

Lower Thames Crossing

9.53 Comments on WRs Appendix F – Landowners

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Appendix F – Landowners

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REP1-224 TLT LLP on behalf of Department for Transport

Rep ID	WR Submitter	WR/Applicant's Response
REP1-224	TLT LLP on behalf of Department for Transport	<p>WR: WR link: REP1-224</p> <p>Applicant's Response: The Applicant notes that this Written Representation has been submitted by TLT LLP on behalf of the Department for Transport (DfT). TLT LLP have been instructed in relation to property matters and the Applicant is aware that this representation is in relation to impacts of the Project on the DfT's land and property interests.</p> <p>Taking the points in the order they appear in the representation.</p> <p>1 & 2. The Applicant has shared details of where the Project has an impact on the land held by the Secretary of State for Transport over the course of the Project. To date the priority has been the discussions with HS1 and DfT and it is acknowledged that all parties are working to agree the tripartite legal agreement and therefore fulfilling the requirements of section 135 of the Planning Act (PA) 2008.</p> <p>With regard to the wider parcels of land plans these have been shared with DfT as the Project developed. More recently (March 2023) detailed plans were sent to aid the detailed discussions with some further requests for information coming from DfT. Again, the parties are working together with a view to progressing a legal agreement to satisfy the requirement of section 135 of the PA 2008.</p> <p>The Applicant is confident that these agreements will be concluded by the end of Examination.</p> <p>3. The Applicant confirms that it is in ongoing discussions with HS1 in relation to protective provisions and other legal agreements. The Applicant confirms that the particular concerns for HS1 are all referred to in the Statement of Common Ground between (1) National Highways and (2) HS1 Limited [APP-110] and there are matters that are under discussion. The Applicant expects it will be able to reach agreement on a number of these points in the next iteration of the SoCG.</p> <p>4. The Applicant and HS1 have been working on a collaborative basis for a number of years to ensure that all concerns are addressed and resolved. The Tripartite agreement referred to here is the Framework Agreement relating to land matters. This is progressing.</p> <p>5. As explained by the Written Representation, the Applicant has now completed the acquisition of Southern Valley Golf Club and therefore is now the Owner of that land.</p>

REP1-310 A J A Booth

Rep ID	WR Submitter	WR/Applicant's Response
REP1-310	A J A Booth	<p>WR: WR link: REP1-310</p> <p>Overview: The Applicants engagement with the Interested Party is summarised in Annex B of the Statement of Reasons [REP1-051]. In specific response to the Written Representation, using the same headings:</p> <p>Scotland Lane Scotland Lane is currently a byway open to all traffic. The Project proposes to carry out improvement works to Scotland Lane in order to make it more appropriate for all users. The Applicant seeks temporary possession rights to facilitate the improvement works and does not propose to change land use or the permanent designation or the existing land ownership. The Applicant is however seeking to temporarily suspend motorised users in order to facilitate a cycle route diversion during construction. Land (and boundary fences if affected) will be reinstated to the reasonable satisfaction of the landowner – please refer to article 35(5) of the draft DCO [REP1-042]. We previously outlined that if any fencing is temporarily removed, it will be replaced on a like for like basis consistent with the principle of equivalence and in accordance with our land restoration obligations set out in the draft DCO. We do not consider it proportionate to replace the entire extent of fencing (which measures ~460m).</p> <p>Ecological Habitat Creation The Applicant has met the Interested Party on multiple occasions to discuss the small area of environmental mitigation land, plot 06-171 on sheet 6 of the Land Plans [REP1-009]. On the 1st October 2021, the Interested Party requested a design change to the shape of this land “so it does not create pockets of unfarmable land” and attached a plan proposing a specific shape. The Applicant considered this design amendment and duly accommodated within its land plans. The current shape and extent of plot 06-171 reflects the Interested Party’s proposed design amendment. At a site meeting on 3rd February 2022, the Interested Party further proposed that the Applicant relocate the environmental mitigation land, plot 06-171, to adjoining land owned by Forestry Commission (“FE”). This request was repeated again in relevant representation RR-1114. The Applicant discussed the issues with relocating this</p>

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		<p>mitigation land to adjoining Forestry England land at the site meeting on 3rd February 2022, and also responded to RR-1114.</p> <p>The neighbouring FE land is scrub woodland and currently suitable habitat for dormice which are European Protected Species and have been recorded in the woodland affected by the Project. The creation of this environmental mitigation on FE land would require the removal of additional woodland which would result in an impact to dormice and would need to be included in our application for a European Protected Species mitigation licence in respect of dormice. This licence would require consideration of suitable alternative options which could avoid the loss of dormouse habitat.</p> <p>The Applicant aims to minimise environmental impacts wherever practicable . Dormice are a protected species and we are under an obligation to protect those species. On this basis, the closest suitable environmental mitigation land, which does not present additional tree removal or impacts upon existing protected species is as currently designed, plot 06-171.</p>

REP1-309 Cranham Golf Course

Rep ID	WR Submitter	WR/Applicant's Response
REP1-309	ABDS Ltd on behalf of Cranham Golf Course	<p>WR: WR link: REP1-309</p> <p>Applicant's Response:</p> <p>1. Use of landowners site as replacement open space for Thames Chase</p> <p>An assessment of the replacement land proposed in exchange for land affected by the Project (that needs replacing) at Thames Chase Forest Centre (TCFC) against the Planning Act 2008 is provided in Planning Statement Appendix D: Open Space [APP-499] from paragraph D.7.54 to paragraph D.7.71. For the reasons set out there, the replacement land complies with sections 131 and 132 of the Planning Act 2008. As such, the Project complies with paragraph 5.181 of the NPSNN (DfT, 2014) in respect of Areas A and B of the TCFC.</p> <p>Thames Chase Trust and Forestry England both support the location of the replacement land. This is evidenced at item 2.1.4 'Broadfield Farm – Access' of the Statement of Common Ground between (1) National Highways and (2) Forestry England [APP-133], which confirms the matter is agreed. Please note the fact that Forestry England has raised concern about the area of third-party ownership (Hobb's Hole ponds) within the replacement land to the south of TCFC and that this is a matter 'not agreed' in the SoCG (item 2.1.5), does not negate the fact they support the overall location of the replacement land.</p> <p>This is reiterated at paragraph 3.1.4 of the Lower Thames Crossing: Thames Chase Forest Centre – Survey Results and Reasonable Alternatives (September 2022) (not a submitted document) referred to in the Written Representation, which confirms '<i>In selecting the locations, the Project has consulted Thames Chase Trust and Forestry England who have expressed their strong preference for these selected locations for Replacement Open Space purposes over other potential locations in the area</i>'.</p> <p>Moreover, the land to the north of TCFC (Plot 44-19) which is identified as replacement land is also required permanently by the Project for essential environmental mitigation works, a flood compensation area and permanent utility diversions. These are set out in Statement of Reasons (Annex A – Schedule of Works) [REP1-049]. The identification of and design for replacement land has sought to use land efficiently to reduce the amount of land required. Where opportunities exist to combine replacement land with land otherwise needed by the Project for environmental mitigation, the Applicant has done so, only where the public use of environmental mitigation land is compatible with its function and the land meets the relevant policy tests with respect to replacement open space (NPSNN paras 5.166 and 5.181).</p>

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		<p>The Applicant considered alternatives to the replacement land and determined that the proposal submitted in the DCO application is the most suitable. .</p> <p>It should be stressed, that permanently acquiring other areas as replacement open space would result in the acquisition of additional land for the Project because the land identified for replacement land to the north of the TCFC (Plot 44-19) would still be needed for environmental mitigation, utilities, and flood compensation</p> <p>2. Cranham Solar Park</p> <p>The Applicant has reached a voluntary agreement with the solar park operator who is not objecting to the Project. As such, the Applicant considers it would not be appropriate to comment further in this response on negotiations with a third party.</p> <p>3. Ecological mitigation – great crested newts</p> <p>As with all the Project, this area has been subject to extensive and comprehensive ecological surveys to gather the empirical data necessary for effective mitigation strategy for protected species, including great crested newts. The Project is required to provide essential mitigation for the loss of great crested newt terrestrial habitat around Thames Chase Community Woodland. This mitigation needs to take the form of new replacement habitat to offset that which would be lost rather than identifying existing good quality great crested newt habitat which is already likely to be colonised by the existing newt population.</p> <p>The grassland habitat on which the solar farm is situated provides very limited opportunity for shelter or foraging for great crested newts. The habitat creation proposed for this area by the Applicant is open mosaic habitat which would offer a diverse range of habitats (scrub, rougher grassland, ecological ponds, hibernacula and refuses) that would offer new shelter, foraging and breeding opportunities for the newt population to offset that which would be lost in Thames Chase Community Woodland. Cranham Golf Course does not offer this same opportunity to create new habitat as the habitat there already offers some shelter and foraging opportunity.</p>

REP1-312 Bellway Homes

Rep ID	WR Submitter	WR/Applicant's Response
REP1-312	Bellway Homes	<p>WR: WR link: REP1-312</p> <p>Applicant's Response: The Applicant has met with Bellway and representatives from the landowners of the proposed development land on several occasions during the development of the Project. Changes have been made to mitigate the impact of the Project and to reduce the area of land required. Comments made in the Written Representation are addressed below.</p> <p>Noise impacts The proposed earthwork bund introduced at Local Refinement Consultation in 2022 would provide additional screening to the surrounding area, reducing the predicted increase in noise compared to the previous proposals. The opening year noise change contour (see Environmental Statement (ES) Figure 12.7: Opening Year Noise Change Contour (DSOY minus DMOY) [APP-315]) shows the predicted change in noise levels. The ES Figure 12.6: Operational Road Traffic Noise Mitigation [APP-314] (sheet 4) presents the embedded earthworks noise mitigation considered in the noise model and the low noise road surfacing proposed.</p> <p>There are no acoustic barriers proposed in this section of the new road; several barrier options were considered in ES Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis [APP-450] (see options 16, 17, 18 and 19) but were not appropriate due to landscape and visual, and cultural heritage constraints.</p> <p>The Bellway option land is not considered in the ES Chapter 12: Noise and Vibration [APP-150] as assessments have been made to the nearest existing receptors, hence why Barrier Option 19 was scoped out of the ES Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis [APP-450]. The development was considered in ES Appendix 16.2: Short List of Developments [APP-484], pages 123–125, however no detailed information was available on the proposed development at the time of the Development Consent Order (DCO) submission and the development had no planning status, therefore it was not possible to draw any firm conclusions. The Bellway development currently still has no planning application or formal allocation in the Thurrock Local Plan. However, the Applicant is proposing all feasible steps to mitigate the noise impacts of the new road in this section.</p> <p>Drainage Regarding the drainage of the option land area to the north of the Project and to the west of North Road, the 'northern parcel', the Drainage Plans (Volume C) [APP-049] (Sheet 42) outlines the drainage proposed in this area</p>

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		<p>where a new culvert is proposed, Work No. 9W (see the draft DCO [REP1-042]), to provide appropriate drainage. Further engagement with the landowner in relation to this element of the works is ongoing and detailed issues would be considered by the Contractors in due course.</p> <p>There is no foul water pipeline along this section of North Road; it would be for a future development to undertake works to connect to a foul water network.</p> <p>The Applicant, via engagement with both Anglian Water and Thames Water understands that there is no existing foul water network located within North Road at the point the A122 intersects. As such no provisions for foul water diversions have been made. The Applicant does not believe its own proposals would preclude the installation of a suitable network to be developed and installed as part of a future Bellway development. If Bellway design their foul and storm water networks and notify the Applicant in advance of the A122 and North Road works commencing, the projects could collaboratively work together to undertake those interfacing works.</p> <p>New public right of way (PRoW)</p> <p>The Applicant has sought compulsory acquisition over all new public rights of way on the basis that the dedication of land for those purposes effectively deprives the owner of its beneficial ownership over the land. The Applicant notes that the Secretary of State, in making a decision on the A303 Sparkford to Ilchester DCO project, had previously commented that an approach which did not entail the full acquisition of land associated with highways '<i>does not represent best practice nor is it consistent with Government guidance</i>' and was '<i>unprecedented</i>' (paragraph 62 of the decision letter). The government guidance in question is the Circular 02/97: Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes.</p> <p>The Examining Authority on that project, with whom the Secretary of State agreed, noted Paragraph 71 of the Circular explains that the kind of rights for which the compulsory acquisition of rights over land by the creation of new rights are designed are in the nature of easements ancillary or appurtenant to the highway, proposed highway or other facility. It is clear that the Circular does not envisage that these powers can be used by highway authorities in cases where the land will form part of the highway or proposed highway or where the Works they wish to carry out will, to all intents and purposes, deprive the landowner permanently of beneficial use of the land.</p> <p>Whilst on the facts of the A303 Sparkford scheme, the question was whether permanent rights – rather than outright acquisition – would be suitable; the Applicant's position is that these statements make clear that either temporary possession, or temporary possession with the acquisition of rights, would not accord with the Secretary of State's clear view that outright acquisition should be obtained for new highways and public rights of way. Outright acquisition ensures that other interests would be 'cleansed' from the land thereby ensuring that there is no impediment to delivering the PRoWs which the Applicant intends to provide to increase connectivity for walkers, cyclists and horse</p>

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		<p>riders (WCH). The Applicant will continue to engage with Bellway and the landowner regarding this to mitigate impact on future development proposals.</p> <p>Land use</p> <p>Temporary possession of land (see Land Plans Volume C (Sheets 21 to 49) [REP1-011] (sheet 39)) is required on both sides of the new road to the west of North Road. This is required for the construction of the new road alignment and the earthworks forming the landform bund to the south of the Project and the false cuttings to the north and south of the Project. Access is also required for the diversion of the gas pipelines in the area, the stopping up of the Barking Power pipeline and the installation of multi-utility assets. See the Works Plans Volume C – Composite [AS-026] for more details: Work No MU71 shows the location of four diverted gas pipelines, Work No G9 is the stopping up of the Barking Power Limited (BPL) pipeline, and Work No MU70 is for the installation of a multi-utility corridor including the undergrounding of the existing overhead electricity networks.</p> <p>Passive provision for a junction on the A122 between North Ockendon and South Ockendon</p> <p>The position on the passive provision of junctions is that the Project will seek to ensure that the proposed design of the Project does not preclude the potential for future junctions. The Project will use reasonable endeavours to ensure that potential locations for future junctions, are kept as clear as reasonably practicable of any unnecessary obstructions such as major utility diversions or significant permanent structures. This passive provision is embedded within the Project design which is already secured via Requirement 3 contained in Schedule 2 to the draft DCO. The Applicant will not be seeking any separate legal agreement around passive provision as the securing mechanism is already in place. The Applicant has also provided further clarification of the terms such as significant permanent structures, major utility diversions, unnecessary obstructions, as reasonably practicable on the Council's request.</p> <p>The Applicant is not seeking any land, rights or works powers that are not explicitly required for the delivery of the Project, and is not proposing to provide passive provision beyond the position set out above.</p> <p>Barking Power Limited (BPL) gas pipeline</p> <p>Work No.G9 to the BPL pipeline entails capping it and the removal of sections of pipeline where it overlaps with Project works. The existing pipeline where it does not interface with Project permanent works would remain in situ. This is the position in the DCO application.</p> <p>The Statement of Common Ground between (1) National Highways and (2) the Health and Safety Executive to [REP1-070] item 2.1.3 explains that it is the Applicant's understanding that BPL intend to decommission and grout fill the pipeline themselves in summer 2023. The Statement of Common Ground between (1) National Highways and (2) Barking Power Limited [APP-104] item 2.1.4 explains why the Applicant is seeking permanent rights over the pipeline (to cap and decommission it) (also note item 2.1.2).</p>

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		<p>Multi-utility corridors</p> <p>As shown on the Works Plans Volume C – Composite [AS-026] Sheet 39, there are multiple multi-utility (MU) works proposed in the region (Work Nos MU67 – MU71). Paragraph 2.3.172(d) of Environmental Statement Chapter 2: Project Description [APP-140] describes the works proposed in the region as the <i>'Installation of multi-utility corridors of assets including UK Power Networks electricity networks, Essex and Suffolk Water water mains, Cadent gas pipelines, Openreach and other utility companies' strategic telecommunication cable routes (Work numbers MU61 to MU71)'</i>.</p> <p>The Applicant wishes to clarify that Work No MU71 is the diversion of multiple gas pipelines of medium and intermediate pressure classification which are not subject to HSE consultation zones in the same manner that a high pressure classified pipeline would be, such as Work No G9. The impediment to Bellway's proposed development associated with all of the multi-utility works within the region can largely be mitigated via collaborative planning, ensuring the proposed diversions are aligned such that are they compliant with the requirements of the relevant industry and asset owner and are located so that the associated easements and protective covenants reduce the interface, or are sympathetic to Bellway's proposed development.</p>

REP1-313 and REP1-314 BP Oil UK Limited

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REP1-313 REP1-314	BP Oil UK Limited	<p>WR: WR link 1: REP1-313 WR link 2: REP1-314</p> <p>Applicant's Response: Former Tollgate Hotel, Watling Street, Gravesend, Kent DA13 9RA The Applicant requires temporary possession and permanent rights of plot 7-26 for the installation of a permanent underground electricity supply to the South Portal. Plot 7-38 is required for highway infrastructure. The Applicant will engage with BP Oil if required to discuss interfaces with the development of the site.</p> <p>Orsett South SF Connect, A13 Westbound, Grays, Essex RM16 3BJ The Applicant has confirmed to BP Oil's agent that Project construction works would not require land outside of the current highway boundary. Traffic management along the A13 is required but this would not obstruct vehicular access to the service station.</p> <p>The Applicant is in contact with BP Oil's agent and will continue discussions as required.</p>

REP1-316 Cole Family

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REP1-316	BTF Partnership on behalf of the Cole Family	<p>WR: WR link: REP1-316</p> <p>The BTF Partnership on behalf of the Cole Family WR was on matters regarding the draft DCO. The Applicant has commented on these within: Applicant's response to IP comments made on the draft DCO at Deadline 1 (Document Reference 9.63) which was submitted at Deadline 2.</p>

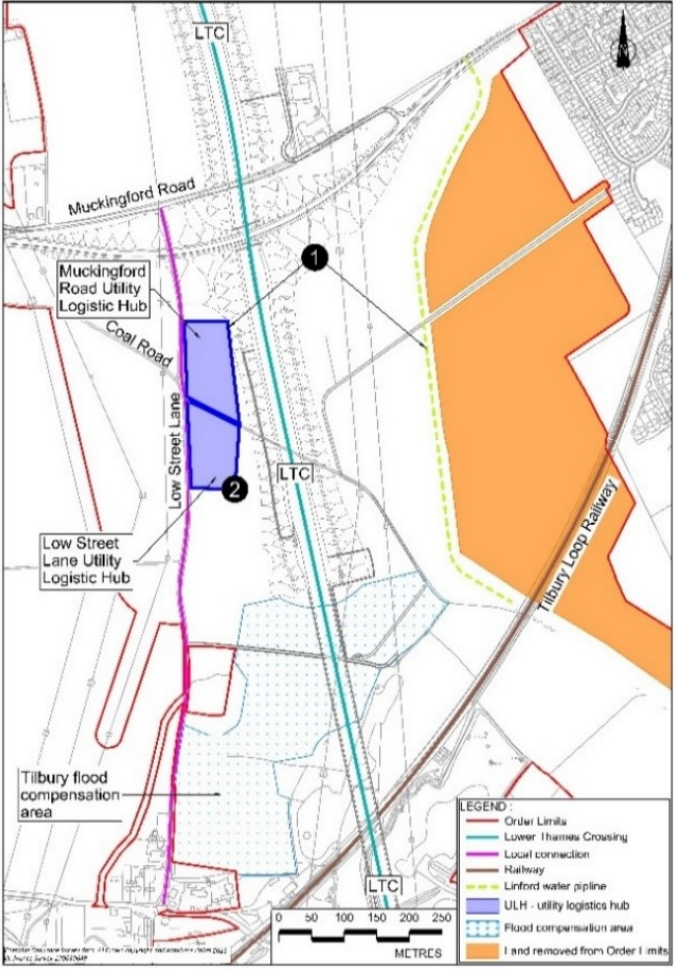
REP1-320 Mott Family

Rep ID	WR Submitter	WR/Applicant's Response
REP1-320	Mott Family	<p>WR: WR link: REP1-320</p> <p>Applicant's Response: Applicant's Reliance on Detailed Design & Build Phase & The Imposition of Restrictive Covenants/Permanent Rights</p> <p>Detailed Design: The Applicant acknowledges that detailed design is not currently available for the Proposed Development, something that is usual and expected in a project of this nature.</p> <p>The drafting of the draft DCO does however, impose various controls on the Applicant in terms of the limits from which it can deviate from the overall proposed design. Requirement 3 of Schedule 2 of allows detailed design to be developed at a later stage as long as any such design is in accordance with the Design Principles document Design Principles [APP-516]and various plans submitted as part of the application. This provides control over what the Applicant is able to build but also allows flexibility so that the Applicant and its appointed contractors can further mitigate impacts on landowners during this detailed design stage, where possible. Under the provisions of the DCO, any further detailed design would not be permitted if it gave rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. No additional land would be required to implement such refinements as they would only be undertaken on areas already within the Order Limits.</p> <p>Restrictive Covenants: The Applicant has, in limited circumstances, sought rights and restrictive covenants to enable statutory undertakers and utility network owners to have adequate land and rights in connection with assets. The Applicant is aware there are concerns from affected landowners regarding those rights sought for temporary utility works that would enable the construction of the Project (Work Nos OHT1-OHT8 and MUT1-MUT32) and is considering its options and available mechanisms from which to provide comfort to landowners that these rights will be extinguished at the earliest opportunity unless otherwise agreed with the landowner.</p> <p>The Applicant will continue to engage with landowners regarding the diversion of utilities during the detailed design stage and seek to mitigate impacts on retained land as far as reasonably possible within the constraints of the draft DCO.</p> <p>Permanent Rights: The Applicant does not agree that a 'general' explanation of the rights proposed to be acquired has been provided. The Statement of Reasons [REP1-049] sets out the particular purposes for which permanent rights and restrictive covenants can be acquired. The Applicant has provided as much information on the potential</p>

