the proposed changes, including those bodies consulted and their responses are included in the Consultation Report appended to this Change Application in Appendices J and K.

8 Compliance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

- 8.1.1 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 amendment to the compulsory acquisition and temporary possession powers required.
- 8.1.2 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.
- 8.1.3 The extent and nature of the change in the land interests affected by the compulsory acquisition and temporary possession powers sought by the Applicant is described in tables 8.1 – 8.3. These tables also detail where there have been changes to plot geometry or plot numbers.
- 8.1.4 Where the CA Regulations are additionally engaged as a result of the proposed change these are highlighted in bold in Table 8.1.

Table 8.1 – Affected land plots which have changes to their geometry and given new plot numbers

Current land plot				Proposed changes to land plots			
Plot ID	Land Use	Area (sqm)	Change	Plot ID	Land Use	Area (sqm)	Change
23-96	Temporary Possession of Land	7687	Plot deleted	23-175	Temporary Possession of Land and Permanent Acquisition of Rights	5086	New plot
23-98	Temporary Possession of Land	1334	Plot deleted	23-176	Temporary Possession of Land and Permanent Acquisition of Rights	534	New plot
23-99	Temporary Possession of Land	48396	Plot deleted	23-177	Temporary Possession of Land and Permanent Acquisition of Rights	19366	New plot
23-99	Temporary Possession of Land	48396	Plot deleted	23-180	Temporary Possession of Land	6157	New plot
23-102	Temporary Possession of Land	154	Plot deleted	23-178	Temporary Possession of Land and Permanent Acquisition of Rights	154	New plot
23-103	Temporary Possession of Land	113	Plot deleted	23-179	Temporary Possession of Land and	113	New plot

Current land plot				Proposed changes to land plots			
					Permanent Acquisition of Rights		
23-121	Temporary Possession of Land and Permanent Acquisition of Rights	14706	Plot deleted	23-177	Temporary Possession of Land and Permanent Acquisition of Rights	19366	New plot
24-116	Temporary Possession of Land and Permanent Acquisition of Rights	40890	Plot deleted	24-191	Temporary Possession of Land and Permanent Acquisition of Rights	32844	New plot
24-127	Temporary Possession of Land	39260	Plot deleted	24-192	Temporary Possession of Land and Permanent Acquisition of Rights	11539	New plot
24-127	Temporary Possession of Land	39260	Plot deleted	24-194	Temporary Possession of Land	78	New plot
24-131	Temporary Possession of Land	31365	Plot deleted	24-193	Temporary Possession of Land and Permanent Acquisition of Rights	7190	New plot
24-131	Temporary Possession of Land	31365	Plot deleted	24-195	Temporary Possession of Land	1569	New plot
24-142	Temporary Possession of Land	450	Plot deleted	24-196	Temporary Possession of Land	57	New plot
24-144	Temporary Possession of Land	4355	Plot deleted	24-197	Temporary Possession of Land	569	New plot
24-151	Temporary Possession of Land	534	Plot deleted	24-198	Temporary Possession of Land	77	New plot
24-154	Temporary Possession of Land	4283	Plot deleted	24-199	Temporary Possession of Land	2133	New plot
24-157	Temporary Possession of Land	10758	Plot deleted	24-199	Temporary Possession of Land	2133	New plot
24-174	Temporary Possession of Land and	6484	Plot deleted	24-199	Temporary Possession of Land	2133	New plot

Current land plot				Proposed changes to land plots			
	Permanent Acquisition of Rights						

Table 8.2 – Affected land plots which have not changed geometrically and therefore not been superseded and replaced, are not subject to a change in rights but are subject to a change in works

Plot ID	Land Use	Area (sqm)
23-47	Temporary Possession of Land and Permanent Acquisition of Rights	72855
23-50	Temporary Possession of Land and Permanent Acquisition of Rights	36340
23-51	Permanent Acquisition of Land	86185
23-175	Temporary Possession of Land and Permanent Acquisition of Rights	5086
23-176	Temporary Possession of Land and Permanent Acquisition of Rights	534
23-177	Temporary Possession of Land and Permanent Acquisition of Rights	19366
24-79	Permanent Acquisition of Land	73049
24-82	Temporary Possession of Land and Permanent Acquisition of Rights	347
24-124	Temporary Possession of Land and Permanent Acquisition of Rights	6326

Table 8.3 - Affected land plots which are deleted and not replaced

Plot ID	Land Use	Area (sqm)	Change
01-12	Permanent Acquisition of Land	286126	Plot deleted
02-01	Temporary Possession of Land and Permanent Acquisition of Rights	879	Plot deleted
02-02	Permanent Acquisition of Land	95283	Plot deleted
02-03	Temporary Possession of Land and Permanent Acquisition of Rights	996	Plot deleted
23-131	Temporary Possession of Land	7888	Plot deleted
23-134	Temporary Possession of Land	5525	Plot deleted
23-137	Temporary Possession of Land	5624	Plot deleted
23-140	Temporary Possession of Land	2671	Plot deleted
23-141	Temporary Possession of Land	16844	Plot deleted
23-149	Temporary Possession of Land	5074	Plot deleted
23-152	Temporary Possession of Land	109	Plot deleted
23-171	Temporary Possession of Land and Permanent Acquisition of Rights	17	Plot deleted
24-143	Temporary Possession of Land	1719	Plot deleted

