



Lower Thames Crossing

5.3 Statement of Commonality (Tracked changes version)

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<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>18 July 2023</u>	<u>Deadline 1</u>
<u>3.0</u>	<u>3 August 2023</u>	<u>Deadline 2</u>
<u>4.0</u>	<u>24 August 2023</u>	<u>Deadline 3</u>

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List of contents

	Page number
1 Introduction	1
1.1 Purpose of this document	1
1.2 Structure of this document	1
2 Statements of Common Ground	2
3 List and status	3
4 Commonality.....	12
4.1 Summary	12
4.2 Commentary at Examination Deadline 3	15
Glossary	17

List of tables

Page number

Table 3.1 List and status of SoCGs submitted with the Application.....	4
Table 3.2 List and status of new SoCGs requested in the Rule 6 Letter/post Rule 6 letter..	8
Table 3.3 Further additional SoCGs submitted by the Applicant at Deadline 1 to assist the Examining Authority.....	10
Table 3.4 Further additional SoCGs submitted by the Applicant at Deadline 2 to assist the Examining Authority.....	11
Table 4.1 Commonality colour coding.....	12
Table 4.2 Statement of Commonality.....	13

Deleted: Table 3.1 List and status of SoCGs submitted with the Application 4¶
Table 3.2 List and status of new SoCGs requested in the Rule 6 Letter/post Rule 6 letter 8¶
Table 3.3 Further additional SoCGs submitted by the Applicant at Deadline 1 to assist the Examining Authority 10¶
Table 3.4 Further additional SoCGs submitted by the Applicant at Deadline 2 to assist the Examining Authority 11¶
Table 4.1 Commonality colour coding 12¶
Table 4.2 Statement of Commonality 13¶

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Table 3.2 List and status of new SoCGs requested in the Rule 6 Letter/post Rule 6 letter 8¶
Table 3.3 Further additional SoCGs submitted by the Applicant at Deadline 1 to assist the Examining Authority 10¶
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1 Introduction

1.1 Purpose of this document

- 1.1.1 On 31 October 2022, National Highways (the Applicant) submitted an Application under section 37 of the Planning Act 2008 for an order to grant development consent for the A122 Lower Thames Crossing (the Project). On 28 November 2022 the Planning Inspectorate accepted the Application for Detailed Examination.
- 1.1.2 A Statement of Commonality was submitted with the Application to assist the Examining Authority (ExA) in understanding areas of commonality across the Statements of Common Ground (SoCGs) which have been prepared between the Applicant and a range of parties.
- 1.1.3 The Applicant notes that procedural decision PD-013-17 within the Rule 6 Letter [\[PD-013\]](#) identifies nine documents which should be submitted at each Examination Deadline or included as a 'nil return'.
- 1.1.4 The Statement of Commonality was identified as one of these documents and as such, will be submitted at each Examination Deadline where new or updated SoCGs are submitted, or included as a nil response if no new or updated SoCGs are being submitted.
- 1.1.5 The document comprises the Applicant's understanding of the stakeholders' positions, as set out in the SoCGs submitted by the Applicant to the ExA at Examination Deadline [3](#).
- 1.1.6 For more detailed information on the respective stakeholders' positions, in relation to the topics covered in this Statement of Commonality, please refer to the individual SoCGs.

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1.2 Structure of this document

- 1.2.1 This document comprises four chapters as described below:
- Chapter 1 (this chapter) sets out the purpose and structure of the document.
 - Chapter 2 provides an introduction to the drafting of the SoCGs along with a summary of their structure.
 - Chapter 3 provides an up-to-date list of the SoCGs and their status.
 - Chapter 4 provides a summary table (matrix) which indicates areas of commonality across headings within the SoCGs and presents some high-level commentary.

2 Statements of Common Ground

- 2.1.1 The Applicant has sought SoCGs with a number and range of parties in order to capture their respective positions on material matters relating to the Application.
- 2.1.2 A full list of the SoCGs and their status is provided in Chapter 3 where:
- a. Table 3.1 lists SoCGs submitted with the Application on 31 October 2022.
 - b. Table 3.2 lists new SoCGs prepared with parties in response to the Rule 6 Letter [\[PD-013\]](#).
 - c. Table 3.3 lists additional SoCGs with further parties that were not submitted with the Application, or requested in the Rule 6 Letter [\[PD-013\]](#), but which the Applicant feels will assist the Examining Authority.
 - d. Table 3.4 lists new SoCGs with further parties that were not submitted with the Application or at Examination Deadline 1, but which the Applicant feels will assist the Examining Authority.
- 2.1.3 To ensure consistency across the SoCGs, a uniform approach has been taken to drafting the SoCGs. Each is generally structured as follows:
- a. A clear indication of the status of the SoCG.
 - b. An introduction, setting out the purpose of the document, an overview of the key terminology, and a summary of the movement of Matters where the SoCG is an updated version.
 - c. A table setting out the characterisation of the positions of the Applicant and of the parties on each Matter, and the status of agreement of the Matter. Across the SoCGs this table is structured by a common list of topics.
 - d. A summary of engagement undertaken, and information shared in order to draft the position and reach an agreed status of Matters within the SoCG.
 - e. Where applicable, appendices providing additional information relating to the documents considered within the SoCG, and information on the engagement undertaken.
- 2.1.4 A uniform approach has been taken across the suite of SoCGs to documenting the position on each matter. The position on each Matter can be one of the following:
- a. Matter Agreed
 - b. Matter Not Agreed
 - c. Matter Under Discussion