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		<p>restrictive covenants and/or restrictions of use on land which is required for permanent rights for the installation of permanent utility diversions as it is possible to provide at this stage of the Project's design. For explanation and justification for the drafting of this Article see the Applicant's Deadline 1 post-event submissions, including written submission of oral comments, for Issue Specific Hearing 2 [REP1-184].</p> <p>WCH – New Additional Routes</p> <p>As well as reconnecting walkers, cyclists and horse riders (WCH) routes severed by the proposed new road, in accordance with Design Manual for Roads and Bridges (DMRB) HD 42/17 a Walking, Cycling and Horse Riding Assessment was carried out. This explored the existing public rights of way (PRoW) network, national and local policies, local demographics and consultation feedback to determine where there might be strategic opportunities for enhancement. Please see the Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders [APP-512] for details and rationale of the rights of way linkages.</p> <p>The Applicant will continue discussions with the landowner in respect of new and upgraded rights of way proposed over his land.</p> <p>Ecological Mitigation Land</p> <p>As detailed in Environmental Statement (ES) Chapter 8: Terrestrial Biodiversity [APP-146] and the Habitats Regulations Assessment Screening Report and Statement to Inform an Appropriate Assessment [APP-487], the Project would result in significant effects on a number of ecological receptors including Low Street Pit Local Wildlife Site, great crested newts, reptiles, terrestrial invertebrates, and bird assemblages associated with the Thames Estuary and Marshes Ramsar and Special Protection Area. Much of this area also forms part of Natural England's Site of Special Scientific Interest (SSSI) scoping study which is considering notifying a North Thames Estuary and Marshes SSSI. Measures are required to mitigate these significant effects and these land parcels provide suitable sites for necessary habitat creation to both, mitigate the loss of habitats supporting the ecological receptors and designated site listed above, and align with Natural England's SSSI study. In addition to creating high quality semi-natural habitat at these two sites (Work No. E15 and E17), their position within the landscape means that this habitat creation would act to link otherwise isolated pockets of semi-natural habitat such as the East Tilbury Landfill site and the Thameside Nature Reserve. The wider Project landscape design, notably features such as Tilbury Fields (Work No. E14) and land parcels east of Princess Margaret Road (Work No. E16), would further strengthen these links into the wider landscape, creating coherent ecological networks and building resilience for future challenges such as climate change. The layout of these habitat creation areas is shown in ES Figure 2.4: Environmental Masterplan Sections [APP-163].</p>

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		<p>Northern Portal Access Track</p> <p>Under SACR-006 of the Stakeholder Actions and Commitments Register [REP1-176] the Applicant has agreed with the landowner a form of words that commits the Applicant to provide access to the landowner's retained land both during and post construction.</p> <p>The references to the future 'link road' are acknowledged. The Applicant's position is that as this is not part of the Project and as such does not consider it appropriate to comment further here. The Applicant will, however, continue discussions with the landowner to ensure a full and clear understanding of his position.</p> <p>Access Land South of Station Road for Development Purposes</p> <p>The Applicant acknowledges the concerns and has previously discussed access over this area with the landowner. The matter will be one to be addressed by the Contractors as part of the detailed design stage. Discussions will continue to see what, if any undertakings can be given by the Applicant to provide the specific comfort requested by the landowner.</p> <p>Linford Borehole & Water Pipeline</p> <p>The Project's Muckingford Road Utility Logistics Hub (ULH) and Linford borehole pipeline (work number MUT6) proposed as part of the DCO application are currently located in the centre of Phase 1 of Mulberry Strategic Land's proposals.</p> <p>Following engagement since the DCO application, the Applicant has identified an opportunity to reduce the amount of land required to install the temporary Linford water pipeline and relocate Muckingford Road ULH, reducing the Order Limits and moving construction works further away from residential areas. The Applicant has proposed to move the Linford Borehole pipeline up to 250m west and to move Muckingford Road ULH 350m west.</p> <p>The environmental effects of the amended alignment have been assessed and it would not result in any materially new or materially different environmental effects than reported in the DCO application ES.</p> <p>The relocation of the pipeline and Muckingford Road ULH (in addition to the relocation of Low Street Lane ULH and land use change – west of Linford) as proposed at Minor Refinement Consultation¹ in May 2023 would result in approximately 17ha of land included within the East Tilbury application (ref 16/01232/OUT) to be removed from the Order Limits along the eastern extent of these works. The orange shaded area shown on the image below would be relinquished and the Order Limit moved to the western edge of the orange hatch and border the footpath construction area.</p>

¹ National Highways (2023). Minor Refinement Consultation. Accessed July 2023. https://highwaysengland.citizenspace.com/ltc/minor-refinement-consultation-2023/supporting_documents/Lower%20Thames%20Crossing%20Minor%20Refinement%20Consultation%20Booklet.pdf

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		 <p>The map displays the proposed Lower Thames Crossing (LTC) route in blue, crossing the river. Key features include: <ul style="list-style-type: none"> Muckingford Road Utility Logistic Hub (ULH) and Low Street Lane Utility Logistic Hub (ULH) marked with blue rectangles. Tilbury flood compensation area shown as a hatched area. Local roads such as Muckingford Road, Coal Road, and Low Street Lane. Railway lines and the Tilbury Loop Railway. Order Limits indicated by red dashed lines. Local connections shown as purple lines. Linford water pipeline shown as a yellow dashed line. Flood compensation area shown as a hatched area. Land removed from Order 1 limits shown as an orange area. </p> <p>With regards to the permanent rights being sought for a temporary pipeline, rights are being sought by the Applicant for all utility works for the following reasons:</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<ul style="list-style-type: none"> • The utility network owners, in accordance with their own regulations, responsibilities and terms of their operating licences require sufficient rights to construct, operate, protect and maintain their networks at all stages of that network being operational. • Those existing powers or rights that may exist relative to the utility networks are for the benefit of the utility network owners, not for the Applicant as the promoter of the development to assume they can utilise or novate to their supply chain for the delivery of the Project. • The Applicant has no powers to divert or install utilities, so those necessarily form part of the DCO authorised works listed in Schedule 1 of the draft DCO. The powers necessary, including the land requirements, for all of the works required by the Project, for the construction and the operation of the Project, are to be acquired by the Applicant via the granting of the DCO, transferring the benefit of the DCO via various processes to the utility network owner in accordance with Article 8 of the draft DCO [REP1-042]. • This position (the Applicant to acquire all legal powers) has been determined in agreement with multiple utility companies as it enables the DCO to acquire the legal powers or contain a method from which powers can be vested in the utility companies, removing a reliance on the relevant existing arrangements or Statutory Powers that the companies themselves may already benefit from being obtained to successfully deliver the Project. • It permits the powers to be made relative to the relevant rights and protective covenants of the day that the power is sought, reflecting the revised utility network alignment, component parts and access arrangements to them. It will also reflect differences in construction methodology from when, and if, they were first implemented. • It has been communicated to the Applicant by Statutory Undertakers that the execution of the utility companies own powers presents a risk in the ability to acquire those powers in a timely manner that the Project require the works to be undertaken. The diversion and installation of utility networks are integral to the Project achieving the road open for traffic date documented within the DCO application on which all relevant environmental assessments and statements are based and as such a reliance on a successful timely execution of those rights by the utility companies presents too great a risk to the Project. • Some of the rights that may exist with the landowner and the utility company may not be sufficient upon further inspection, even exist at the point of execution or potentially would not be relevant for the benefit of the Applicant and their appointed non-utility company contractors to undertake the works. • The requirements of various utility companies for the onus to be on the Applicant to acquire all necessary rights obtained via the DCO and all land to be contained within the Order Limits, temporarily and permanently can be seen within the Statements of Common Ground between the Applicant and the utility companies, including the Statement of Common Ground between (1) National Highways and (2) Essex & Suffolk Water [APP-107].


Rep ID	WR Submitter	WR/Applicant's Response
		<ul style="list-style-type: none"> • The inclusion of all necessary works within the DCO application ensures the associated environmental impacts are adequately assessed and mitigation measures are promoted as part of the DCO application. This would not be the case if the works were to be delivered piecemeal utilising the utility companies own powers, or via alternative consenting mechanisms. • This approach is standard with that taken on other made DCOs. <p>With regards to the temporary utility works, the rights are being sought by the Applicant to address the following scenarios:</p> <ul style="list-style-type: none"> • The land is retained in ownership by the current landowner and a right is acquired by the Applicant over the land in which assets can be located. These rights may be novated to a third party to manage on the Applicant's behalf using the provisions of the Order. • The land is retained in ownership by the current landowner and a right is granted directly to the utility network owner over the land in which assets can be located. <p>As per paragraphs 2.6.138 and 2.6.139 of ES Chapter 2: Project Description [APP-140], the Applicant assumes, and has assessed the removal of Work No MUT6 once it has completed its function bar the section under the Tilbury and Southend railway line. For the pipeline to be left <i>in situ</i> would require the development of proposals, and suitable agreements with relevant stakeholders, landowners and other developers.</p> <p>River Thames Jetty / Wharf Access</p> <p>The 'jetty complex' referred to consists of two jetties marked 'Landing Stage' and 'East Tilbury Jetty' on sheet 16 of the General Arrangement Plans (Volume B) [APP-016] and a nearby disused wharf structure (not marked on plans). All of these structures lie to the west of (and outside) the Order Limits and not 'over Plots 16-41 and 16-42' as stated in the Written Representation.</p> <p>It is understood that it is the disused wharf structure that has the benefit of the landowner's River Works Licence from the Port of London Authority. The jetty and the landing stage are understood to be in separate ownership. It is also understood that this area of land is being (or has been) transferred by the landowner to the Port of Tilbury and may be subject to significant redevelopment in future.</p> <p>It is recognised that access to these structures is currently over the landowner's land that is within the Order Limits and proposed for permanent acquisition as part of Tilbury Fields. The Applicant has had extensive discussions with the landowner over longer term access to these structures and is willing to do so in future on a without obligation basis (for the time being) and within the context of the dynamic and complex nature of the land use, land ownership and future development proposals in this area.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Special Category Land</p> <p>The Applicant's position on the acquisition of land at Tilbury Green is set out in Section 7.2 of the Statement of Reasons [REP1-049] and sections D7.11 to D7.23 of Appendix D: Open Space to the Planning Statement [APP-499].</p>

REP1-328 and REP1-329 David Attwood

Rep ID	WR Submitter	WR/Applicant's Response
REP1-328 REP1-329	David Attwood	<p>WR: WR link 1: REP1-328 WR link 2: REP1-329</p> <p>Applicant's Response: Introduction The Blue Bell Hill site is located to the south of the M2, between junctions 3 and 4 in Kent just north of Maidstone. The site lies between the Wouldham to Detling Site of Special Scientific Interest (SSSI) to the south-west and Malling Wood ancient woodland to the north-east. The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Burham site is located to the east of the village of Burham and borders the Wouldham to Detling SSSI to the south and east.</p> <p>Objections 1 & 2 – Impact on the farm business (N&D Attwood) The Applicant has been aware of the potential impact on the landowner's farm business since the first approach was made in February 2022, since when regular meetings with the landowner and agent have been held to better understand that impact and investigate possible mitigation measures.</p> <p>One such measure as suggested by the Applicant, was to include some of his land at nearby Burham in place of his more productive land at Blue Bell Hill (i.e. reduce the amount of land required at Reservoir Field). This proposal was adopted and consulted on in the Local Refinement Consultation (12th May to 20th June 2022) and subsequently included in the draft DCO as submitted on 31st October 2022.</p> <p>After submission of the DCO application, the landowner provided the Applicant with further detailed information on the farm ownership arrangements, equipment, infrastructure and operation as well as a more detailed analysis of the likely impacts of the Project on the farm business. These impacts are more specifically detailed in the report by specialist rural business consultants 'Laurence Gould' dated 7 February 2023, as included on the landowner's Written Representations. This report was commissioned by the landowner. The Applicant reserves our opportunity to comment on the Laurence Gould report in due course in the examination, if necessary</p> <p>At this time, the landowner also highlighted the existence of a Countryside Stewardship Scheme in place across much of the farm which commenced in January 2022. The Stewardship scheme focuses on strengthening hedgerow planting and providing greater borders to field margins. This new information meant that an increased ecological</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>connectivity would be realised by the (Stewardship) scheme beyond that assumed in the Applicant's assessment and so the additional connectivity benefits of the Applicant's proposals as contained in the submitted DCO application would be much reduced.</p> <p>In light of the above, it is therefore now proposed to further reduce the land requirement by removing the 9.5ha at the Burham site from the Order Limits as it provides less ecological benefit than the retained land at Cossington Field. It is also proposed to reduce the Blue Bell Hill site by 28.3ha leaving approximately 42.5ha within the Order Limits as nitrogen deposition compensation land.</p> <p>The retained land at Cossington Field would be the land which maximises the ecological connectivity. Therefore, even with the reduction, the site would still meet the function of the compensation land.</p> <p>This further change would reduce the amount of land sought to be acquired from Mr Attwood from the original 103.6ha down to 42.5ha – a reduction of 61.1ha (59%) on the original area proposed and hence it would significantly reduce the impact on the farm business (<i>see explanatory plan below</i>).</p> <p>At the same time, the two key objectives of providing additional ecological connectivity in the habitat network and providing a comparable area of compensation to the area of significantly affected habitat overall would still be achieved. The smaller site would still connect the same existing woodlands and the overall area of compensation would be comparable.</p> <p>The Applicant is proposing this further reduction in order to further mitigate the impact on the farm business. This was consulted on in the Minor Refinement Consultation in May 2023. The Examining Authority has previously been notified of this proposal which was discussed at Issue Specific Hearing 1 on 21 June 2023. It is hoped this will be presented to the Examining Authority for consideration as a formal change in the very near future.</p> <p>In tandem with this approach (i.e. as proposed in the Minor Refinement Consultation May 2023) the Applicant and landowner have been progressing a voluntary agreement regarding the land.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		 <p>Objection 3: Barriers to anti-social behaviour</p> <p>It is hoped that the further reduction in land sought (as above) will result in only 'Cossington Field' being acquired by the Applicant. Cossington Field lies to the north of and is bounded by Bell Lane and Reservoir Field to the south. Bell Lane therefore will continue to provide a natural barrier to unauthorised incursions by third parties, and as such, the landowner's position would remain unaffected in this respect.</p> <p>In addition (and particularly relevant in the event that the above change is not accepted by the Examining Authority), the management requirements for the site are reported in the outline Landscape and Ecological Management Plan (oLEMP) [REP1-173]. The oLEMP also requires that the habitat creation would be managed in respect of antisocial behaviour. Paragraph 5.16.5 (item j.) of the oLEMP states that the management requirements for this area are '<i>Ensure security and avoidance of unwanted activities</i>'.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Objection 4: The proposed compulsory acquisition of 82 hectares of arable land for tree planting would destroy priority habitat identified in the Kent Nature Partnership Biodiversity Strategy and destroy the habitats created through successive Countryside Stewardship Scheme agreements.</p> <p>The management requirements for the site are reported in the oLEMP [REP1-173]. The habitat creation would therefore not destroy any ecological features of value but would build on the ecological value of them. The habitat creation would also be managed in respect of invasive weeds and antisocial behaviour.</p> <p>Paragraph 5.16.5 of the oLEMP states: – <i>'The management requirements for this area are:</i></p> <ul style="list-style-type: none"> a. <i>Assess current condition of sites to identify valuable features to retain and build on as well as remedial actions such as nutrient removal and invasive species management</i> b. <i>Ensure security and avoidance of unwanted activities'</i> <p>Objection 5: The proposed woodland planting will lead to a loss of biodiversity units according to Defra's Biodiversity Metric 3.1</p> <p>The management requirements for the site are reported in the oLEMP [REP1-173]. The objectives for any proposed mitigation or compensation must be developed to address the significant effects they are designed for and integrate with adjacent existing habitats.</p> <p>Paragraph 5.16.5 of the oLEMP states – <i>'The management requirements for this area are:</i></p> <ul style="list-style-type: none"> a. <i>Provide permanent wildlife-rich habitat</i> <ul style="list-style-type: none"> i. <i>Primarily woodland at a landscape scale</i> ii. <i>Providing other habitats in recognition of habitats significantly affected by the Project operational N-Deposition effects</i> iii. <i>Providing most ecologically appropriate mosaics of habitats / features for the site</i> iv. <i>Integrating objectives with local nature conservation plans and emerging local nature recovery strategy and the Kent Downs AONB Management Plan principles and relevant landscape character assessment guidelines Lower Thames Crossing</i> b. <i>Assess current condition of sites to identify valuable features to retain and build on as well as remedial actions such as nutrient removal and invasive species management'</i> <p>The Metric is not specifically applicable here as this is bespoke compensation designed for impacts to habitats including irreplaceable habitat and so lies outside the specific remit of the Metric. As per the Metric guidance, <i>'bespoke compensation to address specific losses and deterioration of irreplaceable habitats needs to be agreed on a case-by-case basis with the determining body or planning authority,'</i> and should not be designed according to Metric outputs.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Based on the management requirements outlined for the area (a mosaic of wildlife-rich habitats with a likely percentage of woodland of approximately 70%), it is not necessarily the case that a Metric assessment of the compensation proposals would result in a loss of biodiversity units. The outcome would depend on both where habitats of existing value would be retained and how the proposals for habitat creation are reflected in the Metric, i.e. target type and condition of both woodland and other mosaic habitats such as grassland.</p> <p>The habitat creation would also be managed in respect of invasive weeds.</p>

REP1-335 E&K Benton Limited

Rep ID	WR Submitter	WR/Applicant's Response
REP1-335	E&K Benton Limited	<p>WR: WR link: REP1-335</p> <p>Applicant's Response:</p> <p>1. Applicant's reliance on detailed design/imposition of restrictive covenants & permanent rights</p> <p>Detailed Design: The Applicant acknowledges that detailed design is not currently available for the Proposed Development, something that is usual and expected in a project of this nature.</p> <p>The drafting of the draft DCO does however, impose various controls on the Applicant in terms of the limits from which it can deviate from the overall proposed design. Requirement 3 of Schedule 2 of allows detailed design to be developed at a later stage as long as any such design is in accordance with the Design Principles document Design Principles [APP-516]and various plans submitted as part of the application. This provides control over what the Applicant is able to build but also allows flexibility so that the Applicant and its appointed contractors can further mitigate impacts on landowners during this detailed design stage, where possible. Under the provisions of the DCO, any further detailed design would not be permitted if it gave rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. No additional land would be required to implement such refinements as they would only be undertaken on areas already within the Order Limits.</p> <p>Restrictive Covenants: The Applicant has, in limited circumstances, sought rights and restrictive covenants to enable statutory undertakers to have adequate land and rights in connection with assets. Nonetheless, the Applicant has provided an update to the draft DCO to provide comfort to landowners that these rights will be extinguished at the earliest opportunity unless otherwise agreed with the landowner.</p> <p>The Applicant will continue to engage with the landowner regarding the diversion of utilities during the detailed design stage and seek to mitigate impacts on retained land as far as reasonably possible within the constraints of the draft DCO.</p> <p>Permanent Rights: The Applicant does not agree that only a 'general' explanation of the rights proposed to be acquired has been provided. The Statement of Reasons [REP1-049] sets out the particular purposes for which permanent rights and restrictive covenants can be acquired. The Applicant has provided as much information on the potential restrictive covenants and/or restrictions of use on land which is required for permanent rights for the installation of permanent utility diversions as it is possible to provide at this stage of the Project's design. For</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>explanation and justification for the drafting of this Article see the Applicant's Deadline 1 Post-event submissions, including written submission of oral comments, for Issue Specific Hearing 2 [REP1-184].</p> <p>2. Use of private roads – Medebridge road</p> <p>The Applicant requires the temporary use of private roads within the Order Limits. Nothing in this provision authorises the extinguishment of any other right to use a private road. As explained in the Explanatory Memorandum [REP1-045], the power is in fact an attempt to preserve the position of other users. In particular, Article 13 of the draft Development Consent Order [REP1-042] is distinguished from temporary possession under Article 35 because National Highways does not require the exclusive use and possession of the private roads while exercising this power. The suggestion that the provision should reference 'other uses' is therefore unnecessary.</p> <p>3. WCH – new additional routes</p> <p>As well as re-connecting walkers, cyclists and horse riders (WCH) routes severed by the proposed new road, in accordance with Design Manual for Roads and Bridges (DMRB) HD 42/17 a Walking, Cycling and Horse Riding Assessment was carried out. This explored the existing public rights of way network, national and local policies, local demographics and consultation feedback to determine where there might be strategic opportunities for enhancement. Please see the Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders [APP-512] for details on why the proposed link to South Ockendon is proposed.</p> <p>4. Noise impacts</p> <p>The proposed earthwork bund introduced at Local Refinement Consultation in 2022 would provide additional screening to the surrounding area, reducing the predicted increase in noise compared to the previous proposals. The Environmental Statement Figure 12.7: Opening Year Noise Change Contour [APP-315] shows the predicted change in noise levels. Previously predicted impact contours can be found in the Ockendon Ward Impact Summary² (page 77) from Community Impacts Consultation in May 2021.</p> <p>Also refer to Environmental Statement Figure 12.6 [APP-314] (sheet 4) which presents the embedded earthworks noise mitigation considered in the noise model and the low noise road surfacing proposed.</p> <p>There are no acoustic barriers proposed in this section of the new road; several barrier options were considered in Environmental Statement Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis [APP-450] (see options 16, 17, 18 and 19) but were not appropriate due to landscape and visual, and cultural heritage constraints. The Applicant is proposing all feasible steps to mitigate the noise impacts of the new road in this section.</p>

² Highways England (2021). Chapter 20: Ockendon Ward. Accessed July 2023. https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/supporting_documents/20_Ockendon.pdf

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Regarding the drainage proposals for this area, please refer to Drainage Plans Volume C (Sheet 39) [APP-049].</p> <p>5. Ecological Mitigation Land</p> <p>The draft DCO will enable the Applicant and its appointed Contractors to reduce environmental impacts during the detailed design stage. The Applicant requires the ability to implement such approaches to enhance environmental outcomes on ecological compensation areas. No additional land would be required to implement this as it would only be undertaken on areas identified for permanent acquisition for the purposes of ecological mitigation. This was summarised in the Applicant's response at Issue Specific Hearing 2 and is further explained in the updated Explanatory Memorandum [REP1-045].</p> <p>6. Drainage</p> <p>If an existing land drainage scheme is interrupted during the works or where a new connection is required because the undertaker's works have severed private drainage, then this will be dealt with as a compensation matter pursuant to Article 35 of the draft DCO (see in particular Article 35(6)) [REP1-042].</p> <p>The purpose of Article 5 of the draft DCO [REP1-042] is to make it clear that any realignment of drainage or other works to that system that are carried out as part of the Project does not affect the existing allocation of responsibility for maintenance of those drains unless it is agreed between the Applicant and the responsible party. It is not intended to deal with drainage systems outside of the Order Limits.</p>