Plot ID	Land Use	Area (sqm)	Change
24-145	Temporary Possession of Land	6	Plot deleted
24-148	Temporary Possession of Land and Permanent Acquisition of Rights	313	Plot deleted
24-150	Temporary Possession of Land and Permanent Acquisition of Rights	3706	Plot deleted
24-152	Temporary Possession of Land and Permanent Acquisition of Rights	670	Plot deleted
24-158	Temporary Possession of Land	4354	Plot deleted
24-165	Temporary Possession of Land and Permanent Acquisition of Rights	165	Plot deleted
24-168	Temporary Possession of Land and Permanent Acquisition of Rights	1753	Plot deleted
24-169	Temporary Possession of Land	100	Plot deleted
24-170	Temporary Possession of Land	408	Plot deleted
24-176	Temporary Possession of Land and Permanent Acquisition of Rights	140	Plot deleted
24-177	Temporary Possession of Land	335	Plot deleted
24-179	Temporary Possession of Land	665	Plot deleted
24-184	Temporary Possession of Land	67	Plot deleted

- 8.1.5 The Applicant has written to all the PILs in respect of the land highlighted in bold in Table 8.1 to seek their consent in accordance with Regulation 4 of the CA Regulations. To date the Applicant has received no consents in response to this.
- 8.1.6 On that basis the Applicant is providing the information required by Regulation 5 of the CA Regulations. Further information is provided from section 8.2 onwards. The Applicant therefore formally seeks the Examining Authority's consent to accept the proposed provision into the Application.
- 8.1.7 If accepted, the Applicant would issue notices confirming when and where information about the land subject to a designation change can be inspected and the deadline for submitting Relevant Representations about the land.
- 8.1.8 The Applicant will, however, continue to seek to obtain consent from all persons with an interest in the land affected by the land designation change, to include such powers within the DCO application and will update the Examining Authority accordingly.

8.2 Implications for the Statement of Reasons

- 8.2.1 Change MRC03 requires changes in land powers sought for plots listed in tables 8.1 to 8.3. All changes to plots are illustrated in the updated Land Plans (as shown on the extract from Land Plans - Volume C - (Sheets 21 to 49) [document 10.6 accompanying this Change Application]).

- 8.2.2 The Applicant has carried out diligent inquiry to identify all persons with an interest in the land affected by change MRC03 and has engaged all persons affected by the revised compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the proposed changes to the Project.

Statutory Undertaker land

- 8.2.3 The Applicant has consulted with the relevant Statutory Undertakers regarding these changes.

Crown land

- 8.2.4 Matters related to Crown land remain unchanged as set out in the version of the Statement of Reasons [REP1-049]. The Crown Land Plans Volume C (Sheets 21 to 49 of 49) (Clean version) [REP1-016] remain unchanged.

Special category land

- 8.2.5 These proposed changes do not require any amendments to the Special Category Land Plans Volume B (Sheets 1 to 20 of 49) [REP1-020].

8.3 Implications for the Funding Statement

- 8.3.1 Details of how the Project will be funded, and that funding would not be an impediment to the payment of compensation to persons affected by compulsory acquisition or temporary possession, are set out in the Funding Statement [[APP-063](#)] and remains relevant in regard of the proposed change.

9 Engagement and consultation on the proposed changes

9.1 Introduction

- 9.1.1 The Applicant has carried out a non-statutory consultation (referred to as the ‘Minor Refinement Consultation’) on the proposed changes.
- 9.1.2 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, 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.
- 9.1.3 There was, however, no restriction on who could respond to the consultation, which was also publicised on the Project’s consultation webpage.
- 9.1.4 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 [**Additional Submission AS-083**] and the ExA’s procedural decision [**PD-011**] confirmed that it was content that the proposed procedure complies with Advice Note Sixteen.
- 9.1.5 Point 7 in respect of Figure 2b, Section 4 of Advice Note 16 advises that: ‘*where consultation has been carried out (either voluntarily, at the direction of the ExA or pursuant to the requirements of the CA Regulations) a Consultation Report must be provided. The Consultation Report must confirm who has been consulted in relation to the proposed change, explain why they have been consulted, and include the Applicant’s consideration of the content of the consultation responses received. Copies of any consultation responses received by an applicant should also be included in the Consultation Report as an annex.*’
- 9.1.6 A separate Consultation Report has been duly prepared and submitted with this Change Application as Appendix B.