3 List and status

- 3.1.1 This Chapter of the document provides a list of the SoCGs and a summary of the current status of each.
- 3.1.2 At Application, stakeholders were asked to provide a signature, where appropriate, to signify that they believed the SoCG was an accurate description of the matters raised, and the current status of the SoCG. For Examination Deadline iterations of the SoCGs, a more streamlined process has been used, with signatures not sought until the final SoCG iteration is agreed. In place of signatures, stakeholders have been asked to endorse the SoCG via email.
- 3.1.3 The status of the SoCG is therefore summarised by one of the following:
- a. **Agreed SoCG** – a final version of the SoCG that has been signed by both parties. Matters will be either agreed or not agreed.
 - b. **Agreed with Exceptions** - a final version SoCG that has outstanding matters under discussion but has been agreed and signed by both parties. In most cases, the status of the matters outstanding can not be agreed during the examination period.
 - c. **Agreed Draft** – a draft SoCG with matters outstanding which has been endorsed by the party via email to confirm it is an accurate description of the matters raised and the current status of each matter. In most cases, the matters outstanding have clear, defined actions to resolve.
 - d. **Draft** – a draft SoCG with matters outstanding and is unendorsed. The draft SoCG has been drafted by the Applicant, but the party has not yet been able to complete their review in line with their governance process. The Applicant considers that these SoCGs present an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date. In most cases, the matters outstanding have clear, defined actions to resolve.

Table 3.1 List and status of SoCGs submitted with the Application

Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Barking Power Limited	5.4.3.2 v1	No	No	No							Draft
Basildon Council	5.4.4.1 v2	Yes	No	No							Draft
Brentwood Borough Council	5.4.4.2 v2	Yes	No	No							Agreed Draft
Cadent Gas Ltd	5.4.3.3 v2	Yes	No	No							Agreed Draft
Cellnex UK Ltd	5.4.3.4 v2	Yes	No	No							Draft
Cobham Parish Council	5.4.5.1 v2	Yes	No	No							Agreed Draft
Dartford Borough Council	5.4.4.3 v2	Yes	No	No							Agreed Draft
DP World London Gateway	5.4.2.1 v2	No	Yes	No							Agreed Draft
Environment Agency	5.4.1.1 v2	Yes	No	No							Agreed Draft
Northumbrian Water Limited – Trading as Essex and Suffolk Water	5.4.3.6 v1	No	No	No							Agreed Draft

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Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Essex County Council	5.4.4.5 v2	Yes	No	No							Agreed Draft
EXA Infrastructure Services UK Ltd	5.4.3.8 v2	Yes	No	No							Agreed Draft
Forestry Commission	5.4.1.2 v1	No	No	No							Agreed Draft
Forestry England	5.4.5.2 v1	No	No	No							Agreed
Gravesham Borough Council	5.4.4.6 v2	Yes	No	No							Draft
Health and Safety Executive	5.4.3.9 v2	Yes	No	No							Draft
Higham Parish Council	5.4.5.3 v3	Yes	Yes	No							Draft
Historic England	5.4.1.3 v2	Yes	No	No							Agreed Draft
High Speed One Ltd	5.4.3.10 v2	Yes	No	No							Draft
ITS Technology Group Ltd (NextGen Access)	5.4.3.15 v2	Yes	No	No							Agreed Draft
Kent County Council	5.4.4.7 v2	Yes	No	No							Draft

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Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Kent Downs AONB Unit	5.4.1.4 v2	Yes	No	No							Agreed Draft
London Borough of Havering	5.4.4.8 v2	Yes	No	No							Draft
Marine Management Organisation	5.4.1.5 v1	No	No	No							Agree Draft
Medway Council	5.4.4.10 v2	Yes	No	No							Agreed Draft
Natural England	5.4.1.6 v2	No	Yes	No							Agreed Draft
Network Rail Infrastructure Ltd	5.4.3.14 v2	Yes	No	No							Draft
Openreach Ltd	5.4.3.16 v2	Yes	No	No							Agreed Draft
Port of London Authority	5.4.1.7 v1	No	No	No							Draft
Port of Tilbury London Ltd	5.4.2.2 v1	No	No	Yes							Agreed Draft
Royal Mail Group	5.4.3.17 v1	No	No	No							Agreed Draft
Shome Parish Council	5.4.5.4 v1	No	No	No							Agreed Draft