REP1-337 EA Strategic Land LLP

Rep ID	WR Submitter	WR/Applicant's Response
REP1-337	EA Strategic Land LLP	<p>WR: WR link: REP1-337</p> <p>Applicant's Response:</p> <p>1. Applicant's Reliance on Detailed Design & Build Phase and the Imposition of Restrictive Covenants / Permanent Rights</p> <p>Detailed Design: The Applicant acknowledges that detailed design is not currently available for the Proposed Development, something that is usual and expected in a project of this nature. The drafting of the draft DCO does however, impose various controls on the Applicant in terms of the limits from which it can deviate from the overall proposed design. Requirement 3 of Schedule 2 of allows detailed design to be developed at a later stage as long as any such design is in accordance with the Design Principles document Design Principles [APP-516] and various plans submitted as part of the application. This provides control over what the Applicant is able to build but also allows flexibility so that the Applicant and its appointed contractors can further mitigate impacts on landowners during this detailed design stage, where possible. Under the provisions of the DCO, any further detailed design would not be permitted if it gave rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. No additional land would be required to implement such refinements as they would only be undertaken on areas already within the Order Limits.</p> <p>Restrictive Covenants: The Applicant has, in limited circumstances, sought rights and restrictive covenants to enable statutory undertakers to have adequate land and rights in connection with assets. Nonetheless, the Applicant has provided an update to the draft DCO to provide comfort to landowners that these rights will be extinguished at the earliest opportunity unless otherwise agreed with the landowner.</p> <p>The Applicant will continue to engage with landowners regarding the diversion of utilities during the detailed design stage and seek to mitigate impacts on retained land as far as reasonably possible within the constraints of the draft DCO.</p> <p>Permanent Rights: The Applicant does not agree that only a 'general' explanation of the rights proposed to be acquired has been provided. The Statement of Reasons [REP1-049] sets out the particular purposes for which permanent rights and restrictive covenants can be acquired. The Applicant has provided as much information on the potential restrictive covenants and/or restrictions of use on land which is required for permanent rights for the installation of permanent utility diversions as it is possible to provide at this stage of the Project's design. For</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>explanation and justification for the drafting of this Article see the Applicant's Deadline 1 post-event submissions, including written submission of oral comments, for Issue Specific Hearing 2 [REP1-184].</p> <p>1. Use of The Private Road – Medebridge Road</p> <p>The Applicant requires the temporary use of private roads within the Order Limits. Nothing in this provision authorises the extinguishment of any other right to use a private road. As explained in the Explanatory Memorandum [REP1-045], the power is in fact an attempt to preserve the position of other users. In particular, Article 13 of the draft Development Consent Order (DCO) [REP1-042] is distinguished from temporary possession under Article 35 because the Applicant does not require the exclusive use and possession of the private roads while exercising this power.</p> <p>The Applicant will continue to engage with EA Strategic Land LLP to ensure that any conflict over the shared use of Medebridge Road is avoided as far as reasonably possible. The Applicant is liaising with the landowner regarding a potential shared access of Medebridge Road and discussions are ongoing.</p> <p>The outline Traffic Management Plan for Construction (oTMPfC) [REP1-175] provides a framework for temporary traffic management for the construction of the Project and is secured under Requirement 10 of Schedule 2 of the draft DCO [REP1-042].</p> <p>Where construction activities for the Project are likely to proceed at the same time as the construction of other projects in proximity to it, Contractors will manage this in a coordinated way, maximising opportunities to reduce the overall impact on communities and the environment. A Traffic Management Forum would be set up by the Applicant to support integration with other projects on construction traffic and logistics matters. A National Highways Traffic Manager would also be appointed for the entire Project network (i.e. logistic routes and routes requiring temporary traffic management). Their role would include oversight of and coordination with third-party project construction activities to minimise the impacts on the public and stakeholders.</p> <p>In the event that development proposals are realised by being granted planning consent, the Applicant would pay compensation to the landowner and/or developer, in accordance with the Compensation Code.</p> <p>2. WCH – Additional Routes</p> <p>As well as re-connecting walkers, cyclists and horse riders (WCH) routes severed by the proposed new road, in accordance with Design Manual for Roads and Bridges (DMRB) HD 42/17 a Walking, Cycling and Horse Riding Assessment was carried out. This explored the existing public rights of way (PRoW) network, national and local policies, local demographics and consultation feedback to determine where there might be strategic opportunities. Please see the Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders [APP-512] for details on why the proposed link to South Ockendon is proposed.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>The Applicant believes the acquisition of the permanent freehold of land for new public rights of way is essential and is currently liaising with landowners to try to find a mechanism which avoids the creation of 'ransom strips' as this is neither the intention nor purpose of such designation. This matter is ongoing.</p> <p>3. Noise & Visual Impacts</p> <p>Noise: The proposed earthwork bund introduced at Local Refinement Consultation in 2022 would provide additional screening to the surrounding area, reducing the predicted increase in noise compared to the previous proposals. Environmental Statement (ES) Figure 12.7: Opening Year Noise Change Contour [APP-315] shows the predicted change in noise levels. Previously predicted impact contours can be found in the Ockendon Ward Impact Summary³ (page 77) from Community Impacts Consultation in May 2021.</p> <p>Also refer to ES Figure 12.6 [APP-314] (sheet 4) which presents the embedded earthworks noise mitigation considered in the noise model and the low noise road surfacing proposed.</p> <p>There are no acoustic barriers proposed in this section of the new road; several barrier options were considered in ES Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis [APP-450] (see options 16, 17, 18 and 19) but were not appropriate due to landscape and visual, and cultural heritage constraints. The Applicant is proposing all feasible steps to mitigate the noise impacts of the new road in this section.</p> <p>Visual: The landscape and visual effects of the Project on receptors within South Ockendon have been assessed within ES Appendix 7.9: Schedule of Landscape Effects [APP-384] and ES Appendix 7.10: Schedule of Visual Effects [APP-385].</p> <p>4. South Ockendon Junction Passive Provision</p> <p>Passive provision at South Ockendon (item 2.1.278) was a matter under discussion in the Statement of Common Ground (SoCG) between National Highways and Thurrock Council submitted with the DCO application [APP-130].</p> <p>The position on the passive provision of junctions is that the Project will seek to ensure that the proposed design of the Project does not preclude the potential for future junctions. The Project will use reasonable endeavours to ensure that potential locations for future junctions, are kept as clear as reasonably practicable of any unnecessary obstructions such as major utility diversions or significant permanent structures. This passive provision is embedded within the Project design which is already secured via Requirement 3 contained in Schedule 2 to the draft DCO. The Applicant will not be seeking any separate legal agreement around passive provision as the securing mechanism is already in place. The Applicant has also provided further clarification of the terms such as significant permanent structures, major utility diversions, unnecessary obstructions, as reasonably practicable on the Council's request.</p>

³ Highways England (2021). Chapter 20: Ockendon Ward. Accessed July 2023. https://highwaysengland.citizenspace.com/ltc/community-impacts-consultation-2021/supporting_documents/20_Ockendon.pdf

REP1-347 Glenroy Estates Ltd

Rep ID	WR Submitter	WR/Applicant's Response
REP1-347	Glenroy Estates Ltd	<p>WR: WR link: REP1-347</p> <p>Applicant's Response:</p> <ul style="list-style-type: none"> • It is not necessary for National Highways to take ownership in order to retain and/or enhance the current use of the land as woodland. <p>The Applicant's position is that Work No. E49 ('to create a site for ancient woodland planting') is essential ecological compensation for the Project. As such, it will ultimately be the responsibility of the Applicant to maintain in perpetuity. Consequently, permanent acquisition is required for the permanent creation of ancient woodland.</p> <p>The Applicant has, by exception on other projects, agreed alternative delivery/ownership routes for permanent environmental compensation, such as by S253 agreements under the Highways Act 1980. However, in practice these have often led to non-conforming implementation and/or maintenance and required the Applicant to exercise step in rights incurring additional costs ultimately borne by the taxpayer. It is therefore the Applicant's policy to only use such avenues in exceptional circumstances to ensure full compliance with its obligations under Development Consent Orders (DCOs).</p> <p>As Work No. E49 is required for ancient woodland compensation, one of the most important environmental measures, permanent acquisition of the land is required with the Applicant implementing and maintaining the compensation in perpetuity.</p> <p>The Applicant's preference is to engage a competent authority (for example a local authority or similar body) who has an established track record of maintaining such woodland and can benefit from existing machinery to maintain that woodland along with existing employees and specialists. They are also likely to benefit from economies of scale. This is considered the most economical and robust approach to secure long-term management in perpetuity.</p> <p>In terms of essential mitigation compliance risk, it would also be preferable for the Applicant to contract with an organisation rather than an individual in cases of non-performance or default.</p> <ul style="list-style-type: none"> • The sale of new petrol and diesel cars may be phased out in 2030, the earliest date that the Lower Thames Crossing will be open. As GEL's land is designated to mitigate habitat degradation from nitrogen deposition, the resultant reduction in currently predicted nitrogen deposition levels renders the proposed acquisition of GEL's land as unnecessary.

Rep ID	WR Submitter	WR/Applicant's Response
		<p>The land is being acquired for Ancient Woodland Compensation Planting (Work Number E49) and not nitrogen deposition compensation which is at Hole Farm on the east side of the M25.</p> <ul style="list-style-type: none"> • GEL believes that there are other publicly owned sites in the vicinity which could achieve the same ancient woodland creation goals, and that these sites should be fully investigated first. <p>The approach to ancient woodland compensation planting that the Applicant has followed has two key principles: to create more high quality woodland habitat to offset that which is lost as a result of the Project, and to position this habitat creation to link into existing woodland habitat, building resilience into the ecological network at a landscape scale. This approach has been discussed at length and agreed with stakeholders including Natural England and Forestry England.</p> <p>The Project would result in the loss of ancient woodland in Codham Hall Wood West. In order to offset this loss, the Applicant looked to identify land which adjoined this woodland and offered the opportunity for woodland creation. The land identified meets both these criteria and is therefore the ideal site to provide this essential ecological mitigation.</p>

REP1-352 Hill Residential Ltd

Rep ID	WR Submitter	WR/Applicant's Response
REP1-352	Hill Residential Ltd	<p>WR: WR link: REP1-352</p> <p>Applicant's Response: The Applicant has undertaken significant consultation with the freeholder of the land (Ingrebourne Kemps Ltd) and more recently with Hill Residential Ltd which is understood to hold the benefit of a promotion agreement over the land. The position below was set out to the freeholder in 2021 and remains valid.</p> <p>The Applicant acknowledges the landowner and promoter's concerns and will continue to liaise to explore ways in which the impact of the Project upon the development potential can be mitigated. For example, the Applicant requires the acquisition of the permanent freehold of land proposed for new public rights of way and is currently considering methods by which such routes do not inadvertently create 'ransom strips' that could frustrate future development. These discussions are ongoing with various landowners, including Hill Residential Ltd.</p> <p>WCH Track adjacent Dennis Lane The walkers, cyclists and horse riders (WCH) track alongside Dennis Road to the west of the M25 (Plots 40-14 to 40-20 inclusive) is a response to stakeholder requests as well as part of the Applicant's broader WCH strategy of forming new looping routes and helping to reduce new and old severance of public rights of way. See Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders [APP-512].</p> <p>This new track has been designed to connect the new Little Belhus Country Park to South Ockendon in order to improve the access to the country park. Equally, with other proposed WCH improvements the track provides connection between Little Belhus, South Ockendon and Thames Chase Forest Centre. Other WCH improvements within the proposal extends this connection further to create a looping route back into South Ockendon via the route parallel to North Road. The creation of these looping routes is a key part of the Applicant's WCH strategy and something about which it has undertaken extensive consultation with stakeholder groups. As such, the Dennis Road track forms an integral part of this loop and without it, the loop is incomplete.</p> <p>Dennis Road is one of a small number of crossing points over the M25 in this area and consequently an important cycle route for both commuter and recreational cyclists. The Applicant has been fully aware of the plans for Little Belhus Park during the development of the WCH proposal and cannot imagine a situation where cyclists using the</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>new Dennis Road track would stop, cross the road to go into Little Belhus, ride along a gravel track in order to come back out of Little Belhus only to re-join the roadside track, especially when this increases the distance.</p> <p>When considering the points above the Applicant does not consider the route through Little Belhus Park to offer a level of provision that would allow it to remove part or all of the Dennis Road WCH track whilst still achieving its goals of connectivity and rectification of severance.</p> <p>The final alignment of the WCH route along Dennis Road is almost entirely on the field side of the hedge rather than in the roadside verge. This is because of narrow verges and a requirement to minimise hedgerow removal.</p>

REP1-360 Holland Land and Property Ltd

Rep ID	WR Submitter	WR/Applicant's Response
REP1-360	Holland Land and Property Ltd	<p>WR:</p> <p>WR link 1: REP1-360</p> <p>WR link 2: REP1-354</p> <p>WR link 3: REP1-353</p> <p>WR link 4: REP1-355</p> <p>WR link 5: REP1-356</p> <p>WR link 6: REP1-357</p> <p>WR link 7: REP1-358</p> <p>WR link 8: REP1-359</p> <p>WR link 9: REP1-361</p>
		<p>The Holland Land and Property Ltd WR was on matters regarding the draft DCO. The Applicant has commented on these within: Applicant's response to IP comments made on the draft DCO at Deadline 1 (Document Reference 9.63) which was submitted at Deadline 2.</p>

REP1-373 Runwood Homes/Properties Limited

Rep ID	WR Submitter	WR/Applicant's Response
REP1-373	Kathryn Homes Ltd/Runwood Homes Ltd/Runwood Properties Ltd	<p>WR:</p> <p>WR link 1: REP1-373</p> <p>WR link 2: REP1-366</p> <p>WR link 3: REP1-367</p> <p>WR link 4: REP1-368</p> <p>WR link 5: REP1-369</p> <p>WR link 6: REP1-370</p> <p>WR link 7: REP1-371</p> <p>WR link 8: REP1-372</p> <p>Applicant's Response:</p> <p>There are four plots within the Order Limits in the ownership of Runwood. These are detailed with the Book of Reference REP1-053 and Statement of Reasons REP1-049 The Applicant confirms that whilst land is required for the Project within the ownership of Runwood, the care home building and immediate gardens are not required for the Project and therefore there is no case for Blight or business extinguishment under the Statutory Compensation Regime. A summary of the requirements for each is below:</p> <p>Land on the south side of Stanford Road (field to the south of the care home building)</p> <p>28-08 – Temporary possession and permanent rights for utility and environmental works</p> <p>29-258 – Temporary possession and permanent rights for utility works</p> <p>29-261 – Permanent acquisition for the A122</p> <p>Whitcroft Nursing Home</p> <p>29-254 – Permanent acquisition of existing driveway for re-alignment of the private means of access to the re-aligned Stanford Road.</p> <p>The Applicant has engaged with the owners of Whitcroft Care Home since the preferred route announcement in April 2017. Discussions have been around the sensitive nature of the care home rather than the compulsory acquisition of land and rights on their land holdings. At Supplementary Consultation in January 2020 the alignment of</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>the A13 westbound to Project southbound link road was moved approximately 80m west to take it further away from the care home building.</p> <p>Following the Community Impacts Consultation in Summer of 2021 the Applicant introduced further changes to mitigate the impacts on the Care Home including:</p> <ul style="list-style-type: none"> • Relocation of Stanford Road compound further away from the Care Home • Changes to A13 junction reducing traffic onto Stanford Road A1013 • Enhanced landscaping (bunds) around A13 junction to reduce visual impact and mitigate noise. <p>The Applicant has also been in discussions with Runwood and Thurrock Council regarding the impact on the Care Home and Runwood's desire to work with the Council to allocate a site within the emerging Local Plan for a relocation and sale of the existing site for housing. This matter has been taken forward by Runwood. This is seen by the Applicant not to be a matter for the DCO application but a commercial aspiration by the Care Home owners.</p> <p>The extent of this engagement is summarised in Annex B of the Statement of Reasons [REP1-049].</p> <p>The Applicant has sought to mitigate impacts on the Care Home and these are discussed more fully in the more detailed response below.</p> <p>Description of the Physical Works and Activities</p> <p><i>Response to Paragraph 16 and 17</i></p> <p>The Applicant acknowledges the comments regarding photomontages, specifically '<i>no equivalent images to show the position at the end of the construction period or the year of opening of the LTC</i>'. The photomontages provided with the Development Consent Order (DCO) application have been prepared from a selection of Representative Viewpoints from publicly accessible locations. However, the Applicant will consider providing a landscape cross section(s) from The Whitecroft at a future Deadline.</p> <p><i>Response to Paragraph 21</i></p> <p>The programme assumptions set out in the environmental impact assessment are indicative to enable a representative assessment of likely significant effects. With reference to the comment on the 2-year re-phasing, the Applicant refers to their response set out in Applicant's Response to Procedural Decisions of 21 March 2023 [AS-086]. The draft DCO [REP1-042] sets a time limit on the start of works (Schedule 2) as follows: '<i>The authorised development must begin no later than the expiration of 5 years beginning with the date that this Order comes into force.</i>'</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>DCO applications typically do not provide any sensitivity assessments associated with that five-year period of commencement flexibility, but instead reflect a reasonable worst-case scenario to provide adequate information for the Examining Authority and Secretary of State to reach conclusions on likely significant effects.</p> <p><i>Response to Paragraph 22</i></p> <p>The assessment is based on the information available at the preliminary scheme design phase. The detailed construction programme has not yet been finalised and therefore whilst the assessments provide a reasonable worst case scenario, the granular information requested is not available. As set out in Environmental Statement (ES) Appendix 2.2: Code of Construction Practice (CoCP) [REP1-157], Register of Environmental Actions and Commitments (REAC) item NV004 specifies that the Contractors will secure Section 61 consent under the Control of Pollution Act 1974 at relevant stages of the Project as necessary, which is outlined in Table 4.2 of the CoCP. Details of any mitigation and concentrations of movements at particular times of day or concentrations of larger/noisier HGVs would be specified within this process and advised to Thurrock through the Section 61 process. During construction, the Contractors will develop the Material Handling Plan (MHP), providing a comprehensive strategy for material movement and handling, in accordance with the principles outlined in the outline Materials Handling Plan (oMHP) [APP-338]. The development of the MHPs will entail gathering information from various Project elements developed during the delivery phase, as detailed in Section 3.2 of the oMHP. As part of the Environmental Management Plan (Second Iteration) (EMP2), the MHP will be developed through consultations with stakeholders listed in Table 2.1 of the CoCP.</p> <p><i>Response to Paragraph 24</i></p> <p>The Applicant acknowledges the comments regarding working hours. Working hours at the worksites will vary depending on the construction activities. A comprehensive description of the different working hour variations that the Contractors must adhere to can be found in Section 6.4 of the CoCP [REP1-157] and would be secured through EMP2.</p> <p><i>Response to Paragraph 25</i></p> <p>The Applicant notes the potential noise impacts presented during extended working and confirms that these have been considered within the noise and vibration assessment presented within ES Chapter 12: Noise and Vibration [APP-150]</p> <p><i>Response to Paragraph 26</i></p> <p>There are no proposed works within close proximity to Whitecroft that would require vibratory or percussive piling. Box jacking techniques involve the use of hydraulic jacks and are not a source of noticeable vibration levels. As such the Applicant considers that no assessment of construction vibration is necessary at Whitecroft.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Paragraph 27 states that the Health and Equalities Impact Assessment (HEqIA) [APP-539] 'looks at matters at Ward level rather than site/institution level' and that 'there is no specific assessment of care home provision in the area or of the implications for Thurrock if the provision at Whitecroft is lost'. Whilst the HEqIA does assess health impacts at ward level, it also identifies specific receptors where particular effects may be experienced (of which the Whitecroft Care Home is one) as part of the assessment of equalities impacts. There is no assessment of the implications for Thurrock if the provision at Whitecroft is lost, primarily because the Care Home is outside of the Order Limits and not subject to permanent or temporary land acquisition. Access to the Care Home would be maintained at all times during the construction phase, as set out in ES Chapter 13: Population and Human Health [APP-151].</p> <p>Noise and vibration</p> <p><i>Response to Paragraph 29 (second bullet point)</i></p> <p>None of the proposed works within close proximity to Whitecroft would generate significant levels of vibration, as such no assessment of construction vibration is necessary at Whitecroft.</p> <p>There is no requirement within Design Manual for Roads and Bridges (DMRB) LA 111 to provide a detailed assessment of all façades at identified receptors, and it would be disproportionate to do so. In accordance with DMRB LA 111, the assessment within ES Chapter 12: Noise and Vibration [APP-150] has focused on worst case façades in order to determine impacts and environmental significance.</p> <p>Within the scope of ES Chapter 12: Noise and Vibration [APP-150] all receptors are given the same sensitivity. However, further consideration of the sensitivities of the Whitecroft Care Home and resultant health outcomes are given in ES Chapter 13: Population and Human Health [APP-151].</p> <p>The construction noise assessment presented in ES Chapter 12: Noise and Vibration [APP-150] within Table 12.33 indicates the level of attenuation assumed for proposed Best Practicable Means (BPM) construction measures taken from BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise. As set out in ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157], BPM are secured through REAC item NV007. In addition, REAC item NV004 specifies the Contractors will secure Section 61 consent under the Control of Pollution Act 1974 at relevant stages of the Project as necessary, which is outlined in Table 4.2 of the CoCP. Details of any mitigation measures would be specified within this process and advised to Thurrock Council through the Section 61 process to ensure construction noise is controlled once the specifics of the works are better understood relating to the level of noise required to be mitigated to meet appropriate thresholds.</p> <p><i>Response to Paragraph 34</i></p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>The noise and vibration assessment presented in ES Chapter 12: Noise and Vibration [APP-150] has specified mitigation measures and the assumed attenuation for construction noise impacts based upon British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise. These measures would be secured within ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] under REAC items NV001 to NV010 and NV017.</p> <p>With regards to operational road traffic noise impacts, the Project design has sought to incorporate noise mitigation by means of earthwork features where practicable. The multidisciplinary iterative design process considered the potential for adverse impacts of each specific design measure having regard for noise, landscape and visual, soils, construction and engineering limitations, to identify a combined and deliverable design. In addition to the Project design for operational road traffic noise, all new and altered roads associated with the Project will be surfaced with a Thin Surface Course or Low Noise Surface with the acoustic performance specified and secured within ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] REAC Item NV013.</p> <p>Within the scope of ES Chapter 12: Noise and Vibration [APP-150] all receptors are given the same sensitivity, however, further consideration of the sensitivities of the Whitecroft Care Home and resultant health outcomes are given in ES Chapter 13: Population and Human Health [APP-151].</p> <p><i>Response to Paragraph 35</i></p> <p>The Applicant notes the information submitted in Annex D which provides a technical note produced by TPA 'Impact of Lower Thames Crossing Construction Traffic on The Whitecroft Care Home', and the conclusion that there is insufficient information to enable proper assessment of the impact of construction on Whitecroft. The Applicant considers that there is significant detailed information within the DCO application documents relating to the construction phase, but the Applicant will continue dialogue with the Care Home on this matter and work with them to aid understanding of the Project's construction impacts on the Care Home.</p> <p>Cultural Heritage</p> <p><i>Response to Paragraph 29</i></p> <p>The cultural heritage assessment for the Project is presented in ES Chapter 6: Cultural Heritage [AS-044]. Paragraph 6.4.354 describes the listed building and its setting, paragraph 6.6.155 the potential impact during construction and paragraph 6.6.340 the impact during operation. In both cases this is assessed as a moderate adverse effect which is significant. This is less than substantial harm.</p> <p>The assessment has been accepted by Historic England and Essex Place Services as historic buildings advisor to Thurrock and is the same level of harm as reported in this Written Representation's Annex E.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Air Quality <i>Response to Paragraph 29</i> The dispersion modelling is undertaken assuming all the roads are at the same level, i.e. no terrain or elevations have been included in the air quality model. This is considered worse case as dispersion from the model would increase if the Applicant set the model up to include different elevations. The road emissions are closer to the receptors in the models that the Applicant has used to inform the impacts on Whitecroft Care Home.</p> <p><i>Response to Paragraph 33</i> The Applicant has provided a response to the issue in relation to the model set up (set out above) and how it is worse case compared to if roads were modelled at different elevations. Given this the Applicant does not consider that any of the issues raised by the Air Quality Consultants review would change the conclusions of the air quality assessment which would remain that the Project would not lead to a significant impact on air quality.</p> <p>Landscape <i>Response to Paragraph 29</i> This matter has been responded to on page 313 of the Relevant Representations Report [REP1-180].</p> <p>Population and human health <i>Response to Paragraph 29</i> This matter has been responded to on pages 250, 262 and 338–340 of the Relevant Representations Report [REP1-180].</p> <p>Cumulative impacts <i>Response to Paragraph 29 and 30</i> ES Chapter 16: Cumulative Effects Assessment [APP-154] includes an assessment of intra-project effects by ward. For Orsett ward, the chapter highlights intra-project effects for the Whitecroft Care Home as a receptor during both construction and operational phases (Tables 16.8 and 16.9 of ES Chapter 16: Cumulative Effects Assessment [APP-154] respectively). During the construction phase, receptors at the Whitecroft Care Home are predicted to experience adverse combined effects from construction phase dust and emissions, noise, visual and human health effects; during the operational phase adverse air quality, noise, visual and human health effects would combine. No additional mitigation measures have been identified for either construction or operation stages in addition to those already identified within individual topic assessments.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Scope for Mitigation</p> <p><i>Response to Paragraph 38</i></p> <p>The assessment presented within ES Chapter 12: Noise and Vibration [APP-150] has sought to mitigate all noise and vibration impacts as a result of the Project.</p> <p>During the construction phase, mitigation measures have been secured in ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] under REAC items NV001 to NV010 and NV017. With specific regard to REAC item NV007 (Best Practicable Means) these measures would seek to mitigate construction noise at source rather than at the noise sensitive receptor and would not impose any mitigation measures on the physical structure of the care home itself.</p> <p>Operational road traffic noise impacts would largely be beneficial across the site due to the implementation of the earth bund located to the west of Whitecroft, a low road noise surface implemented on Stanford Road and the realignment of Stanford Road, moving the road further away from Whitecroft. No noise barriers have been incorporated within the design to mitigate road traffic noise levels.</p> <p>As the impacts would be beneficial no physical mitigation measures, such as acoustic glazing at Whitecroft is proposed. Road traffic noise impacts on the external amenity areas, particularly towards the east of the site would also be beneficial and access to quality outdoor space would still be available to residents.</p> <p><i>Response to Paragraph 42</i></p> <p>This matter has been responded to in Section 7 of the Post-event submissions, including written submission of oral comments, for OFH2 [REP1-185].</p> <p>The Public Sector Equality Duty</p> <p>The Applicant notes the requirement of the Public Sector Equality Duty (PSED) to have 'due regard to the need' of people with protected characteristics, which include residents of the Whitecroft Care Home by virtue of 'age' and 'disability'. It is noted that residents of the Whitecroft Care Home have the potential to be differently and disproportionately affected by disturbing noise events in comparison to persons who are not suffering from dementia-related or other cognitive impairments. This is acknowledged within the Health and Equalities Impact Assessment [APP-539] both in the evidence base (paragraph 7.9.6 refers to people with mental illness such as dementia being less able to cope with the impacts of noise exposure) and in the assessment of construction impacts (paragraph 7.9.21 notes the type of care provided at Whitecroft and that '<i>residents are likely to have very different sensitivities to changes in noise level</i>'). The assessment, summarised in the Health and Equalities Impact Assessment Appendix B: National Highways EqIA Screening Template [APP-541], concludes that there are locations where there are greater concentrations of older people who may be more susceptible to increases in noise levels.</p>