9.2 Minor Refinement Consultation

- 9.2.1 The Minor Refinement Consultation provided an explanation of how and why changes are being made at this stage. There was a summary description of each proposed change, what it is, why it is needed and what the impacts would be. This was supplemented by a breakdown of the change by environmental topic areas.

9.3 Consultation activities

- 9.3.1 The Applicant undertook a targeted approach to consultation because the proposed changes comprise just two discrete areas, namely East Tilbury and Blue Bell Hill/Burham.

- 9.3.2 A total of 162 responses were received during the Minor Refinement Consultation.
- 9.3.3 The consultation activities included the following:
- a. Prescribed consultees, local authorities and those landowners and persons with an interest in land directly affected by the changes (including parties who may be entitled to make a relevant claim for compensation as a result of them) were written to informing them of the consultation and how they could provide feedback.
 - b. The consultation material and response form was provided to stakeholders through the citizenspace website. Responses to the consultation were requested to be submitted via the citizen space website:
<https://highwaysengland.citizenspace.com/ltc/minor-refinement-consultation-2023>
 - c. A digital first approach, with a small number of physical copies produced and issued on request.
 - d. Statutory consultees were issued a letter on 15 May 2023, notifying them of the start of consultation.
 - e. Non-statutory notices were published in The Times, Essex Chronicle, Kent Messenger, London Gazette, Romford Recorder, Thurrock Gazette, Lloyd's List and the Fishing News.
 - f. Promotional activity included an email to those who have previously requested to be kept informed of Project-related information (circa 43k). Local authorities were briefed on the consultation shortly before launch. National Highways social media channels were also used.

Summary of the issues raised in MRC

- 9.3.4 A summary of the issues raised in response to the Minor Refinement Consultation is provided below. A detailed response to issues raised during the Minor Refinement Consultation is provided in Section 2 of the Consultation Report (Appendix B).

Blue Bell Hill and Burham nitrogen deposition compensation sites

- a. Comments relating to the validity of the Applicant's assessments of predicted nitrogen deposition
- b. Comments proposing that the quantity of compensation land should be increased
- c. Concern relating to the Applicant's awareness of the Countrywide Stewardship Scheme

- d. Queries relating to the extent of consultation on the original inclusion of the Burham compensation site
- e. Concern on the potential impacts of nitrogen deposition on human health and farmland
- f. Support for the nitrogen compensation proposals

Limits of deviation for the bored tunnel (north of the alignment)

- a. Comments expressing doubt that the change could result in a decrease in materials and reduction in volume of excavated materials
- b. Concern relating to increased flexibility given to the Delivery Partner
- c. Concern that the proposed change is made too late in the process
- d. Questioning the conclusion of no change in potential environmental effects
- e. Support for the proposed change

East Tilbury utilities relocations and Order Limit reductions

- a. Comments questioning the consolidation of Utility Logistic Hubs
- b. Status of design development and investigations suggesting change promoted too late in the process
- c. Impacts on agricultural land, local communities and the environment
- d. Concern that the changes request greater permanent rights
- e. Potential impact of the TBM water supply on groundwater
- f. Suggestion that the change has been made to free up land near Linford for housing development
- g. Support for the proposed change

9.4 Incorporation of consultation responses into the proposed change

- 9.4.1 The Applicant has reviewed the comments raised during the Minor Refinement Consultation. The Applicant recognises concerns raised about the timing and nature of the proposed changes but considers that beyond either support or criticism of the proposals, the responses in themselves have not led to an update to any of the change proposals raised as part of this Change Notification.
- 9.4.2 A more detailed description of the comments raised and the Applicant's response is provided in the Consultation Report (Appendix B of this Change Application).

9.5 Tunnel construction methodology

- 9.5.1 The Minor Refinement Consultation also provided clarification on the potential for the construction of the road tunnels to be undertaken using either one or two tunnel boring machines (TBMs).
- 9.5.2 This was provided for information and does not represent a change to the Application. Parties were able to provide comments, however, through the Minor Refinements Consultation which are reported in the Consultation Report submitted with this application.
- 9.5.3 The Applicant will, at DL2, provide further information in relation to the options to use a single or two TBMs in response to the Action Points from Issue Specific Hearing (ISH1).

10 Conclusion

- 10.1.1 The proposed changes detailed in this Change Application 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.
- 10.1.4 The Applicant has reviewed the responses to the Minor Refinement Consultation and considers that no amendments are required to the proposed changes as a result of the responses though provides detailed responses to the matters raised during consultation in the Consultation Report.

11 References

Department for Communities and Local Government (2015). Planning Act 2008: Guidance on Changes to Development Consent Orders.

Planning Inspectorate (2023). Requests to change applications after they have been accepted for examination (Version 3, March 2023). Accessed May 2023.
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>.

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO [Additional Submission AS-038].
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the DCO application for development consent.
Applicant		The Applicant is National Highways, a UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.

Term	Abbreviation	Explanation
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 mile) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000**.*

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363