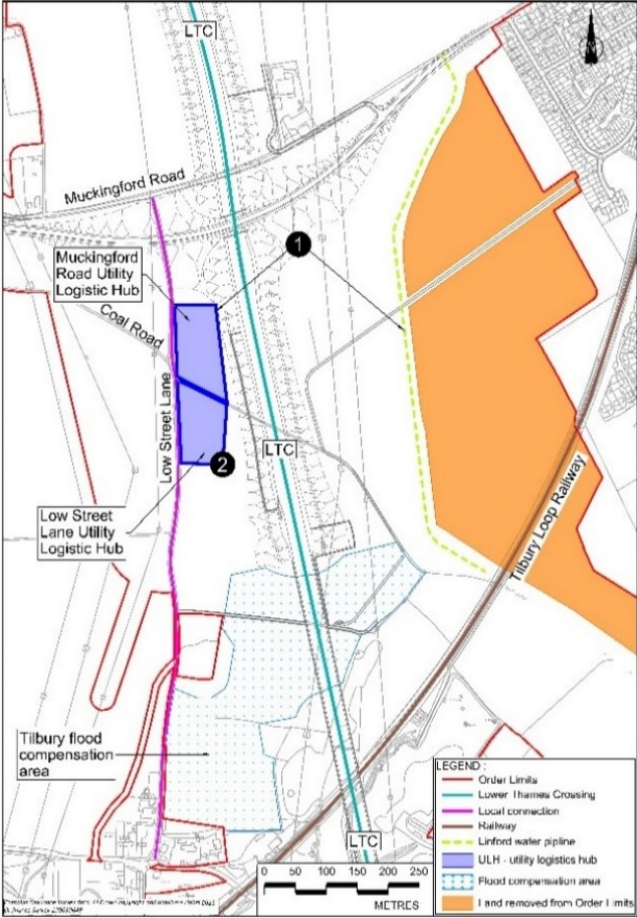
Rep ID	WR Submitter	WR/Applicant's Response
		<p>The Applicant considers the noise assessment undertaken in relation to the Project to be fit for purpose, and as such suitable to inform Project design. In discharging its PSED, the Applicant has engaged with representatives of the Whitecroft Care Home on a number of occasions during Project development to discuss potential concerns around construction and operational impacts and to identify opportunities to enhance the Project design in order to mitigate adverse impacts on residents. This has resulted in changes to the Project design, notably the relocation of the Stanford Road construction compound further away from the Care Home; other design changes involved the inclusion of a number of landscaping features at Local Refinement Consultation in 2022 where the Project would join the A13. The latter change included a proposed landscaping bund to the west of Whitecroft Care Home, set out in Project Design Report Part G: Design Evolution [APP-514] to help mitigate the visual impact.</p> <p>In relation to mitigation, a range of BPM measures have been identified for this location specifically, including acoustic screening between construction works (including compounds and haul routes) and the care home (which in itself is anticipated to result in up to a 10dB reduction in noise at this location). These measures are secured through ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157].</p> <p>The assertion in paragraph 47 that residents would be impacted by noise during the operational phase of the Project is refuted. The assessment presented within ES Chapter 12: Noise and Vibration [APP 150] has shown that the Whitecroft Care Home would experience a decrease in road traffic noise levels during operation.</p> <p>The Applicant has recently visited the Care Home and will be submitting further information relating to this matter at a later deadline.</p> <p>Need for Relocation</p> <p>Based upon the detail the Applicant does not agree with the assertion that, due to the impacts upon the residents, provision should be made in the draft DCO to relocate the Care Home. Whilst there are two plots required for permanent acquisition of land within Runwood's ownership only one plot (29-254) is required within the title of the Care Home which is limited to a reconfiguration of the access and works to the boundary for the construction of a new improved A1013. There is also a requirement for permanent acquisition of rights and temporary use in a field to the south of the Care Home building for utility and environmental works. These works do not blight the Care Home or its operation and therefore there is no case for the Applicant to purchase or relocate the Care Home.</p> <p>In response to paragraph 49, this matter has also been responded to in Section 7 of the Post-event submissions, including written submission of oral comments, for OFH2 [REP1-185].</p>

REP1-385 Linford Land Group / Mulberry Strategic Land

Rep ID	WR Submitter	WR/Applicant's Response
REP1-385	Holland Land and Property on behalf of Linford Land Group	<p>WR: WR Link: REP1-385</p> <p>Applicant's Response:</p> <p>1. Applicant's Reliance on the Detailed design & Build Phase & The Imposition of Restrictive Covenants / Permanent Rights</p> <p>Detailed Design: The Applicant acknowledges that detailed design is not currently available for the Proposed Development, something that is usual and expected in a project of this nature.</p> <p>The drafting of the draft DCO does however, impose various controls on the Applicant in terms of the limits from which it can deviate from the overall proposed design. Requirement 3 of Schedule 2 of allows detailed design to be developed at a later stage as long as any such design is in accordance with the Design Principles document Design Principles [APP-516]and various plans submitted as part of the application. This provides control over what the Applicant is able to build but also allows flexibility so that the Applicant and its appointed contractors can further mitigate impacts on landowners during this detailed design stage, where possible. Under the provisions of the DCO, any further detailed design would not be permitted if it gave rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>No additional land would be required to implement such refinements as they would only be undertaken on areas already within the Order Limits.</p> <p>Restrictive Covenants: The Applicant has, in limited circumstances, sought rights and restrictive covenants to enable statutory undertakers to have adequate land and rights in connection with assets. Nonetheless, the Applicant has provided an update to the draft DCO to provide comfort to landowners that these rights will be extinguished at the earliest opportunity unless otherwise agreed with the landowner.</p> <p>The Applicant will continue to engage with landowners regarding the diversion of utilities during the detailed design stage and will seek to mitigate impacts on retained land as far as reasonably possible within the constraints of the draft DCO.</p> <p>Permanent Rights: The Applicant does not agree that only a 'general' explanation of the rights proposed to be acquired has been provided. The Statement of Reasons [REP1-049] sets out the particular purposes for which permanent rights and restrictive covenants can be acquired. The Applicant has provided as much information on the</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>potential restrictive covenants and/or restrictions of use on land which is required for permanent rights for the installation of permanent utility diversions as it is possible to provide at this stage of the Project's design. For explanation and justification for the drafting of this Article see the Applicant's Deadline 1 post-event submissions, including written submission of oral comments, for Issue Specific Hearing 2 [REP1-184].</p> <p>2. Linford Borehole & Water Pipeline</p> <p>The Project's Muckingford Road Utility Logistics Hub (ULH) and Linford borehole pipeline (work number MUT6) proposed as part of the DCO application are currently located in the centre of Phase 1 of Mulberry Strategic Land's proposals.</p> <p>Following engagement since the DCO application submission, the Applicant has identified an opportunity to reduce the amount of land required to install the temporary Linford water pipeline and relocate Muckingford Road ULH, reducing the Order Limits and moving construction works further away from residential areas. The has proposed to move the Linford Borehole pipeline up to 250m west and to move Muckingford Road ULH 350m west.</p> <p>The environmental effects of the amended alignment have been assessed and it would not result in any materially new or materially different environmental effects than reported in the DCO application Environmental Statement (ES).</p> <p>The relocation of the pipeline and Muckingford Road ULH (in addition to the relocation of Low Street Lane ULH and land use change – west of Linford) as proposed at Minor Refinement Consultation⁴ in May 2023 would result in approximately 17ha of land included within the East Tilbury application (ref 16/01232/OUT) to be removed from the Order Limits along the eastern extent of these works. The orange shaded area shown on the image below would be relinquished and the Order Limit moved to the western edge of the orange hatch and border the footpath construction area.</p>

⁴ National Highways (2023). Minor Refinement Consultation. Accessed July 2023. https://highwaysengland.citizenspace.com/ltc/minor-refinement-consultation-2023/supporting_documents/Lower%20Thames%20Crossing%20Minor%20Refinement%20Consultation%20Booklet.pdf

Rep ID	WR Submitter	WR/Applicant's Response
		 <p>With regards to the permanent rights being sought for a temporary pipeline, rights are being sought by the Applicant for all utility works for the following reasons:</p> <ul style="list-style-type: none"> The utility network owners, in accordance with their own regulations, responsibilities and terms of their operating licences require sufficient rights to construct, operate, protect and maintain their networks at all stages of that network being operational.

Rep ID	WR Submitter	WR/Applicant's Response
		<ul style="list-style-type: none"> • Those existing powers or rights that may exist relative to the utility networks are for the benefit of the utility network owners, not for the Applicant as the promoter of the development. The Applicant cannot assume they can utilise or novate to their supply chain for the delivery of the Project. • The Applicant has no powers to divert or install utilities, so those necessarily form part of the DCO as authorised works listed in Schedule 1 of the draft DCO. The powers necessary, including the land requirements, for all of the works required for the construction and the operation of the Project, are to be acquired by the Applicant via the granting of the DCO, transferring the benefit of the DCO via various processes to the utility network owner in accordance with Article 8 of the draft DCO [REP1-042]. • This position (the Applicant to acquire all legal powers) has been determined in agreement with multiple utility companies as it would enable the acquisition of the legal powers or contain a method from which powers can be vested in the utility companies, removing a reliance on the relevant existing arrangements or statutory powers that the companies themselves may already benefit from being obtained to successfully deliver the Project. • It permits the powers to be made relative to the relevant rights and protective covenants of the day that the power is sought, reflecting the revised utility network alignment, component parts and access arrangements to them. It will also reflect differences in construction methodology from when, and if, they were first implemented. • It has been communicated to the Applicant by the Statutory Undertakers that the execution of the utility companies own powers presents a risk in the ability to acquire those powers in a timely manner that the Project require the works to be undertaken. The diversion and installation of utility networks are integral to the Project achieving the road open for traffic date documented within the DCO application on which all relevant environmental assessments and statements are based and as such a reliance on a successful timely execution of those rights by the utility companies presents too great a risk to the Project. • Some of the rights that may exist with the landowner and the utility company may not be sufficient upon further inspection, even if they exist at the point of execution or potentially would not be relevant for the benefit of the Applicant and their appointed non-utility company contractors to undertake the works. • The want of various utility companies for the onus to be on the Applicant to acquire all necessary rights obtained via the DCO and all land to be contained within the Order Limits, temporarily and permanently can be viewed as items within the Statements of Common Ground between the Project and the utility companies submitted as part of the DCO application, including the Statement of Common Ground between (1) National Highways and (2) Essex & Suffolk Water [APP-107]. • The inclusion of all necessary works within the draft DCO ensures the associated environmental impacts are adequately assessed and mitigation measures are promoted as part of the application. This would not be the

Rep ID	WR Submitter	WR/Applicant's Response
		<p>case if the works were to be delivered piecemeal utilising the utility companies own powers, or via alternative consenting mechanisms.</p> <ul style="list-style-type: none"> • The Statement of Common Ground between National Highways and National Grid Electricity Transmission [REP1-201] has not been submitted as part of the application however the draft version communicates '<i>where diversions are required to facilitate the scheme, it is essential that adequate temporary and permanent land take, land rights, restrictive covenants and consents are included within the Order to enable works to proceed in time and to provide appropriate rights for NGET to access, maintain and protect apparatus in future</i>'.] • This approach is standard with that taken on other made DCOs. • With regards to the temporary utility works the rights are being sought by the Applicant to address the following scenarios: <ul style="list-style-type: none"> – The land is retained in ownership by the current landowner and a right is acquired by the Applicant over the land in which assets can be located. These rights may be novated to a third party to manage on the Applicant's behalf using the provisions of the draft DCO. – The land is retained in ownership by the current landowner and a right is granted directly to the utility network owner over the land in which assets can be located. <p>As per paragraphs 2.6.138 and 2.6.139 of the ES Chapter 2: Project Description [APP-140], the Project assumes, and has assessed the removal of Work No MUT6 once it has completed its function bar the section under the Tilbury and Southend railway line. For the pipeline to be left <i>in situ</i> would require the development of proposals, and suitable agreements with relevant stakeholders, landowners and other developers.</p> <p>3. Ecological Mitigation Land</p> <p>As detailed within ES Chapter 8: Terrestrial Biodiversity [APP-146], the Project would have a number of adverse effects on non-statutory designated wildlife sites around this area including Mucking Heath Local Wildlife Site (LWS), Rainbow Shaw LWS and ancient woodland, and Linford Pit LWS. These sites sit within close proximity to a series of other designated sites including Orsett Camp Quarry LWS, Buckingham Hill LWS, Linford Wood LWS, Gobions Lake LWS and the statutory designated Linford Wood Local Nature Reserve. The location of these sites is shown in ES Figure 8.1: Designated Sites [APP-262]. The Project would also result in the loss of some non-designated but good quality scrub habitat west of Linford village.</p> <p>To offset the loss of these designated and non-designated habitats, essential ecological mitigation is required in the form of new habitat creation, which includes Plots 24-132 and 24-134. These plots are included as they provide the opportunity to convert ecologically poor arable land into open mosaic habitat of higher biodiversity value. The location of this site is critical as it ties into the semi-natural habitat planting proposals for the wider Project as well as</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>the network of statutory and non-statutory designed sites described above, building resilience into that ecological network.</p> <p>The outline planning application for land either side of Muckingford Road (ref. 16/01232/OUT) was included in the cumulative inter-project effects long-list for the DCO application for the Project submitted 23 October 2020 but subsequently withdrawn 20 November 2020. The temporal scope for the inter-project cumulative inter-project effects assessment was updated for the DCO application submitted October 2022 so that it captured developments that meet the thresholds for inclusion dating from September 2017 up to the cut-off date May 2022. Application ref. 16/01232/OUT was therefore not captured by the inter-project effects assessment for the Project. Moreover, the amended design details for the site were submitted in February 2023 under the same application reference after the cut-off date of May 2022. However, the short list of developments incorporated a Local Plan projection for East Tilbury for the delivery of up to 3,775 homes by 2041 [APP-484] (page 132–135) in order to assess the likely effects of the Project in combination with other developments on environmental receptors. ES Chapter 16: Cumulative Effects Assessment [APP-154] (page 124) concluded that there is the potential for a residual cumulative effect on geology and soils during construction (neutral and not significant for geology and very large adverse and significant for soils), and during operation (neutral and not significant).</p> <p>The outline planning application was however included in the Uncertainty Log (Combined Modelling and Appraisal Report Appendix C: Transport Forecasting Package Annexes [APP-523], page 56), and thus the Project's transport model.</p> <p>4. Utilities – Easements & Wayleaves</p> <p>The Applicant is aware of the overlap between the projects, and the desire for the Project to vacate that land as soon as reasonably possible. Work No OH3 and the associated Work No OHT3 are envisaged to be undertaken within, and completed within the first two years of construction due to the current electricity network impeding the safe construction of the Tilbury Viaduct. At the detailed design and planning stage, the Project will further consider its own construction programme, including those works that have to be completed prior to the commencement of Work Nos OH3 and OHT3 such as archaeological, ecological and environmental works (some of which are seasonal), ensuring the works and associated diversion dates align with the constraints associated with the operational electricity network. Once this has been developed, further conversations between the parties will be held to communicate this information.</p> <p>5. Minor Refinement Consultation</p> <p>Please refer to point 2 (Linford Borehole & Water Pipeline) for a response on this matter.</p>

REP1-389 Lawson Planning Partnership Ltd on behalf of Mrs J Carver

Rep ID	WR Submitter	WR/Applicant's Response
REP1-389	Lawson Planning Partnership on behalf of Mrs J Carver	<p>WR: WR link 1: REP1-389 WR link 2: REP1-390</p> <p>Applicant's Response: The Applicant is responding to the letter from Lawson Planning Partnership Ltd., which makes reference to the noise assessment report from Sharps Redmore Acoustic Consultants.</p> <ol style="list-style-type: none"> 1. Noted. 2. The Applicant shared and agreed the baseline noise survey locations with London Borough of Havering in 2018; this is summarised in Table 12.1: Local Authority Consultation of the Environmental Statement (ES): Chapter 12: Noise and Vibration [APP-150]. The Applicant is not surprised by the difference in measured noise levels. Noise varies over an hourly, daily and seasonal basis and there are many factors that influence the generation and propagation of sound. For example, the prevailing weather conditions at the time of measurements can influence measured noise levels, and the traffic conditions on the M25 would influence the noise generated. For reasons such as these the assessment of impacts as described within ES Chapter 12: Noise and Vibration [APP-150] have been undertaken using computer modelling. This provides a more accurate prediction of the change in noise to be determined as it enables a Project opening year scenario (i.e. Do Something) to be considered. The Applicant did not undertake night-time noise measurements at this location as for a project of this size it was not practicable to measure at every receptor. As is shown in Table 2.8 of ES Appendix 12.4: Construction Noise and Vibration Assessment [REP1-169] the daytime noise level at noise monitoring location A-NML 27 has been used to derive the construction noise limits for receptor CN 134, which is considered representative of the landowner's property. It should be noted that whilst night-time noise levels were not surveyed at this location, a full assessment of construction and operational road traffic noise impacts has been undertaken. 3. The Applicant would note that a higher baseline noise level could transfer to a higher construction noise limit being assigned to this receptor. Therefore the assessment within ES Chapter 12: Noise and Vibration [APP-150] would be conservative. The report by Sharps Redmore correctly identifies receptor CN134 as the closest construction receptor to the landowner's property, and also that it is concluded within ES Chapter 12: Noise and Vibration [APP-150] that the impact from construction noise would be reduced to below the Significant Observed Adverse Effect Level (SOAEL) and therefore would not constitute a significant effect. The embedded mitigation

Rep ID	WR Submitter	WR/Applicant's Response
		<p>measures would relate to the works being undertaken nearby (key construction activities and timelines are presented in Plate 2.15 of ES Chapter 2: Project Description [APP-140]), and the mitigation measures themselves are secured within commitments NV001, NV002 and NV004 within ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157].</p> <p>4. The assessment of noise within Design Manual for Roads and Bridges (DMRB) LA 111 is not based upon internal noise levels as given within BS 8233:2014⁵. BS 8233 is for new buildings in noisy areas, so not appropriate for use on a road scheme. With over 90,000 dwellings within the noise study area, it would be impractical to investigate each dwelling to determine the glazing specification and then investigate the internal noise levels. The assessment contained within ES Chapter 12: Noise and Vibration [APP-150] has considered the change in external noise levels that would translate to a change in internal levels. Where practicable, increases in noise have been avoided or minimised.</p> <p>5. In this location there is predicted to be a moderate reduction in noise which is due to the provision of low noise surfacing and the earthworks provided by the additional lane for the M25 screening the traffic noise. This is presented in ES Figure 12.6: Operational Road Traffic Noise Mitigation [APP-314]. The Applicant is not intending to install any specific noise mitigation in this location for the operational noise for the finished Project. Had a noise barrier been considered in this location the calculations would have been included within ES Appendix 12.10: Road Traffic Noise Mitigation and Cost Benefit Analysis [APP-450]. However, with the area showing a reduction in noise the calculations were not undertaken. Based on professional judgement and the calculations undertaken at other locations to determine the suitability of noise barriers, the Applicant considers that a noise barrier in this location would not prove to be cost effective or proportionate. The Applicant considers that the Project meets the aims of national policy and this is described within Table 1.3 of ES Appendix 12.1: Noise and Vibration Legislation and Policy [APP-441].</p> <p>6 to 9. The Applicant notes these are questions for the Examining Authority.</p>

⁵ British Standards Institution. BS 8233:2014: Guidance on sound insulation and noise reduction for buildings.

REP1-394 Owners of RK and D Shearer

Rep ID	WR Submitter	WR/Applicant's Response
REP1-394	Owners of RK and D Shearer	<p>WR: WR Link: REP1-394</p> <p>Applicant's Response:</p> <p>1. Extent of Permanent Freehold Acquisition</p> <p>The parcel of land linking the north of Chalk Park to the A226 is required permanently to perform mitigation for the Project. To the north of the South Portal, the land would be raised to integrate the portal into the surrounding rolling landscape and provide visual screening of the portal and tunnel service building structures from the A226. The raised land would recreate the character of a wooded hilltop that is found within the local landscape. As a consequence of the land being raised, gradients of the land would be steepened to an extent where it could not be reinstated to agricultural land.</p> <p>The raised earthworks would be landscaped to include a mixture of species rich chalk grassland, scrub and woodland planting which provides a continuous habitat from the A2 junction to the A226 and provides a wider habitat connectivity. The land in this area also includes proposed new WCH routes, providing recreational loops around the portal as part of a wider recreational strategy. A footpath links down to the A226 and provides additional access to Chalk Park for residents in Chalk.</p> <p>The following aspects are identified as the key drivers for the inclusion of Chalk Park within the Project proposals and its design rationale:</p> <p>The Department for Environment, Food and Rural Affairs (Defra) objectives call for woodland creation, habitat buffering and creation of multifunctional accessible spaces to the east of Gravesend.</p> <p>The National Policy Statement for National Networks (NPSNN) requires in paragraph 4.31 'a good design'. The Project has been developed to be landscape led, to support the recovery of nature and to avoid or minimise significant effects on the environment. Some of the measures adopted include landscaping, noise mitigation measures, and the provision of green infrastructure along the Project route. The Project would create a number of new areas of ecological habitat, providing mitigation or compensation for the impacts on existing areas. Two new parks would be created including Chalk Park, to the south of the River Thames and Tilbury Fields to the north. In paragraph 5.162 the NPSNN states: '<i>access to high quality open spaces and the countryside and opportunities for sport and recreation can be a means of providing necessary mitigation and/or compensation requirements. Green</i></p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p><i>infrastructure can also enable developments to provide positive environmental and economic benefits'</i>. The Project seeks to generate a positive legacy of Green Infrastructure, through the provision of a recreational landscape for north-eastern Gravesend and Chalk.</p> <p>A review of local policy and the existing context has identified a catchment gap for the open space typologies for parks and gardens, and natural and semi-natural green space for the Gravesham urban area. This is identified in the Gravesham Borough Council Open Space Assessment, April 2016.</p> <p>The design of Chalk Park addresses the local landscape character. Within the surrounding context of chalk sloping farmland to the east of Gravesend, development/settlements have generally been located adjacent to wooded hill tops, such as the residential properties in the village of Shorne. The hill proposal references the distinct local characteristic of settlements located on the slopes below a wooded hill.</p> <p>2. Extent of Land Needed for Temporary Possession</p> <p>To the south of the A226, temporary possession of plots 13-11 and 13-53 is required for provision of the temporary storage of material cut from the South Portal and is therefore included within the Order Limits to ensure the Project can be delivered. The Applicant will require the Contractors to assess the temporary stockpiling requirements as part of the detailed design work and look to minimise land take where possible.</p> <p>3. Severance of Farm</p> <p>The Applicant acknowledges the landowner's concerns and highlights the general undertaking under SACR-005 in the Stakeholder Actions and Commitments Register [REP1-176] which states '<i>Where access to a significant area of a landowner's farmland is severed by construction works, the Contractor shall ensure that the farmer is provided with controlled access to their retained land.</i>'</p> <p>The Applicant and Contractors will work closely with the landowner during the detailed design stage to agree access arrangements during and post construction in this location.</p> <p>4. Impact on Access to Farm</p> <p>The Ordnance Survey has recently updated their data layers which now show the landowner's farm buildings at Plot 13-41. Consequently, the Applicant has been able to update its GIS layers which now show the farm buildings on its plans.</p> <p>Sheet 13 of the Rights of Way and Access Plans [REP1-025] show the existing private means of access to the farm buildings. This access may need to be stopped up temporarily to allow for construction works (NB: original DCO submission documents showed this access to be permanently stopped-up, but this is now corrected as above).</p> <p>During the detailed design phase, the Applicant and Contractors will liaise closely with the landowner to ensure that access to the farm buildings is maintained at all times, either via this existing access or a suitable alternative once</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>one is in place. This commitment is secured under SACR-005 in the Stakeholder Actions and Commitment Register [REP1-176] which reads: <i>'Where access to a significant area of a landowner's farmland is severed by construction works, the Contractor shall ensure that the farmer is provided with controlled access to their retained land.'</i> In addition, the outline Traffic Management Plan for Construction [REP1-175] states in relation to local businesses (which would include farms) that, among other things: <i>'Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works'</i>.</p> <p>5. Impact on Freehold Farm Buildings</p> <p>The buildings and yard (Plot 13-41) are included within the Order Limits for permanent acquisition of subsoil and rights and temporary possession of land at surface to allow for drilling operations for underground grouting. The detail and timing are not yet known and will be subject to the Contractors' detailed design stage. The Applicant and Contractor will liaise closely with the landowner to ensure any disruption is minimised.</p> <p>6. Importance of Agriculture & Agricultural Land</p> <p>With regards to the impact on agricultural land, the Project has been developed to minimise the amount of land needed for its construction and operation, thereby reducing impacts on farmland, buildings and environmentally sensitive areas.</p> <p>The impacts on productive farmland are provided in Chapter 10 (Geology and Soils) of the Environmental Statement [APP-148], as informed by Appendix 10.4 (Agricultural Land Classification Factual Report) of the Environmental Statement [APP-425].</p> <p>7. Public Rights of Way and Access</p> <p>As well as re-connecting walkers, cyclists and horse riders (WCH) routes severed by the proposed new road, in accordance with Design Manual for Roads and Bridges (DMRB) HD 42/17 a Walking, Cycling and Horse Riding Assessment was carried out.</p> <p>This explored the existing public rights of way network, national and local policies, local demographics and consultation feedback to determine where there might be strategic opportunities. Please see the Project Design Report Part E: Design for Walkers, Cyclists and Horse Riders [APP-512] where Section 3.5 specifically covers the details on why the proposed links at Gravesend and the South Portal are proposed.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>8. Impact on Great Clayne Lane Farm</p> <p>The freeholder of this land (Plot 14-01) has requested the Applicant to liaise with them in the first instance, rather than the current occupier (RK & D Shearer) who, the Applicant understands, has the benefit of an annual tenancy only.</p> <p>The Applicant can confirm, however, that it requires only a <i>temporary</i> change of <i>management</i> to this land, such that it is left in grass or stubble over the winter period for the benefit of over-wintering birds. This is to compensate for the <i>temporary</i> potential impacts of the nearby construction compound on the adjoining Ramsar site.</p> <p>During this time, the land could still be farmed and managed for a silage or hay cut (as currently) or planted with spring crops.</p> <p>The Applicant is unable to give assurances that there will be no permanent change of use or future management restrictions beyond the temporary requirement period, as such would be outside of the Applicant's jurisdiction.</p>

REP1-396 St Modwen Developments Limited

Rep ID	WR Submitter	Written Representation Link / Applicant's Response
REP1-396	Pinsent Masons LLP on behalf of St Modwen Developments Ltd	<p>WR: WR link 1: REP1-396 WR link 2: REP1-397</p> <p>Applicant's Response: The Applicant has engaged positively and constructively with the developer, St Modwen, and the landowner, Mr Padfield, regarding the proposed Brentwood Enterprise Park (BEP) for the past several years. This has included providing relevant Lower Thames Crossing (LTC) design and traffic data to assist with the development of the BEP proposals. The LTC will benefit the UK economy by helping unlock the huge potential of the Thames Estuary – the UK's number one growth opportunity. BEP is ideally situated to take advantage of the improved connectivity LTC will bring, providing a quicker, more reliable connection between major manufacturing centres, distribution hubs and key ports and open new markets for local businesses, creating a new economy between Kent and Essex.</p> <p>The Applicant has sought to mitigate impacts and interfaces between the two projects as one of LTC's main aims is to support economic growth, which BEP, as a key component of the Brentwood Local Plan, would deliver. Engagement between the parties has successfully removed or mitigated various conflicts and interfaces between the two projects including:</p> <ul style="list-style-type: none"> • Removal of environmental compensation areas from the BEP site • De-scoping of the previously proposed diversion of a high-pressure gas pipeline and associated Warley Street Utility Logistics Hub, which conflicted with the largest proposed BEP development plot on the site • De-scoping of proposed works to overhead electricity lines <p>The interface between the two projects is set out in the Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes [APP-550]. The Applicant continues to work collaboratively to resolve outstanding matters and a draft Land and Works Agreement (LWA) has been produced between the parties on which progress will continue, aiming for agreement to be reached prior to the end of the examination.</p> <p>Access to the BEP site There was a previous proposal for BEP to be accessed solely from the south-east corner of junction 29. It was accepted and understood at an early stage of discussions that this would not be feasible from a traffic or safety perspective, with or without LTC. St Modwen therefore undertook to revise the design to the access proposals which have now been submitted to Brentwood Borough Council (BBC) for planning consent.</p>

Rep ID	WR Submitter	Written Representation Link / Applicant's Response
		<p>A127 structure interface</p> <p>To the east of the M25 junction 29 the Applicant proposes a walkers, cyclists and horse riders (WCH) bridge and ramps (Work No. 9Z) over the A127 which, based on the preliminary design included with the DCO application, has the potential to conflict with a vehicular bridge proposed by BEP.</p> <p>It has been agreed that should BEP be constructed prior to the Project the proposed WCH structure over the A127 to the east of junction 29 would not be constructed by the Applicant as the BEP proposal provides the proposed WCH connectivity. This is stated in Design Principles [APP-516] principle S14.22. This would avoid the conflict between the two designs.</p> <p>Should the Project be constructed and operational prior to BEP works commencing the Applicant has established that the design of the Project's proposed WCH structure can be refined to ensure that it does not conflict with the BEP design. This will require an extension to the Highway Works limits of deviation on the Works Plans (Volume C) [AS-026] and an amendment to Design Principles [APP-516] principle S14.22 which the Applicant will progress at the discretion of the Examining Authority. This will also be addressed in the LWA.</p> <p>B186 access</p> <p>The Applicant proposes a temporary construction and permanent operational access track to the west of the B186 (Work No. 9P), referred to as 'Access Track East' and 'LTC Bellmouth' in the image below. The use of this access from the B186 during construction and operation (in a no-BEP scenario) has been assessed and meets required road safety standards.</p> <p>The access is required during construction for access to the M25, Warley Street compound and for utility diversion works. The LTC Bellmouth is approximately 100m to the south of the proposed access to the BEP site the proposed 'BEP Access'. It is accepted and agreed that the LTC Bellmouth and the BEP Access could not be operational at the same time due to their close proximity to each other.</p> <p>To allow for flexibility to resolve this design interface the Applicant included, with St Modwen and Mr Padfield's understanding, the area around the proposed BEP Access within the Order Limits. This area provides sufficient space to allow for flexibility that may be required during St Modwen's detailed design process. Given the uncertainty regarding the construction programme of both projects there are three scenarios regarding this interface:</p> <ul style="list-style-type: none"> • BEP constructed first: <ol style="list-style-type: none"> 1) It has been agreed between the parties that should BEP be built first then the Project Access Track East shall be designed so as to connect to the BEP Access (the 'LTC Spur') and the LTC Bellmouth would not be built. This is stated in Design Principles [APP-516] principle S14.19. This would avoid the conflict between the two designs in this scenario.

Rep ID	WR Submitter	Written Representation Link / Applicant’s Response
		<ul style="list-style-type: none"> • LTC constructed first <ul style="list-style-type: none"> 2a) Should the Project access be built prior to BEP commencing construction then, if and when BEP works commence at a later date and prior to the expiry of necessary DCO powers, the LTC Spur shall be constructed and the LTC Bellmouth removed so as not to conflict with the BEP Access. 2b) In the event that BEP is not brought forward until after the necessary DCO powers have expired (constraints including, for example, the time limit for exercise of authority to acquire land compulsorily, at Article 27 of the draft DCO) then St Modwen would have to work with the Applicant to bring forward the necessary consents and land rights for the construction and operation of the LTC Spur and removal of the LTC Bellmouth. <p>The Applicant proposes to engage with St Modwen and Mr Padfield to agree and address each of the above scenarios within in the LWA and, following agreement between the parties, may amend principle S14.19 in the Design Principles [APP-516] to address scenario 2a as required.</p> <p>In relation to scenarios 1 and 2a above, although the areas where the LTC Spur and the BEP Access are located are within the Order Limits, the Highway Works limits of deviation do not extend into this area. Should the LTC Spur be required, Article 6(3) of the draft DCO [REP1-042] provides the opportunity to undertake works outside of the limits of deviation, but within the Order Limits, subject to confirmation by the Secretary of State that the works would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. The Secretary of State would be informed in this decision through consultation with Brentwood Borough Council (BBC), acting as planning authority, and Essex County Council (ECC) as Highways Authority. As the change to the highways design in this area would potentially require Secretary of State approval under Requirement 3, this approval could be sought under the same application.</p>

BEP/Project interfaces at the B186



Codham Hall Lane

The diversion of a gas pipeline (Work No. MU89) is required at the western end of Codham Hall Lane and would cross underneath the road which would require temporary possession of plot 45-105 and temporary possession and the permanent acquisition of rights over plot 45-100. This has been explained at meetings with St Modwen.

The outline Traffic Management Plan for Construction [[REP1-175](#)] states (page 20) in relation to local businesses that, amongst other things, 'Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works'. This requirement would apply to Codham Hall Lane and any such works requiring short-term restrictions to access would be communicated to St Modwen.

Other highway works

St Modwen have proposed works to junction 29 of the M25 and the B186/A127 Warley Street junction following engagement with the local planning authority, BBC, ECC and National Highways Spatial Planning department. The works that BEP have proposed are to offset the impacts of BEP on the local road network.

M25 junction 29

Rep ID	WR Submitter	Written Representation Link / Applicant's Response
		<p>St Modwen have proposed highway design mitigations to junction 29 that closely mirror the Applicant's proposals, with the exclusion from the St Modwen designs of the dedicated slips on the south-western and south-eastern quadrants of the junction.</p> <p>The Applicant recognises that there are synergies with the two projects at junction 29 and will continue to work with St Modwen regarding the coordination and implementation of the proposed infrastructure works.</p> <p><u>Warley Street Junction</u></p> <p>It is noted that both BBC and ECC have for some time identified the junction as being deficient and a stand-alone scheme for its improvement was previously proposed.</p> <p>The Applicant has included Warley Street junction within the Order Limits for temporary possession to allow for the installation of temporary traffic management by the Contractor if they consider it necessary.</p> <p>Once the Project is open for traffic the Applicant is forecasting an overall reduction in traffic at the junction. However there would be a small increase in flows on some arms of the junction (as a result of the wider relief the Project would bring to the A127 corridor east of the M25) during the inter-peak and PM peak, see the Traffic Forecasts Non-Technical Summary [APP-528]).</p> <p><u>Land Use</u></p> <p>The Applicant has identified areas of land on the BEP site, owned by Mr Padfield, for permanent acquisition. The main areas of which are required for the A127 WCH structure, the LTC Access Track and LTC Bellmouth, and the area around the BEP Access and potential LTC Spur, which have been discussed above.</p> <p>The Applicant is required to submit a DCO application which is implementable and to do so it needs the requisite land rights to undertake construction and operation of the Project as per the submitted design. The Applicant has made clear to both St Modwen and Mr Padfield that it is willing to address concerns regarding permanent land acquisition and to agree the hand-back of any appropriate land required for construction on the BEP site and for Mr Padfield's future use on his other landholdings. This is to ensure that the Applicant's proposals would not frustrate the development of the BEP site or other proposals. The Applicant's intent is for this matter to be resolved in the LWA, and a separate agreement with Mr Padfield if required.</p>

REP1-402 Robert Wynn

Rep ID	WR Submitter	WR/Applicant's Response
REP1-402	Robert Wynn	<p>WR: WR Link: REP1-402</p> <p>Applicant's Response: The Applicant is continuing discussions with the Interested Party, agent and co-owner of this land (plots 06-187 and 06-178 on sheet 6 of the Land Plans Volume B REP1-009).</p> <p>The Applicant acknowledges the land is co-owned by owners who hold different views.</p> <p>The Applicant has and is attempting to facilitate a voluntary agreement which satisfies both co-owning parties and has offered four different forms of voluntary agreement.</p> <p>The Applicant has most recently responded to a query on the latest form of agreement and hopes that progress towards agreement can be made.</p>

REP1-404 Strutt and Parker on behalf of Seventyholds Ltd

Rep ID	WR Submitter	WR/Applicant's Response
REP1-404	Strutt and Parker on behalf of Seventyholds Ltd	<p>WR: WR Link: REP1-404</p> <p>Applicant's Response: The Applicant responded to the Interested Party's relevant representation on 30 March 2023. We can confirm engagement continues with a view to mitigating impacts. Our response to this Written Representation is as follows, using the same headings:</p> <p>Client's Land at Hoford Road: The Applicant has been engaging with the Interested Party in relation to Project land requirements since 2020. The Applicant had reached agreement of Heads of Terms to use the land temporarily for a period of 25 years for ecological purposes, however, this land requirement was subsequently updated with the inclusion of the land within the Order Limits for the compensation of the effects of nitrogen deposition, for which permanent acquisition is required, and the proposed agreement subsided. The Applicant acknowledges the battery energy storage systems (BESS) interest connected to the Norwich to Tilbury, National Grid Electricity Transmission's (NGET) East Anglia Green scheme. The Applicant would comment that this scheme is currently under consultation on proposed route options and within the pre-application development phase. The Applicant continues to engage with NGET regarding their scheme proposals and impacts upon the Project. The Applicant's requirement for mitigation and compensation for significant effects on ecological designated sites and habitats complies with regulations and policy, as set out in Environmental Statement Chapter 8: Terrestrial Biodiversity [APP-146] and Environmental Statement Appendix 5.6: Project Air Quality Action Plan [APP-350] (specifically for the nitrogen deposition compensation).</p> <p>Client's land at Stanford Road: The Applicant has been engaging with the Interested Party in relation to mitigating impacts on this land. The Applicant was first made aware of conceptual development proposals on 15 September 2022. In response, the Applicant shared its limits of deviation in shapefile and CAD formats so that the Interested Party could consider proposals and seek to understand the impacts.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>In the Applicant's response to Relevant Representations, it suggested approaching Cadent to commence development discussions via the established Linesearch Before U Dig. The Applicant is aware that the Interested Party has submitted proposals to Cadent for their consideration regarding the wider network in the region. We understand Cadent has provided an initial response to the Interested Party. The Applicant would therefore propose a further discussion regarding the delivery of both projects and how they may co-exist.</p> <p>Client's land at Orsett</p> <p>The Applicant confirms that the Interested Party's land at this location is not within the Order Limits. The Applicant notes the Interested Parties development expectations which are consistent with discussions at a meeting on 15 September 2022. The Applicant explained details of proposed Project works to the south of the land and understood that the Interested Parties advisors were comfortable with the position.</p> <p>Client's land at Blackshots Lane</p> <p>The Applicant confirms that this asset would be temporary during construction and would be removed. In the Applicant's response to the Interested Party's Relevant Representation, reference was made to work MUT23 in the draft DCO and Work Plans – Volume C -Composite (21-49) [APP-020], which shows the impact on this land.</p>

REP1-416 Foxhounds Riding School

Rep ID	WR Submitter	WR/Applicant's Response
REP1-416	Strutt and Parker on behalf of David Creamer	<p>WR: WR Link: REP1-416</p> <p>Applicant's Response: The Applicant has met with the owners of Foxhounds Riding School, Mr Creamer and his family, on numerous occasions to understand and address their concerns regarding the Project.</p> <ol style="list-style-type: none"> The works would require the temporary closure, for approximately five years, of Bridleway BR206 that runs parallel south of the hacking/grazing area. During the construction phase a temporary diversion of BR206 via FP96, FP93, FP82, School Lane and Rectory Road (as shown in Plate B.4 of the outline Traffic Management Plan for Construction (oTMPfC) [REP1-175]) is proposed. Following construction BR206 would be realigned and extended. This is set out in the oTMPfC [REP1-175]. <p>The permanent diversions, for walkers, cyclists and horse riders (WCH) are shown in Environmental Statement Figure 13.4: Population and Human Health Assessment – Proposed WCH Links [APP-320] and the Rights of Way and Access Plans (Volume C) (Sheets 29 and 33) [REP1-026].</p> <p>The British Horse Society (BHS) have said that the temporary diversion may be suitable for general horse-riders but would not be suitable for taking people during riding lessons. The Applicant has asked the BHS to provide suggestions of suitable alternatives to its proposals, but they have been unable to do so. The Applicant considers that the riding school would still be able to take people out to exercise during lessons using Baker Street and the bridleways off Stifford Clays Road and that this alternative provision is sufficient.</p> <p>The construction of the Project would affect vehicular access to the riding school via Baker Street. The section of Baker Street between the A13 and A1013 would be closed for approximately nine months. A diversion route during the period of the closure is shown on oTMPfC Plate 4.11 [REP1-175]. Access to the riding school from Baker Street via Stifford Clays Road would be available.</p> <p>During the meetings and minutes from the meetings the Applicant has confirmed that access will be maintained to the main site via Baker Street and a revised access to the land tenanted from the council will be agreed during the detailed design process and provided before the old access is removed. The Applicant has met with Mr Creamer and his family on numerous occasions to understand and address their concerns regarding construction impacts. To facilitate discussions, the Applicant instructed an equine specialist to produce a preliminary risk assessment which</p>


Rep ID	WR Submitter	WR/Applicant's Response
		<p>has been shared and discussed with Mr Creamer. The risk assessment concluded that noise spikes such as piling, earthworks, reversing vehicles, etc. or working at height can be managed by working closely with the Riding School to give advance warning of those particular types of activity (which by nature are much shorter in duration than general construction) and adjusting lesson times. It is the Applicant's view that there is no justification to move the riding facilities further away from the construction works. It is proposed that the Riding School is notified of any potentially noisy works in advance of works.</p> <p>The Applicant will continue to engage with Mr Creamer.</p>

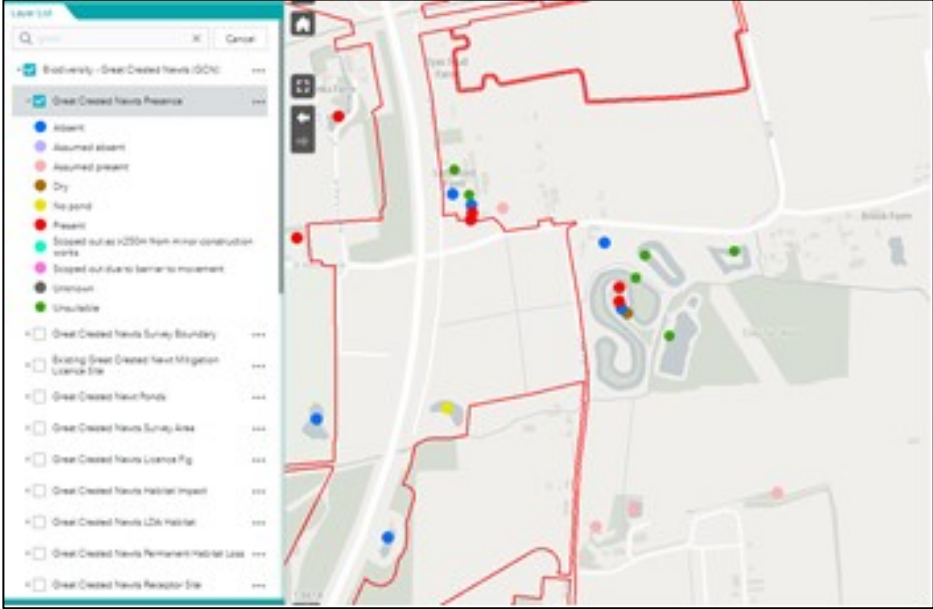
REP1-418 Chelmsford Diocesan Board of Finance

Rep ID	WR Submitter	WR/Applicant's Response
REP1-418	Strutt & Parker on behalf of Chelmsford Diocesan Board of Finance	<p>WR: WR Link 1: REP1-417 WR Link 2: REP1-418</p> <p>Applicant's Response: The Applicant has engaged with representatives for the Chelmsford Diocesan Board of Finance (CDBF) throughout the development phase of the Project. For a response regarding the CDBF land to the north of South Ockendon, which is subject to the Bellway option, please refer to the response to the Bellway written representation.</p> <p>Land south of Ockendon Road (North Ockendon Glebe)</p> <ul style="list-style-type: none"> The CDBF land at North Ockendon Glebe is required partially for permanent acquisition for Works Nos. 9B and 9N (plot 42-11) and for both temporary possession (plot 42-116) and for temporary possession with the permanent acquisition of rights for Work Nos. MU74 and MU76 (plot 42-115). During the proposed closure of Ockendon Road bridge access to the land would be afforded at all times, except when the land is occupied temporarily by the Applicant to undertake the works, from the east via North Road or Clay Tye Road. Access to the field will be retained in its current location. The permanent acquisition of rights is required for Work Nos. MU74 and MU76 which relate to the diversion of electricity cables. This includes the modification of the existing 11kV overhead line (on wooden poles) on the land with a need to ensure network connectivity from Ockendon Road to the network that heads east to North Ockendon. Whilst the Applicant cannot confirm when these works would be undertaken until the detailed planning stage, it is envisaged that they would be completed within the first two years of construction and the works, including Work No MU73 that joins these works, would take approximately six months to complete. <p>Land north of South Ockendon <i>Please refer to the Applicant's comments in response to Written Representation [REP1-312] as submitted by Strutt & Parker on behalf of Bellway Homes Ltd.</i></p>

REP1-419 Yue Keung Stephen Lee and Lai Yu Cheung

Rep ID	WR Submitter	WR/Applicant's Response
REP1-419	Strutt & Parker on behalf of Yue Keung Stephen Lee and Lai Yu Cheung	<p>WR: WR Link: REP1-419</p> <p>Applicant's Response: The Applicant acknowledges the landowner's concerns and through extensive discussions has sought to explain the justification and mitigate the impact as far as possible. More recently, this has progressed to discussions as to possible early voluntary acquisition of all or part of the fields in question (primarily Plots 44-76, 44-85, 44-87 and 44-88 and 44-97) which could include land required on a temporary basis should the Applicant prefer to dispose of it along with the land permanently required. A formal 'Red Book' valuation from the Valuation Office Agency has been commissioned in order to progress these negotiations. At the time of writing, this valuation is pending and expected shortly such that negotiations may proceed on an informed basis. The landowner has previously asked that the proposed ecological mitigation land be relocated from the two blocks of land in the east (Plot 44-97) to the blocks to the south-west (Plots 44-76 and 44-85), as approximately indicated below:</p>

Rep ID	WR Submitter	WR/Applicant's Response
		 <p>The Applicant has confirmed that as a European protected species, great crested newts, their eggs, breeding sites and resting places are protected by law. As such, the Applicant is under a legal obligation to identify any existing populations that may be affected by our works (including those populations outside but in close proximity to the Order Limits) and provide mitigation for them to the satisfaction of Natural England.</p> <p>As such, it is important that existing habitats and proposed new habitats are as close and as connected to one another as possible, to enable movement of animals within the wider landscape. The diagram below shows the known locations of great crested newt records (indicated by the red dots). The Applicant's view is that the eastern parcels provide this proximity and connectivity whilst the south-western block does not.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		 <p>The Applicant has concluded that its current proposals are robust, proportionate and justifiable. This view is shared by Natural England in the ongoing discussions the Applicant has had with this stakeholder.</p> <p>The Applicant remains open to ongoing discussions, including those relating to early voluntary acquisition.</p>

REP1-424 Swing Rite Golf Limited

Rep ID	WR Submitter	WR/Applicant's Response
REP1-424	Swing Rite Golf Ltd c/o Smith Leisure	<p>WR: WR Link: REP1-424</p> <p>Applicant's Response: The Applicant has been in direct engagement with Swing Rite Golf Ltd (the Interested Party) since April 2021 and will continue those discussions in an attempt to reach an agreement.</p> <p>The Applicant would provide the following responses to the preliminary observations made within the Written Representation on behalf of the Interested Party [REP1-424]:</p> <ul style="list-style-type: none"> • <i>'National Highways wrote to my client on 9 January 2023 saying that the Golf Centre was partially within Order Limits (Title Number K899981) for the application to develop the LTC. The relevant area relates to the site of the Par 3 Course'</i> <p>The Applicant first wrote to the Interested Party on 27 January 2020, prior to launching the Supplementary Consultation, confirming that it had identified this land (plots 13-03 and 13-09 on sheet 13 of the Land Plans [REP1-009]) as being required to deliver the Project. The Applicant has since undertaken three further public consultations, which the Interested Party was invited to participate in, and direct engagement with the Interested Party commenced in April 2021. It is therefore correct to say that there has been long standing dialogue and engagement with the Interested Party.</p> <ul style="list-style-type: none"> • <i>'The Par 3 Course was forced to close during the first national lockdown for Covid. It has not reopened since, partly because of the prospect of its permanent and imminent loss for the LTC, and partly because of vandalism caused by the closure.'</i> <p>The Applicant notes that the Par 3 Course has not re-opened since the COVID-19 pandemic. The Applicant understood there were commercial reasons for this and was not aware that the decision not to reopen the course was related to the Project.</p> <p><i>'I attach at Appendix 1 National Highways' preferred mitigation option for taking the Par 3 Course land'</i></p> <p>The plan included at Appendix 1 to the Written Representation is not and should not be interpreted as the Applicant's preferred mitigation option, as the Written Representation suggests. All references in the Written Representation to that plan as 'National Highways' preferred option', or similar, are therefore not accepted by the Applicant. Furthermore, the Applicant does not seek to respond to criticisms levelled at 'National Highways'</p>

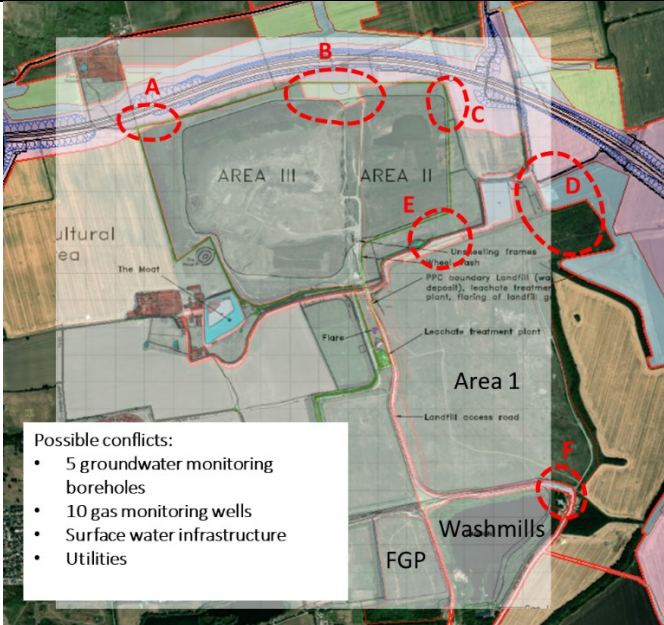
Rep ID	WR Submitter	WR/Applicant's Response
		<p>preferred mitigation option for the loss of the Golf Centre's Par 3 Course' on page 6 of the Written Representation, again because this does not reflect the Applicant's preferred option.</p> <p>Instead, the plan represents an alternative configuration to some of the current recreational facilities in this location, which has been subject to discussion between the Applicant, the Interested Party and Gravesham Borough Council during engagement to date.</p> <p>To be clear, however, the Development Consent Order (DCO) application makes provision for a replacement recreational facility to be located on part of the site of the former Southern Valley Golf Course (SVGC). This corresponds to the area shown coloured red on the plan enclosed at Appendix 1 to the Written Representation. This has been identified by the Applicant as a suitable site for the relocation of the Par 3 Course. However, the discussions which have been taking place between the Applicant, the Interested Party and Gravesham Borough Council have been with a view to progressing an alternative configuration to that provided for within the DCO application. Subject to the development of those discussions, any alternative proposal would be progressed on a separate basis to the DCO and subject to its own consenting and approval process.</p> <p>The Applicant welcomes the confirmation that the existing Par 3 Course would be required for the Project.</p> <p>Turning to other matters raised in the Written Representation.</p> <p><u>SVGC</u></p> <p>The Applicant notes that several comments have been raised on behalf of the Interested Party in relation to SVGC. Smith Leisure, the author of the Written Representation, act for the Interested Party, who operate Gravesend Golf Centre. It is relevant to note that no Written Representation was submitted by Southern Valley Golf Course Limited, the former operator of SVGC, who have not registered as an Interested Party in relation to the Examination. Nevertheless, the Applicant has addressed in this response points made in the Written Representation insofar as they relate to SVGC.</p> <p>SVGC has been closed since August 2022. An assessment of the Project's impact on the land formerly known as SVGC is set out from paragraph G.4.12 onwards of Planning Statement Appendix G: Private Recreational Facilities [APP-502], as well as at Table 13.57 of Environmental Statement Chapter 13: Population and Human Health [APP-151].</p> <p>The assessment in Planning Statement - Appendix G confirms, that '<i>there is no local authority or independent assessment which identifies Southern Valley Golf Club as being surplus to requirements.</i>' This is therefore in line with comments made on behalf of the Interested Party in the Written Representation.</p> <p>However, in relation to the loss of SVGC, the Applicant considers that the proposal is consistent and complies with NPSNN paragraph 5.174. This is on the basis that the benefits of the Project (including the need for the Project)</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>outweigh the loss of SVGC, taking into account the positive proposal made by the Project for the creation of Chalk Park, which is an entirely new recreational site to be created in the same locality. The Written Representation does not engage with this element of the policy test in NPSNN paragraph 5.174.</p> <p>Paragraph 5.174 of the NPSNN states (emphasis added) <i>'The Secretary of State should not grant consent for development on existing...sports and recreational buildings and land... unless an assessment... has shown the... buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities'</i>. It is the Applicant's position that the Project complies with paragraph 5.174 of the NPSNN, specifically that part of paragraph 5.174 in relation to which emphasis is placed above. Again, the Written Representation does not acknowledge or engage with this part of the test in paragraph 5.174 of the NPSNN.</p> <p>Chalk Park is greater in area than the former SVGC site and would be functional and accessible for the wider community with connections to the wider environment as well as providing a similar setting with open views. The provision of over 35ha of new open space at Chalk Park is secured by Design Principle S3.04 [APP-516].</p> <p>Paragraph G.4.16 of Planning Statement Appendix G: Private Recreational Facilities [APP-502] goes on to state:</p> <p><i>'The mitigation of any adverse effects on the green infrastructure and recreational facility arising from the Project would be adequately provided for by means of the general provision and enhancement of the local recreational infrastructure including Chalk Park. Whilst this provision is not an identical substitution for the loss of private golf facilities, it would significantly improve the general provision of green infrastructure and recreational facility in the same locality to counterbalance the loss of green infrastructure and recreational facility caused by the loss of Southern Valley Golf Club. This provision is secured by means of Requirement 3 (detailed design) of Schedule 2 (requirements) of the draft Development Consent Order (DCO) (Application Document 3.1) to carry out the Project in accordance with the general arrangement drawings.'</i></p> <p>The Applicant acquired the land formerly known as SVGC by agreement dated 17 March 2023 and has since implemented a range of safety and security measures at the site. As noted, no Written Representation has been received from Southern Valley Golf Course Limited.</p> <p><u>Relocation of Gravesend Golf Centre</u></p> <p>The Applicant proposes as part of the DCO application to provide a relocated recreational facility on land within the Order Limits and previously forming part of SVGC, to compensate for the permanent acquisition of the Par 3 Course. This relocation land provision is set out at Section 5.13 of the oLEMP [REP1-173] and Design Principle S3.17</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>[APP-516], which are secured by Schedule 2 (requirements) Requirement 3 (detailed design) and Requirement 5 (landscape and ecology) respectively of the draft DCO [REP1-042].</p> <p>An assessment of the Project's impact on Gravesend Golf Centre and the Applicant's proposals for the replacement of the site are set out at paragraph G.4.17 onward of Planning Statement Appendix G: Private Recreational Facilities [APP-502]. Tables 13.57 and 13.69 of Environmental Statement Chapter 13: Population and Human Health [APP-151] provide an assessment of Gravesend Golf Centre for the construction phase and operational phase respectively.</p> <p>The Applicant notes the Interested Party's desire to upgrade Gravesend Golf Club to address '<i>...technological advances in the game, the passage of time, and changing golf market expectations...</i>'. The Applicant is, as noted, working with the Interested Party to seek to develop a solution which works for all parties involved and provides a lasting positive legacy for the residents of Gravesham and potentially beyond, whilst being mindful of its duties to deliver value for public money. The Applicant is committed to continuing these discussions with the Interested Party and will update the Examining Authority accordingly, as the examination progresses.</p>

REP1-430 Veolia ES Landfill Limited

Rep ID	WR Submitter	WR/Applicant's Response
REP1-430	Veolia ES Landfill Limited	<p>WR: WR Link: REP1-430</p> <p>Applicant's Response: The Applicant acknowledges the concerns raised by Veolia ES Landfill Ltd ('Veolia') in their Relevant Representation of 24 February 2023 and the Written Representation of 18 July 2023.</p> <p>Protective Provisions The Applicant will review the Protective Provisions provided by Veolia under their Written Representations at Deadline 1, to consider whether they are appropriate and will provide an update on this in due course. In the meantime, the Applicant will continue to engage with Veolia on the protections and assurances offered by the draft Development Consent Order (DCO).</p> <p>Environmental Permits The Applicant has reviewed the plans provided by Veolia and the potential clashes of the Order Limits with Veolia's landfill and associated infrastructure and agrees that access will be required for Veolia to undertake its duties under the various Environmental Permits extant at the site and to continue the safe operation of the landfill installation. The Applicant will seek to agree suitable mechanisms to confirm access with Veolia through further engagement. With regards to the previous specific Environmental Permitting issues raised in Veolia's relevant representations and during engagement between Veolia and the Applicant, the Applicant has reviewed the plans provided by Veolia and compared these against the proposed adjacent works and the Order Limits. The Applicant notes the following:</p> <ul style="list-style-type: none"> • There are potential minor overlaps with the environmental permit boundaries on the north and east of the Veolia Ockendon landfill, as illustrated on the figure below at areas A to F.

Rep ID	WR Submitter	WR/Applicant's Response
		 <p>Possible conflicts:</p> <ul style="list-style-type: none"> • 5 groundwater monitoring boreholes • 10 gas monitoring wells • Surface water infrastructure • Utilities <ul style="list-style-type: none"> • The Applicant considers that overlaps are relatively minor in terms of land area and are mostly due to temporary possession during the construction phases. • However, within these areas the Applicant understands that there are 5No. groundwater monitoring installations and 10No. landfill gas monitoring installations. • In addition there is currently a surface water lagoon in Area B and associated surface water drainage infrastructure. <p>The Applicant has reviewed the locations and the works likely to be undertaken in these areas and is satisfied that Veolia can be provided with assurances of access to undertake monitoring and maintenance of the monitoring and associated infrastructure and that the Applicant will be able to protect the existing infrastructure during the construction phase. In this regard the Applicant is content that protection and access measures can be agreed to allow Veolia to meet their requirements under their Environmental Permits.</p> <p>In addition to the above, the Applicant also notes Veolia's concerns relating to the Project's proposed drainage and flood attenuation ponds which are proposed to be located to the north-east, outside of the Ockendon Landfill area, as shown on sheet 38 of the Drainage Plans (Volume C) [APP-049]</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>The Applicant understands Veolia's main concerns relate to the integrity of the engineered landfill and the potential for varying the hydrogeological conditions in this area which underpin the risk and assessments and monitoring regime for their Environmental Permit.</p> <p>During the detailed design and prior to commencement of the work over the relevant land plots, the Applicant will engage with Veolia to discuss and agree the proposed design and construction methodology for the attenuation and infiltration ponds.</p> <p>It is noted that the supplementary ground investigations required by the EMP, Requirement 4 of the Code of Construction Practice and Register of Environmental Actions and Commitments [REP1-157] in this area will be undertaken in consultation with Veolia and Environment Agency (EA) and any additional remedial measures required to ensure that the safe operation of the landfill and associated infrastructure will be agreed with Veolia and the EA prior to commencement of works in the area.</p> <p>The Applicant will continue to liaise with Veolia to agree a suitable format for the required assurances.</p> <p>Medebridge Road – Construction Access</p> <p>The Applicant acknowledges Veolia's concerns as regards the proposed temporary shared use of this private road by both Veolia and the Applicant's construction traffic.</p> <p>As a result of earlier discussions, the Applicant amended the previous design to include an alternative access route to the west of the Washmills Pond, thereby by-passing a pinch-point at the nearby weigh-station, where Veolia heavy goods vehicle traffic has to wait to be weighed upon entering and exiting the site.</p> <p>The detail of how this access route would be shared and utilised by the Applicant rests with the Contractor as part of the future detailed design stage of the Project. The Applicant considers this reflects the fact that the Project is currently at the preliminary scheme design stage and will continue to liaise to try to find a mutually agreeable solution, including by providing an explanation of how the detailed design would be secured.</p> <p>In the meantime, the Applicant has directed Veolia to the provisions for construction traffic in the outline Traffic Management Plan For Construction (oTMPC) [REP1-175] where paragraph 3.3.15 sets out details for a Traffic Management Forum (Roads North of Thames) and paragraph 7.1.2 sets out that '<i>the [oTMPC] is designed to provide a framework for the Traffic Management Plan (as developed by the Contractor)</i>'. So whilst the focus of the oTMPC is on the local and strategic road networks rather than private roads, the Traffic Management Forum is aimed at providing private landowners with an opportunity for regular input to the ongoing management of construction traffic on both private and public roads.</p>

REP1-431 Warley Green Limited

Rep ID	WR Submitter	WR/Applicant's Response
REP1-431	Warley Green Limited	<p>WR: REP1-431</p> <p>Applicant's Response: The Applicant has engaged with representatives from Bulphan Fen Solar Farm, which is currently under construction, during the development stage of the Project. The planning application for the solar farm was submitted in January 2021 when the Applicant reviewed the proposal, which overlaps with the Order Limits, and was content that the development could proceed without impacting the Project.</p> <p><u>Land Use</u> Temporary possession of land with the permanent acquisition of rights is required over sections of Clay Tye Road for the installation of a multi-utility corridor (Work No. MUT28). Parts of Fen Lane are required temporarily for access during construction and re-surfacing work if required. Part of FP136 is required temporarily for the construction of a new public right of way (Work No. 8M).</p> <p><u>Temporary Road Closures</u> The outline Traffic Management Plan for Construction REP1-175 states in Table 2.3 that local businesses, which would include Bulphan Fen Solar Farm, shall have:</p> <ul style="list-style-type: none"> • Access and egress maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works • Regular communication to inform changes and Project progress • Include temporary advance warning signs on approaches at appropriate locations to inform road users to use appropriate diversions put in place <p><u>Power Grid Connection</u> The Bulphan Fen Solar Farm is currently under construction (summer 2023) and its connection to the power grid between the solar farm site and Warley Street Substation would be live and adopted by UKPN prior to Project construction commencing.</p>

Rep ID	WR Submitter	WR/Applicant's Response
		<p>Once the power cable is adopted by UKPN it is would be covered by the proposed protective provisions for Statutory Undertakers contained within Schedule 14 of the draft Development Consent Order (DCO) [REP1-042] and the New Roads and Street Works Act (1991) where applicable.</p> <p>The Project envisages no downtime to be incurred as part of the construction and operation of the Project. The cable location will be considered at the detailed design stage and the Project works, including those works to be installed within the B186 Clay Tye Road, will be proposed and undertaken in a manner that does not have a detrimental effect on that cable or its operation.</p> <p><u>Dust</u></p> <p>The area of Order Limits that are within 50m of the solar panels is required for access for utility works and is not a main works construction route. The closest solar panels are approximately 250m from the main alignment works and over 300m from the nearest compound or Utility Logistics Hub.</p> <p>The Environmental Statement (ES) Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157] contains the Register of Environmental Actions and Commitments (REAC) which sets out the commitments relating to construction activity. Specifically REAC items AQ004 and AQ005 which relate to air quality and dust management. These would be legally enforceable commitments should the DCO be made and provide reassurance regarding dust mitigation proposals.</p> <p><u>Hydrology and Drainage</u></p> <p>In the vicinity of the Bulphan Fen Solar Farm three flood compensation areas (FCAs) are proposed (FCA2, FCA3 and FCA4) to offset the impact of the Project on existing floodplains. This is detailed in ES Appendix 14.6: Flood Risk Assessment [APP-460 to APP-477] and [REP1-171].</p> <p>The Applicant will as required welcome further dialogue with Warley Green Limited regarding the detailed design and implementation of landscaping and other elements of the Project insofar as they interface with Bulphan Fen Solar Farm.</p>

REP1-436 Padfield Family (Estate)

Rep ID	WR Submitter	WR/Applicant's Response				
REP1-436	Gateley Legal on behalf of Padfield, S and J Padfield Partners LLP and S and J Padfield Estates LLP	<p>WR: WR Link: REP1-436</p> <p>Applicant's Response: The Applicant has engaged positively and constructively with Mr Padfield since the preferred route announcement in April 2017. Discussions have involved mitigating impacts on the proposed Brentwood Enterprise Park (BEP) and other land in Padfield ownership. A summary of this engagement is in the Statement of Reasons Annex B [REP1-051]. Engagement with Mr Padfield and St Modwen regarding the proposed Brentwood Enterprise Park has included providing relevant Project design and traffic data to assist with the development of the BEP proposals. The Project will benefit the UK economy by helping unlock the huge potential of the Thames Estuary – the UK's number one growth opportunity. BEP is ideally situated to take advantage of the improved connectivity the Project will bring, providing a quicker, more reliable connection between our major manufacturing centres, distribution hubs and key ports and open new markets for local businesses, creating a new economy between Kent and Essex. The Applicant has sought to mitigate impacts and interfaces between the two projects as one of the Project's main aims is to support economic growth, which BEP, as a key component of the Brentwood Local Plan, would deliver. Responses to the matters raised regarding Brentwood Enterprise Park are found towards the end of this response and are stated in response to St Modwen's Written Representation [REP1-396]. Legal matters raised in Written Representation Responses to certain legal queries raised in Mr Padfield's Written Representation (WR) are set out in the table below.</p> <table border="1"> <thead> <tr> <th>Summary of WR comment</th> <th>Applicant's response</th> </tr> </thead> <tbody> <tr> <td>Gateley Legal draws attention to two Orders which they say established a right of access to the Codham Hall site from the roundabout at junction 29 of the M25: <ul style="list-style-type: none"> The London-Southern Trunk Road (Codham Hall Interchange and Slip Roads) </td> <td>Closure of the private means of access to the Codham Hall estate from junction 29 of the M25 has been extensively engaged upon with Mr Padfield, and so the Applicant refutes the suggestion that there has been an absence of meaningful engagement on this issue. Furthermore, any specific reference (or an absence of reference) to the historic orders under the Highways Act 1980 – either during pre-application engagement, or in the draft DCO – has no bearing on</td> </tr> </tbody> </table>	Summary of WR comment	Applicant's response	Gateley Legal draws attention to two Orders which they say established a right of access to the Codham Hall site from the roundabout at junction 29 of the M25: <ul style="list-style-type: none"> The London-Southern Trunk Road (Codham Hall Interchange and Slip Roads) 	Closure of the private means of access to the Codham Hall estate from junction 29 of the M25 has been extensively engaged upon with Mr Padfield, and so the Applicant refutes the suggestion that there has been an absence of meaningful engagement on this issue. Furthermore, any specific reference (or an absence of reference) to the historic orders under the Highways Act 1980 – either during pre-application engagement, or in the draft DCO – has no bearing on
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		<p>Order 1977 made by the Secretary of State</p> <ul style="list-style-type: none"> The M25 Motorway (A13-A12 Section) (North Ockendon to Nags Head Lane) Compulsory Purchase Order (No. CE 9 1979) <p>Gateley Legal note that the draft Development Consent Order (DCO) does not contain any express disapplication or modification of these two Orders. It is understood that Mr Padfield's position is that the absence of any express identification in the DCO of these the two Orders:</p> <ul style="list-style-type: none"> Evidences an absence of meaningful engagement or negotiations with the owners and occupiers of the land Evidences the absence of a compelling case for closure of the existing access to junction 29 of the M25 Cannot be justified by reliance upon section 120(5)(a) To amend the DCO at this stage to expressly reference the two Orders would result in a 'different DCO' which would require the examination to be suspended and re-advertised – meaning that it is in effect too late to amend the DCO to reference the two Orders. 	<p>the case for closing the access, nor upon the validity of the proposed legal means to achieve it.</p> <p>The DCO contains the requisite powers to facilitate the stopping up of this access:</p> <ul style="list-style-type: none"> Article 14 and Part 4 of Schedule 4 of the draft DCO [REP1-042] provides for the private means of access from the south-eastern quadrant of M25 junction 29 roundabout to be stopped up between points 41/H, 41/K and 41/J as shown on sheet 29 (NOTE: should be sheet 45, error in schedule of DCO to be amended) of the Rights of Way and Access Plans [REP1-026]. Article 25 of the draft DCO provides for the permanent acquisition and extinguishment of private rights from the relevant plots which form the access to the junction, namely plots 45-101, 45-104 and 45-106 (which are already owned by the Applicant) as shown on Sheet 45 of the Land Plans [REP1-011]. <p>The Applicant is therefore seeking not only to rely upon section 122 of the Planning Act 2008 to acquire the land in question and extinguish rights in land, but also a separate power to 'stop up' the private means of access, which is permissible for inclusion in DCOs under section 120(3),(5) and Schedule 5 to the 2008 Act.</p> <p>The legal effect of this is that any existing Highways Act 1980 order takes effect subject to the changes implemented by the DCO. The Applicant's position is that it is not necessary to amend any existing Highways Act 1980 order and that it would be disproportionate to do so in the case of numerous private means of access which may, or may not, be the subject of a historic Highways Act order.</p> <p>To further justify this approach, the Applicant would observe that:</p> <ul style="list-style-type: none"> The approach taken here to stopping up a private means of access is consistent with the approach the Applicant has taken in its previous DCOs, an approach which has been accepted in numerous orders made by the Secretary of State. The A303 (Amesbury to Berwick Down) DCO 2023 de-trunks existing sections of the strategic road network, but does not amend any

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			<p>existing trunking order – the draft A12 Chelmsford to A120 Widening DCO adopts the same approach.</p> <ul style="list-style-type: none"> The stopping up power in DCOs can be seen as an equivalent to the order-making powers under section 14 of the Highways Act 1980 – this is a standalone order-making power which does not require the modification or revocation of any previous orders relating to the highways which are being stopped up.
<p>Non Brentwood Enterprise Park (BEP) matters</p> <p><u>Existing access from the south-east quadrant of the M25 junction 29</u></p> <p>Following announcement of the preferred route for the Project in April 2017 the Applicant engaged extensively with Mr Padfield and his representatives regarding this access which is used by occupiers at Codham Hall South. It is accepted that, since the M25 was constructed, there has been an access in this location. However, the scope and scale has increased over the years, and while there have been temporary permissions granted regarding its use, the parties were unable to agree as to whether the access currently has the required consents. It was agreed to set the matter aside and progress discussions regarding Brentwood Enterprise Park.</p> <p>Codham Hall South is also accessible from the north-east corner of junction 29 via Codham Hall Lane using the existing bridge over the A127.</p> <p><u>Existing occupiers at Codham Hall South</u></p> <p>Prior to Statutory Consultation in 2018 the Applicant sent out Land Interest Questionnaires (LIQs) to the registered owners of all land within the Order Limits. This invites them to provide information regarding other interests, tenants or occupiers which may exist on their land. The Applicant did not receive a response to the LIQ sent to Mr Padfield despite follow up requests. The Applicant also requested information from Mr Padfield regarding the occupiers of Codham Hall South on several occasions over the years during meetings and via email. This information was not provided.</p> <p>Where such information is not provided by a landowner, the Applicant undertakes its own diligent enquiries in accordance with the Statement of Reasons Annex C: Land Referencing Methodology [APP-061]. As such, letters regarding Project consultations and S56 letters have been sent out to any occupiers at Codham Hall South that have been identified using this methodology.</p> <p><u>Land at Codham Hall North</u></p> <p>The diversion of a gas pipeline (Work No. MU89) is required at the western end of Codham Hall Lane and would cross underneath the road which would require temporary possession of plot 45-105 and temporary possession and</p>			

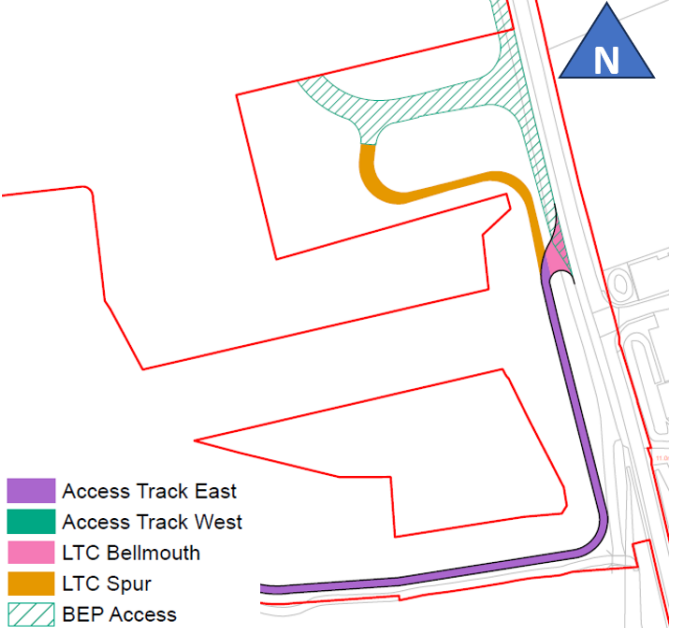
Rep ID	WR Submitter	WR/Applicant's Response
		<p>the permanent acquisition of rights over plot 45-100. This has been explained at meetings with Mr Padfield and his representatives.</p> <p>The outline Traffic Management Plan for Construction [REP1-175] states (page 20) in relation to local businesses that, amongst other things, '<i>Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works</i>'. This requirement would apply to Codham Hall Lane and any such works requiring short-term restrictions to access would be communicated to Mr Padfield and other occupiers in advance.</p> <p>Permanent acquisition of plot 46-35 is required for permanent ancient woodland compensatory planting (Work No. E50) and is essential ecological compensation for the Project. As such, it would be the responsibility of the Applicant to maintain it in perpetuity.</p> <p>The Applicant has previously, by exception on other projects, agreed alternative delivery/ownership routes for permanent environmental compensation, such as by section 253 agreements under the Highways Act 1980. However, in practice these have often led to non-conforming implementation and/or maintenance which have required the Applicant to exercise step in rights incurring additional costs, ultimately borne by the taxpayer. It is therefore the Applicant's policy to only use such avenues in exceptional circumstances to ensure full compliance with its obligations under DCOs.</p> <p>As Work No. E50 is required for ancient woodland compensation, one of the most important environmental measures, permanent acquisition of the land is required with the Applicant implementing and maintaining the compensation in perpetuity.</p> <p>The Applicant's preference is to engage a competent authority (such as a local authority or similar body) who has an established track record of maintaining such woodland and can benefit from existing employees, specialists and equipment to maintain the woodland. They are also likely to benefit from economies of scale. This is considered the most economical and robust approach to secure long-term management in perpetuity.</p> <p>In terms of essential mitigation compliance risk, it would also be preferable for the Applicant to contract with an organisation rather than an individual in cases of non-performance or default.</p> <p>The temporary possession of plot 46-52 is required for a laydown area to drive an electrical cable beneath the M25 (Work No. MU92). The Works are expected to take a couple of months to complete, with the temporary possession of plot 46-52 expected to only be required for a month within that period.</p> <p><u>Land at Codham Hall West</u></p> <p>The Applicant's proposals would sever Mr Padfield's main existing access to land currently cultivated for farming to the south-west of junction 29. The only feasible retained access to the land would be from the east of the M25 via</p>

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		<p>the underpass to the north of the Shoeburyness Railway. While this route would be accessible for most vehicles, it is accepted that this access would not be sufficient for combine harvester access.</p> <p>Despite considerable efforts the Applicant has established that there are no alternatives for a regular use vehicle access to this area of land which has been explained to Mr Padfield. Compensation for injurious affection would be due in accordance with the Compensation Code.</p> <p>Mr Padfield asked the Applicant to consider the installation of a spare duct underneath the M25 as per the alignment of Work No MU86 or Work No MU87 to allow provision for the potential future use, such as electrical cables for a (hypothetical) solar farm. Albeit a simple enough request, this cannot be accommodated in the absence of further details such as the size and number or the ducts required, the proposed contents within those ducts and any associated considerations regarding the interface with those assets to be installed as part of Work No MU86 and Work No MU87.</p> <p>The Applicant is unable to undertake such other works, as its powers only extend to those contained within the draft DCO [REP1-042], of which the installation of additional ducting for a potential development are not sought.</p> <p>There is no reason in principle that the provision of ducting could not be re-considered during the construction phase of the Project. However more detail would be required on any proposal, including the prospect of planning approval coming forward, for the Applicant to consider both projects co-existing.</p> <p><u>Land at Street Farm, South Ockendon</u></p> <p>The Applicant has met with Bellway (holders of an option over the land) and representatives of Mr Padfield and other landowners of the proposed development land on several occasions during the development of the Project. The proposed Bellway option land was considered in Environmental Statement Appendix 16.2: Short List of Developments [APP-484], pages 123–125, however no detailed information was available on the proposed development at the time of the DCO submission and the development had no planning status, therefore it was not possible to draw any firm conclusions. The Bellway development currently still has no planning application or formal allocation in the Thurrock Local Plan. However, the Applicant has made changes to mitigate the impact of the Project in this location and to reduce the area of land required. Following engagement with the parties, several major refinements to the Applicant's proposals have reduced impacts on the Bellway option land as far as reasonably possible. For further detail please see the Applicant's response to the Bellway Written Representation [REP1-312].</p> <p>The Applicant has sought compulsory acquisition powers to support the creation of all new public rights of way on the basis that the dedication of land for those purposes effectively deprives the owner of its beneficial ownership over the land. The Applicant notes that the Secretary of State, in making a decision on the A303 Sparkford to Ilchester DCO project, had previously commented that an approach which did not entail the full acquisition of land</p>

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		<p>associated with highways 'does not represent best practice nor is it consistent with Government guidance' and was 'unprecedented' (paragraph 62 of the decision letter).</p> <p>The government guidance in question is the Circular 02/97: Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes. The Examining Authority on that project, with whom the Secretary of State agreed, noted Paragraph 71 of the Circular explains that the kind of rights for which the compulsory acquisition of rights over land by the creation of new rights are designed are in the nature of easements ancillary or appurtenant to the highway, proposed highway or other facility. It is clear that the Circular does not envisage that these powers can be used by highway authorities in cases where the land will form part of the highway or proposed highway or where the works they wish to carry out will, to all intents and purposes, deprive the landowner permanently of beneficial use of the land.</p> <p>Whilst on the facts of the A303 Sparkford scheme, the question was whether permanent rights – rather than outright acquisition – would be suitable; the Applicant's position is that these statements make clear that either temporary possession, or temporary possession with the acquisition of rights, would not accord with the Secretary of State's clear view that outright acquisition should be obtained for new highways and public rights of way. The Applicant would further note that the outright acquisition ensures that other interests would be 'cleansed' from the land thereby ensuring that there is no impediment to delivering the public rights of way which the Applicant intends to provide to increase connectivity for walkers, cyclists and horse riders (WCH).</p> <p><u>Land Use</u></p> <p>The Applicant has identified areas of land owned by Mr Padfield, for permanent acquisition, temporary possession, and temporary possession with the permanent acquisition of rights. This affects both land required for the BEP proposals and Mr Padfield's other landholdings.</p> <p>The Applicant is required to submit a DCO application which is implementable and to do so needs the requisite land rights to undertake construction and operation of the Project as per the submitted design.</p> <p>The Applicant has made clear to both Mr Padfield and St Modwen that it is willing to address concerns regarding permanent land acquisition and to agree the hand-back of any appropriate land required for the construction on the BEP site and for Mr Padfield's future use on his other landholdings. This is to ensure that the Project proposals would not frustrate the development of the BEP site, or impact other land. This matter will be resolved in the Land and Works Agreement (LWA) and a separate agreement with Mr Padfield if required.</p> <p>Padfield – BEP matters</p> <p>The text below is from the response to St Modwen's Written Representation [REP1-396].</p> <p>The Applicant has engaged positively and constructively with the developer, St Modwen, and the landowner, Mr Padfield, regarding the proposed Brentwood Enterprise Park (BEP) for the past several years. This has included</p>

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		<p>providing relevant Project design and traffic data to assist with the development of the BEP proposals. The Project will benefit the UK economy by helping unlock the huge potential of the Thames Estuary – the UK's number one growth opportunity. BEP is ideally situated to take advantage of the improved connectivity the Project will bring, providing a quicker, more reliable connection between our major manufacturing centres, distribution hubs and key ports and open new markets for local businesses, creating a new economy between Kent and Essex.</p> <p>The Applicant has sought to mitigate impacts and interfaces between the two projects as one of the Project's main aims is to support economic growth, which BEP, as a key component of the Brentwood Local Plan, would deliver. Engagement between the parties has successfully removed or mitigated various conflicts and interfaces between the two projects including:</p> <ul style="list-style-type: none"> • Removal of environmental compensation areas from the BEP site • De-scoping of the previously proposed diversion of a high-pressure gas pipeline and associated Warley Street Utility Logistics Hub, which conflicted with the largest proposed BEP development plot on the site • De-scoping of proposed works to overhead electricity lines <p>The interface between the two projects is set out in the Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes [APP-550]. The Applicant continues to work collaboratively to resolve outstanding matters and a draft LWA has been produced between the parties on which progress will continue, aiming for agreement to be reached prior to the end of the planning examination.</p> <p>Access to the BEP site</p> <p>There was a previous proposal for BEP to be accessed solely from the south-east corner of junction 29. It was accepted and understood at an early stage of discussions that this would not be feasible from a traffic or safety perspective with or without the Project. St Modwen therefore undertook to revise the design to the access proposals which have been submitted to Brentwood Borough Council (BBC) for planning consent.</p> <p><u>A127 structure interface</u></p> <p>To the east of the M25 junction 29 the Applicant proposes a walkers, cyclists and horse riders (WCH) bridge and ramps (Work No. 9Z) over the A127 which, based on the preliminary design included with the DCO application, has the potential to conflict with a vehicular bridge proposed by BEP.</p> <p>It has been agreed that should BEP be constructed prior to the Project the proposed WCH structure over the A127 to the east of junction 29 would not be constructed by the Applicant as the BEP proposal provides the proposed WCH connectivity. This is stated in Design Principles [APP-516] principle S14.22. This would avoid the conflict between the two designs.</p>

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		<p>Should the Project be constructed and operational prior to BEP works commencing the Applicant has established that the design of the Project's proposed WCH structure can be refined to ensure that it does not conflict with the BEP design. This will require an extension to the Highway Works limits of deviation on the Works Plans (Volume C) [AS-026] and an amendment to Design Principles [APP-516] principle S14.22 which the Applicant will progress at the discretion of the Examining Authority. This will also be addressed in the LWA.</p> <p><u>B186 access</u></p> <p>The Applicant proposes a temporary construction and permanent operational access track to the west of the B186 (Work No. 9P), the 'Access Track East' and 'LTC Bellmouth' (see Figure 1 below). The use of this access from the B186 during construction and operation (in a no-BEP scenario) has been assessed and meets required road safety standards.</p> <p>The access is required during construction for access to the M25, Warley Street compound and for utility diversion works; the LTC Bellmouth is approximately 100m to the south of the proposed access to the BEP site the 'BEP Access'. It is accepted and agreed that the LTC Bellmouth and the BEP Access could not be operational at the same time.</p> <p>To allow for flexibility to resolve this design interface the Applicant included, with St Modwen and Mr Padfield's understanding, the area around the proposed BEP Access within the Order Limits. This area provides sufficient space to allow for any amendments to the BEP Access that may be required during St Modwen's detailed design process. Given the uncertainty regarding construction programme of both projects there are three scenarios regarding this interface:</p> <ul style="list-style-type: none"> • BEP constructed first: <ol style="list-style-type: none"> 1) It has been agreed between the parties that should BEP be built first then the Project Access Track East shall be designed so as to connect to the BEP Access (the 'LTC Spur') and the LTC Bellmouth would not be built. This is stated in Design Principles [APP-516] principle S14.19. This would avoid the conflict between the two designs in this scenario. • LTC constructed first <ol style="list-style-type: none"> 2a) Should the Project access be built prior to BEP commencing construction then, if and when BEP works commence at a later date and prior to the expiry of necessary DCO powers, the LTC Spur shall be constructed and the LTC Bellmouth removed so as not to conflict with the BEP Access. 2b) In the event that BEP is not brought forward until after the necessary DCO powers have expired (constraints including, for example, the time limit for exercise of authority to acquire land compulsorily, at Article 27 of the draft DCO) then St Modwen would have to work with the Applicant to bring forward the necessary consents and land rights for the construction and operation of the LTC Spur and removal of the LTC Bellmouth.

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		<p>The Applicant proposes to engage with St Modwen and Mr Padfield to agree and address each of the above scenarios within in the LWA and, following agreement between the parties, may amend principle S14.19 in the Design Principles [APP-516] to address scenario 2a as required.</p> <p>In relation to scenarios 1 and 2a above, although the areas where the LTC Spur and the BEP Access are located are within the Order Limits, the Highway Works limits of deviation do not extend into this area. Should the LTC Spur be required, Article 6(3) of the draft DCO [REP1-042] provides the opportunity to undertake works outside of the limits of deviation, but within the Order Limits, subject to confirmation by the Secretary of State that the works would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. The Secretary of State would be informed in this decision through consultation with Brentwood Borough Council, acting as planning authority, and Essex County Council (ECC) as Highways Authority. As the potential change to the highways design in this area would require Secretary of State approval anyway, under Requirement 3, this approval would be sought under the same application.</p> <p>BEP/Project interfaces at the B186</p> 

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		<p><u>Other highway works</u> St Modwen have proposed works to junction 29 of the M25 and the B186/A127 Warley Street junction following engagement with the local planning authority, BBC, ECC and National Highways Spatial Planning department. The works that BEP have proposed are to offset the impacts of BEP on the local road network.</p> <p><u>M25 junction 29</u> St Modwen have proposed highway design mitigations to junction 29 that closely mirror the Applicant's proposals, with the exclusion of the dedicated slips on the south-western and south-eastern quadrants of the junction. The Applicant recognises that there are synergies with the two projects at junction 29 and will continue to work with St Modwen regarding the coordination and implementation of the proposed infrastructure works.</p> <p><u>Warley Street Junction</u> It is noted that both BBC and ECC have for some time identified the junction as being deficient and a stand-alone scheme for its improvement was previously proposed. The Applicant has included Warley Street junction within the Order Limits for temporary possession to allow for the installation of temporary traffic management by the Contractors if they consider it necessary. Once the Project is open for traffic the Applicant is forecasting an overall reduction in traffic at the junction. However there would be a small increase in flows on some arms of the junction (as a result of the wider relief the Project would bring to the A127 corridor east of the M25) during the inter-peak and PM peak, see the Traffic Forecasts Non-Technical Summary [APP-528].</p> <p><u>Land Use</u> The Applicant has identified areas of land on the BEP site, owned by Mr Padfield, for permanent acquisition. The main areas of which are required for the A127 WCH structure, the Project Access Track and LTC Bellmouth, and the area around the BEP Access and potential LTC Spur, which have been discussed above. The Applicant is required to submit a DCO application which is implementable and to do so needs the requisite land rights to undertake construction and operation of the Project as per the submitted design. The Applicant has made clear to both St Modwen and Mr Padfield that it is willing to address concerns regarding permanent land acquisition and to agree the hand-back of any appropriate land required for the construction on the BEP site and for Mr Padfield's future use on his other landholdings. This is to ensure that the Applicant's proposals would not frustrate the development of the BEP site or other proposals. This matter will be resolved in the LWA and a separate agreement with Mr Padfield if required.</p>

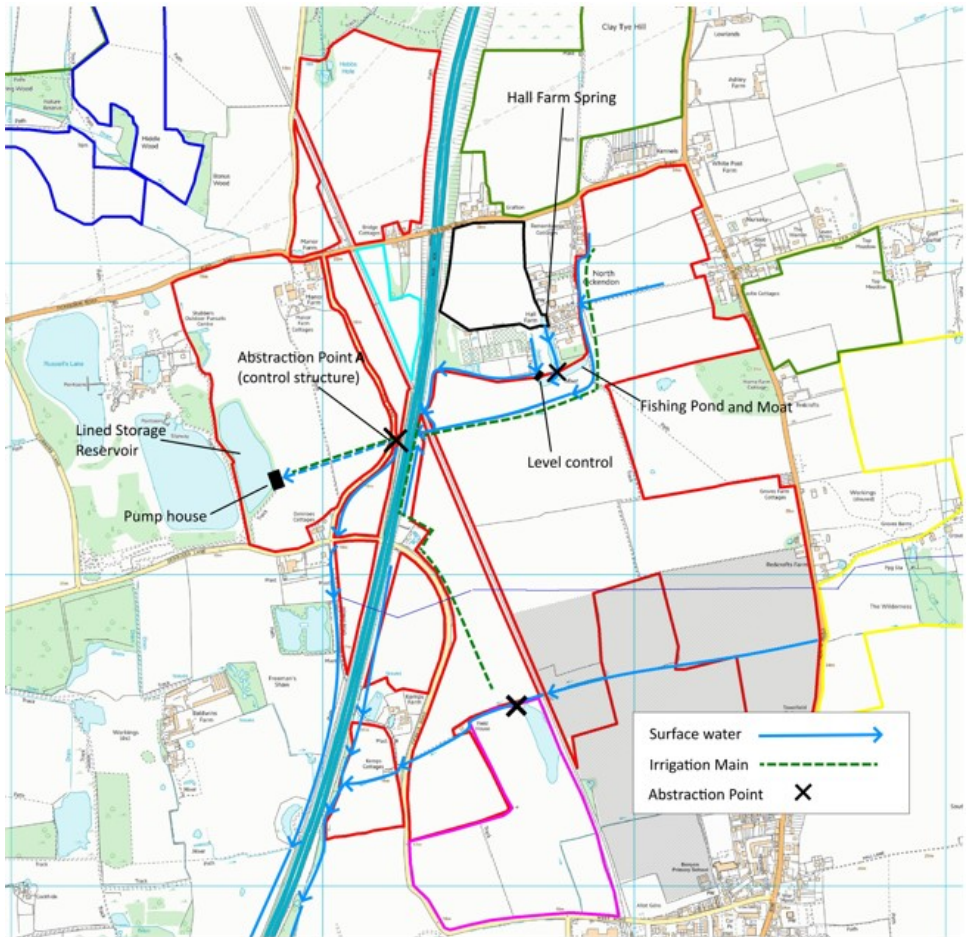
REP1-437 Stuart Mee, Richard James Mee and AP Mee

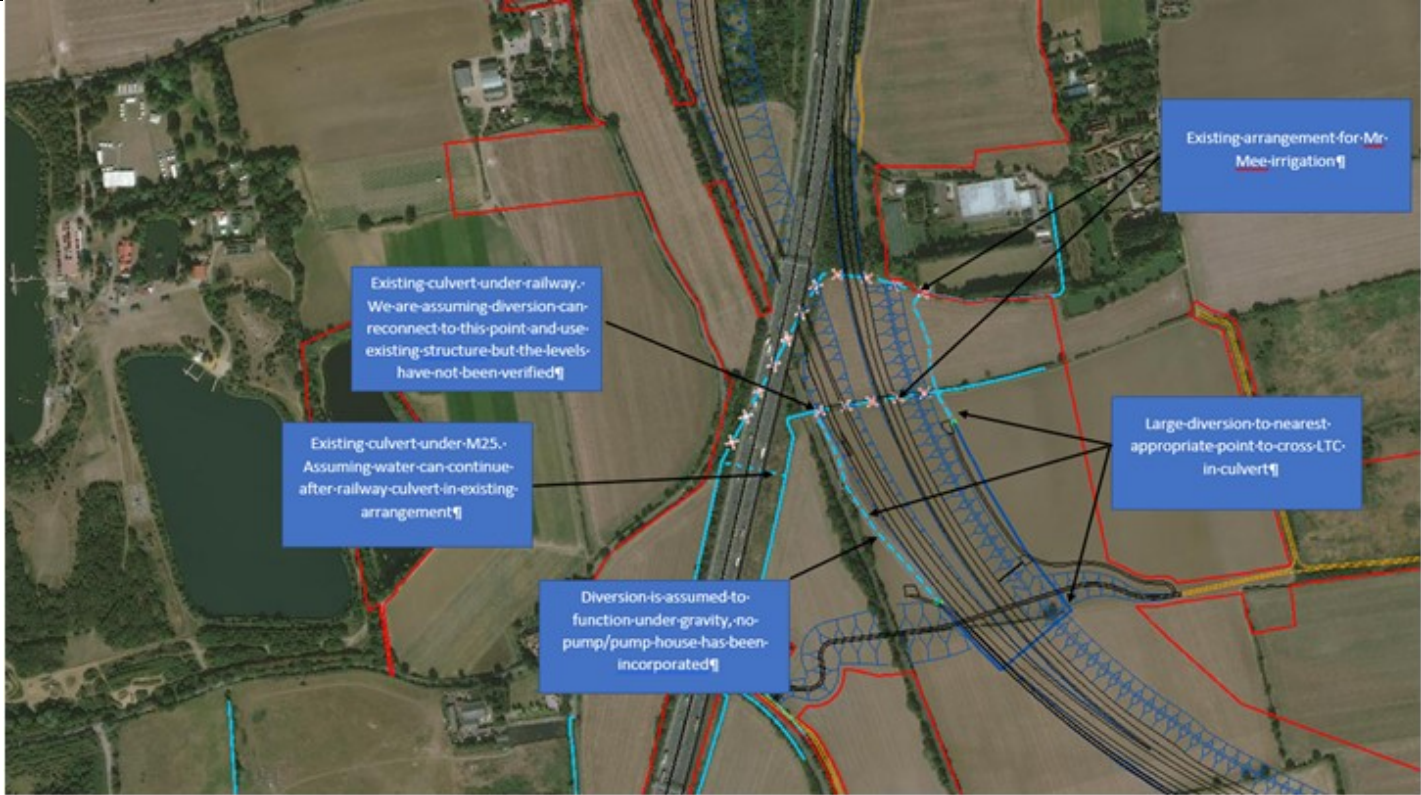
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REP1-437	Gateley Legal on behalf of Stuart Mee, Richard James Mee and AP Mee	<p>WR: WR Link 1: REP1-437 WR Link 2: REP1-438</p> <p>Applicant's Response: Hobbs Hole – Special Category Land / Replacement Open Space <i>Response to Written Representation (WR) paragraphs 2.1 to 2.12</i> The Applicant has no comments on paragraphs 2.1 to 2.12 of the Written Representation. The Applicant's position on the acquisition of Hobbs Hole is set out in Section 7.2 of the Statement of Reasons [REP1-049] and paragraphs D.7.54 to D.7.71 of Planning Statement Appendix D: Open Space [APP-499]. <i>Response to WR paragraphs 2.13 to 2.25</i> The Applicant does not consider the legal analysis provided in these paragraphs to be legally sound. These paragraphs of the Written Representation purport to state that the acquisition of Hobbs Hole as replacement land is not capable of being legally authorised because <i>'there is no evidence that Hobbs Hole is a field set out by an Inclosure Act nor that it is "open space used for the purposes of public recreation" nor that it is a "disused burial ground" nor that it is laid out as a public garden'</i>. It is alleged that because Hobbs Hole is not any of those categories that it therefore falls outside of the land that could be acquired as replacement land under section 122. The Applicant regards this argument as fundamentally flawed; 'replacement land' should not be expected to be special category land itself. The fact that section 122(2)(c) is replacement land 'under section 131 or 132' is merely a reference to the fact that replacement land is provided under those provisions. The position is totally at odds with Department for Communities and Local Government (DCLG) Planning Act 2008 - Guidance Related to Procedures for the Compulsory Acquisition of Land (September 2013) which states <i>'Land which is already subject to rights of common or to other rights, or used by the public for recreation, cannot usually be given as replacement land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned.'</i> There are a multiplicity of DCO decisions which stand for the proposition that 'replacement land' would not already be special category land (see, for instance, an early example in the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 and the Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015, and even more recent examples such as Port of Tilbury (Expansion) Order 2019, the Thurrock Flexible Generation Plant Order 2022, the A30 Chiverton to Carland Cross Development</p>

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		<p>Consent Order 2020 and the A417 Missing Link Development Consent Order 2022). Indeed, such an interpretation would have the perverse impact that the acquisition of 'replacement land' which was itself special category land would require its own, distinct replacement land or, alternatively, each acquisition would lead to a net loss in the total special category land.</p> <p><i>Response to WR paragraphs 2.26 to 2.28</i></p> <p>The Applicant does not consider the legal analysis provided in these paragraphs to be legally sound. These paragraphs set out that 'replacement land' cannot in law simultaneously be also 'the order land' <i>per se</i>. The 'order land' is a reference to the land proposed to be acquired under section 131(4)(a). Hobbs Hole is replacement land for that land (i.e. land proposed to be acquired under section 131(4)(a)). It is proposed to provide environmental mitigation on that land which does not conflict with its functions as replacement land, including ecological compensation. The approach suggested in the Written Representation would perversely require the compulsory acquisition of additional land, contrary to the compulsory acquisition guidance, where an alternative (i.e. the replacement land) was available.</p> <p><i>Response to WR paragraphs 2.29 to 2.32</i></p> <p>The Written Representation alleges that the replacement land will not be 'given' because it is proposed to be compulsory acquired. The Applicant does not consider that legal analysis to be legally sound. The terms of section 131(11) make provision for vesting the replacement land compulsorily. Indeed the Planning Act 2008 guidance itself refers to '<i>the Secretary of State will need to be satisfied that the compulsory acquisition is needed for replacement land</i>'. In short, the replacement land still falls to be 'given' following compulsory acquisition. In addition, the purported approach conflicts with a multiplicity of DCO decisions where replacement land is compulsorily acquired. The argument is therefore flawed and without merit. Indeed, the Applicant is only aware of limited examples where replacement land is not itself compulsorily acquired (e.g. the M4 J3–12 project).</p> <p><i>Response to WR paragraphs 2.33 to 2.38</i></p> <p>For the reasons set out above, the legal analysis provided in the Written Representation should not be followed. On that basis, the balancing exercise and consideration of planning policies and the consideration of section 131/132 in Planning Statement Appendix D: Open Space [APP-499] stands.</p> <p><i>Response to WR paragraphs 2.39 to 2.40</i></p> <p>This paragraph alleges that section 131 and 132 cannot apply to the same site. The Applicant does not agree, and the analysis is similarly flawed. Section 131(2) states that '<i>This section does not apply in a case to which section 132 applies.</i>' This provision does not restrict utilising section 131 for one part of a wider area of land and section 132 for a different part of that wider area of land. For the avoidance of doubt, the primary purposes of the letter dated 3 March 2021 was to confirm that the draft DCO could not purport to compulsorily create a lease under the draft DCO.</p>

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		<p><i>Response to WR paragraphs 2.44 to 2.51</i></p> <p>An assessment of the replacement land proposed in exchange for land affected by the Project (that needs replacing) at Thames Chase Forest Centre (TCFC) against the Planning Act 2008 is provided in Planning Statement Appendix D: Open Space [APP-499] from paragraph D.7.60 to D.7.64. For the reasons set out there, the replacement land complies with sections 131 and 132 of the Planning Act 2008. As such, the Project complies with paragraph 5.181 of the NPSNN (Department for Transport, 2014) in respect of Areas A and B of the TCFC.</p> <p>Contrary to the assertion at paragraph 2.49 of the Written Representation, Thames Chase Trust and Forestry England both support the location of the replacement land. This is evidenced at item 2.1.4 'Broadfields Farm – Access' of the Statement of Common Ground (SoCG) between (1) National Highways and (2) Forestry England [APP-133], which confirms this matter is agreed. The fact Forestry England have raised concern about the area of third-party ownership (Hobb's Hole ponds) within the replacement land to the south of TCFC, and this is a matter not agreed in the SoCG (item 2.1.5), does not negate the fact they support the overall location of the replacement land. This is reiterated at paragraph 3.1.4 of the Lower Thames Crossing: Thames Chase Forest Centre – Survey results and reasonable alternatives (September 2022) referred to at paragraph 2.44 of the WR, which confirms '<i>In selecting the locations, the Project has consulted Thames Chase Trust and Forestry England who have expressed their strong preference for these selected locations for Replacement Open Space purposes over other potential locations in the area</i>'.</p> <p>Moreover, the land to the south of TCFC (Plots 42-19, 43-04) which is identified as replacement land is also required permanently by the Project for the '<i>Implementation of environmental mitigation works to create a site for protected species, including the construction of a new bat barn structure</i>'. This is set out in Statement of Reasons Annex A Schedule of Works [REP1-049]. The identification of and design for replacement land has sought to use land efficiently to avoid avoidable land take. Where opportunities exist to combine replacement land with land otherwise needed by the Project for environmental mitigation, the Applicant has done so, only where the public use of environmental mitigation land is compatible with its function and the land meets the relevant policy tests with respect to replacement open space (NPSNN paras 5.166 and 5.181).</p> <p>The reasons for concluding the reasonable alternatives to the replacement land proposed in the DCO application were not suitable are set out in the Lower Thames Crossing: Thames Chase Forest Centre – Survey results and reasonable alternatives (September 2022), as acknowledged in the Written Representation. The reasons for discounting Site 1 (Cranham Golf Course) are multiple and not predicated just on cost as suggested at paragraph 2.51 of the WR. Permanently acquiring the golf course for replacement open space would result in the acquisition of additional land for the Project because the land identified for replacement land to the south of the TCFC would still</p>

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		<p>be needed for environmental mitigation. This would result in the extinguishment of an existing employment generating business which would give rise to additional adverse effects that may be significant.</p> <p>Farm Track off Ockendon Road</p> <p>The track referred to runs from the Ockendon Road northwards towards woodland forming part of Thames Chase Community Forest to the east of the M25.</p> <p>This track is already in the freehold ownership of the Applicant, having been acquired in 2015 in connection with the M25 widening scheme. It is subject to a number of rights over it, including those in favour of the landowner.</p> <p>It is included within the Order Limits for permanent acquisition as it is proposed as a new bridleway and an essential link to replace rights of way severed by the Project and to further enhance the public rights of way network locally.</p> <p>The Applicant will continue current discussions as to future ownership, management and third-party rights over it.</p> <p>Severance of Irrigation System</p> <p>Within Mee ownership, Manor Farm includes a farm irrigation reservoir situated to the north of Dennises Lane at North Ockendon. The reservoir provides water for the farm irrigation system (both east and west of the current M25) and covers approx. 3.1ha (7.7 acres). It is also fished as a well-known carp lake by a private syndicate.</p> <p>The proposed main Project alignment at this location is in cutting and effectively bisects Manor Farm. In so doing, it will sever a series of field ditches and culverts running east–west which feed the reservoir; it also severs the ‘return’ irrigation pipes which carry the water back from the reservoir to the fields east of the M25 (see two diagrams below).</p> <p>The Applicant acknowledges the potential impacts of the Project on these assets and has been in detailed discussions with the landowner, his agent and specialist advisers for some years. To help provide independent expert advice to the landowner and the Project, the Applicant agreed to fund a specialist water and irrigation consultancy Sustainable Water Solutions to act on the landowner’s behalf.</p> <p>In November 2022, the Project installed flow monitoring equipment in the main culvert under the M25 and a rain-water gauge with telemetry nearby, to better understand the water balance of the farm irrigation reservoir and reactivity of the catchment.</p> <p>The expert advice is ongoing, with the consultant submitting an ‘options report’ in July 2023 which is currently under active consideration by the Applicant. It is hoped that a detailed solution will be agreed by the end of Examination but if not, the landowner’s position is protected by commitments in the Register of Environmental Actions and Commitments (REAC) [REP1-157] where RDWE016 provides for the Protection of Irrigation Supply and Infrastructure at North Ockendon and RDWE038 provides a commitment to avoid adverse impacts on groundwater at Hall Farm and other locations.</p>

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		<p>The Applicant is currently also considering other proposals by the landowner to further protect his interests and assets and these discussions continue as a priority.</p>  <p><i>(The above plan is provided here for information only as a 'location plan'. It was originally drafted by Sustainable Water Solutions during detailed discussions with the Applicant)</i></p>

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		 <p><i>(The above plan is provided here for information only as a 'location plan'. It was originally drafted by the Applicant to aid detailed discussions with the landowner)</i></p> <p>Utility Diversions and Corridors</p> <p>The Applicant welcomes proposals to discuss the retention and re-purpose of those assets that may be installed within Work No MUT31's multi-utility temporary works corridor, proposed to supply the Ockendon Road compound. These conversations will be facilitated and progressed during the detailed design stage once it is known which services (type and rating) have been installed as part of the Contractors' proposals and the future use of the land on which the suitability of the proposals in the context of the utility owner's network can be assessed and agreed between those parties.</p>

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		<p>The diversion of the 900mm water pipe running alongside Pea Lane (Work No MU72) needs to be undertaken in Year 1 of the works. The early timing of this should also help to reduce closure times of Ockendon Road. It may be possible to undertake some utilities and ecological works in the two year re-phasing period but this has yet to be confirmed.</p> <p>The underground diversion of the 11kV overhead line to the west of Manor Farm (house and buildings) (Work No MU73) is proposed to be reviewed during the detailed design phase, with preference for an alignment of Work No MUT75 and Work No MU76 (albeit parts of Work No MU73 would still be required). It is hoped that the working areas associated with this diversion could be reduced due to a different construction methodology being adopted to deliver that alignment. The outcome of this is dependent on further site investigations, the detailed design and construction programming.</p> <p>UKPN 132kV 'PB' Line (Work No OH8) – Thames Chase Forest Centre – the Project is currently liaising with UKPN over the timing of its (UKPN's) upgrade of this line. The two year re-phasing may mean this work is now carried out in advance of the Project main works, however if it were to be left until a later date, it is envisaged that it would be completed in the first two years of the Project's construction.</p> <p>Barking Power Limited (BPL) – High pressure gas pipeline (Work No G9). There was a potential that the BPL and Project works would overlap with respect to the works proposed regarding Work No G9. Due to the two year rephasing and the previously known BPL programme for its own works, it is extremely likely that work is undertaken by City of London Corporation rather than the Project to render the pipeline free from gas through the section represented by Work No G9. As part of the Project works, those parts of the pipeline that interface with the Project's permanent design, give risk of harm due to failing, or have the potential to become a pathway for contaminants, shall be removed by the Project.</p> <p>Ecological and Environmental Mitigation</p> <p>With regard to the longer-term ownership and management of land permanently acquired for ecological mitigation at Manor Farm (e.g. Work No. E44 Pea Land open mosaic habitat), the Applicant understands the landowner's position is that they want to retain the freehold and maintain the newly created habitat. The Applicant's position is that this habitat is considered essential mitigation for the Project, and it will ultimately be the responsibility of the Applicant to maintain. The Applicant's preference is to engage a competent authority who have an established track record of maintaining such habitat. This is considered the most economical and robust approach to secure long term management in perpetuity. In terms of essential mitigation compliance risk, it would also be preferable to contract with an organisation rather than an individual in cases of non-performance or default. The freehold is required in order to facilitate the Applicant's preferred management regime with a competent authority.</p>

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		<p>Fishing Tenants</p> <p>The Applicant acknowledges the importance of the carp fishery known as the 'Essex Manor' and of protecting the quality and quantity of water supplied to the reservoir and is in continued dialogue with the landowner – please see responses above under 'Severance of Farm Irrigation System' above and in particular:</p> <p>The expert advice is ongoing, with the consultant submitting an 'options report' in July 2023 which is currently under active consideration by the Applicant. It is hoped that a detailed solution will be agreed by the end of Examination but if not, the landowner's position is protected by commitments in the REAC [REP1-157] where RDWE016 provides for the Protection of Irrigation Supply and Infrastructure at North Ockendon and RDWE038 provides a commitment to avoid adverse impacts on groundwater at Hall Farm and other locations.</p> <p>The Applicant is currently also considering other proposals by the landowner to further protect his interests and assets and these discussions continue as a priority.</p> <p>Manor Farm Shop</p> <p>The Applicant acknowledges the potential impact of the temporary closure of the Ockendon Road on the farm shop business. As a priority, the Applicant is working with the Contractors to minimise the period of closure. This is currently 10 months (reduced from the previous 19 months) and it is hoped that a further reduction may be possible. To mitigate the impact on the shop business, the Applicant is currently in discussions with the landowner on the structure of possible compensation packages (in accordance with the Compensation Code) to mitigate impact on monthly cash flow. The Applicant notes that matters related to compensation are not to be addressed during the examination period.</p> <p>Land at Street Farm, South Ockendon</p> <p><i>Please refer to the Applicant's comments in response to [REP1-312] as submitted by Strutt & Parker on behalf of Bellway Homes Ltd.</i></p> <p>Pond Relocation</p> <p>The Applicant has confirmed that there is a degree of flexibility around the exact position of the pond (Works No. E41) which could be addressed during detailed design to ensure its final position minimised any conflict with farming activities.</p> <p>Heritage Asset / Listed Wall</p> <p>The Applicant understands these comments to relate to the grade II listed Former Gateway at Groves Barns (asset ID LB64 in application documents). Environmental Statement (ES) Chapter 6: Cultural Heritage [AS-044] and ES Appendix 6.10: Assessment Tables [AS-052] includes assessment of potential impacts to this asset from the Project. This concluded an impact of no change and neutral significance of effect for both the construction and operation</p>

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		<p>phases. The existing access track to the north of the asset is proposed as a secondary construction access route; the main construction access would be located adjacent to the main alignment. Multi-utility works would also be undertaken in the existing access track. No physical impact would occur to the asset as a result of these works, including as a result of vibration. The methodology for assessing construction vibration, presented in ES Chapter 12: Noise and Vibration [APP-150], states that research has indicated there would not be vibration impacts on sensitive receptors from general construction activities. Good practice mitigation measures during construction would be implemented to ensure the asset is not damaged and are included in the REAC. The REAC forms part of ES Appendix 2.2: Code of Construction Practice, First Iteration of Environmental Management Plan [REP1-157].</p> <p>Field Drains</p> <p>If an existing land drainage scheme is interrupted during the works or where a new connection is required because the undertaker's works have severed private drainage, then this will be dealt with as a compensation matter pursuant to Article 35 of the draft DCO (see in particular Article 35(6)) [REP1-042].</p> <p>The purpose of Article 5 of the draft DCO [REP1-042] is to make it clear that any realignment of drainage or other works to that system that are carried out as part of the Project does not affect the existing allocation of responsibility for maintenance of those drains unless it is agreed between the Applicant and the responsible party. It is not intended to deal with drainage systems outside of the Order Limits.</p> <p>Woodland Planting Proposals</p> <p>Please see comments above regarding Ecological and Environmental Mitigation.</p> <p>Severed Land</p> <p>SACR-005 of the Stakeholder Actions and Commitments Register [REP1-176] states '<i>Where access to a significant area of a landowner's farmland is severed by construction works the Contractor shall ensure that the farmer is provided with controlled access to their retained land.</i>'</p> <p>The Applicant and Contractor will work closely with all landowners regarding access during the detailed design and construction phases as secured above and in the outline Traffic Management Plan For Construction (oTMPC) [REP1-175] which includes provisions for a 'Traffic Management Forum' (Roads North of Thames) at paragraph 3.3.15 and also Plates 4.4 and 4.8.</p> <p>Paragraph 7.1.2 states that '<i>the [oTMPC] is designed to provide the framework for the Traffic Management Plan (as developed by the Contractor)</i>' and whilst the focus of the oTMPC is on the local and strategic road networks rather than private roads, the Traffic Management Forum above is aimed to provide private landowners with an opportunity for regular input to the ongoing management of construction traffic.</p>

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		<p>Maintenance of Agricultural Field Accesses</p> <p>The Applicant acknowledges the importance of maintaining/designing field accesses that are fit for purpose (e.g. can accommodate combine harvesters and turning circles of larger farm machinery with implements attached) and is working closely with the landowner's agent on this matter. Currently, the Applicant is awaiting more detailed plans of each field access causing concern and will look to address these as part of the detailed design process with the Contractor in due course.</p> <p>The landowner has proposed a side agreement (or similar mechanism) to secure such commitments which the Applicant is currently considering on a without obligation basis.</p>

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