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Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Southern Gas Networks PLC	5.4.3.18 v2	Yes	No	No							Agreed Draft
Thames Chase Trust	5.4.5.5 v2	Yes	No	No							Agreed Draft
Thurrock Council	5.4.4.12 v2	No	No	Yes							Draft
Thurrock Power Ltd	5.4.2.3 v1	No	No	No							Draft
Tonbridge & Malling Borough Council	5.4.4.13 v3	Yes	No	Yes							Agreed Draft
Transport for London	5.4.4.11 v2	Yes	No	No							Draft
UK Power Networks Ltd	5.4.3.21 v2	Yes	No	No							Agreed Draft
Verizon UK Ltd	5.4.3.22 v2	Yes	No	No							Agreed Draft
Virgin Media Ltd	5.4.3.23 v2	Yes	No	No							Agreed Draft
Vodafone Ltd	5.4.3.24 v2	Yes	No	No							Agreed Draft
Zayo Group UK Ltd	5.4.3.25 v2	Yes	No	No							Agreed Draft

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Table 3.2 List and status of new SoCGs requested in the Rule 6 Letter/post Rule 6 letter

Interested Party (IP)	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Cuxton Parish Council	9.39 v1	Yes	No	No							Draft Agreed
Dover District Council	9.34 v1	Yes	No	No							Draft
Emergency Services and Safety Partnership Steering Group (ESSP SG)	9.28 v1	Yes	No	No							Agreed Draft
Essex Police	9.41 v1	Yes	No	No							Agreed Draft
Hutchinson Ports (London Thamesport)	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
Kent and Medway Economic Partnership	9.36 v1	Yes	No	No							Agreed Draft
Kent Police	9.42 v1	Yes	No	No							Agreed Draft
Luddesdown Parish Council	9.50 v1	No	Yes	No							Agreed Draft
Maidstone Borough Council	N/A	No	No	No							N/A
Maritime and Coastguard Agency	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										

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Interested Party (IP)	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Meopham Parish Council	9.40 v1	Yes	No	No							Agreed Draft
Metropolitan Police	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
NHS Kent and Medway Integrated Care Board	N/A	No	No	No							N/A
NHS Mid and South Essex Integrated Care Board	N/A	No	No	No							N/A
NHS North East London Integrated Care Board	9.44 v1	Yes	No	No							Agreed Draft
North Kent Marshes Internal Drainage Board	9.43 v1	Yes	No	No							Draft
Peel Ports	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
Sevenoaks District Council	9.37 v1	Yes	No	No							Agreed Draft
Swale Borough Council	9.38 v1	Yes	No	No							Agreed Draft
Trinity House	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										

Table 3.3 Further additional SoCGs submitted by the Applicant at Deadline 1 to assist the Examining Authority

Interested Party	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Status of the SoCG at Examination Deadline 2
Anglian Water Services Limited	9.27 v1	Yes	No	<u>No</u>							Agreed Draft
National Grid Electricity Transmission PLC	9.30 v1	Yes	No	<u>No</u>							Agreed Draft
National Gas Transmission PLC	9.31 v1	Yes	No	<u>No</u>							Agreed Draft
Southern Water Services Ltd	9.32 v1	Yes	No	<u>No</u>							Agreed Draft
Thames Water Utilities Ltd	9.33 v1	Yes	No	<u>No</u>							Agreed Draft

Table 3.4 Further additional SoCGs submitted by the Applicant at Deadline 2 to assist the Examining Authority

Interested Party	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Status of the SoCG at Examination Deadline <u>3</u>
Global Mutual (c/o Lakeside Centre Limited)	9.51 v1	*	Yes	<u>Yes</u>							<u>Final</u> * Global Mutual submitted a unilateral SoCG direct to the ExA at Deadline 1, the Applicant has since engaged with Global Mutual and collaborated on a SoCG for Deadline 2 which is the first version submitted by the Applicant

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Notes:

- Further additional SoCGs may be submitted at later deadlines, as applicable.
- These tables and this document do not include those SoCGs with individual Landowners.

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4 Commonality

4.1 Summary

- 4.1.1 This Chapter of the document provides a summary of the material matters covered in each SoCG and demonstrates where there is commonality in the matters being discussed with parties.
- 4.1.2 Table 4.2 shows (a) the headings covered by the SoCGs running along the top, and (b) the parties running down the side.
- 4.1.3 Within the matrix in the table, the colour coding represents (a) whether matters under the headings are broadly agreed, under discussion, or not agreed, or (b) whether the heading has not been a material matter in engagement. This is represented by colour coding as set out in Table 4.1.

Table 4.1 Commonality colour coding

Matters under the heading broadly agreed	
Matters under the headings broadly not agreed	
Matters under the headings broadly under discussion	
No matters raised at this point	

- 4.1.4 Table 4.2 has a primary purpose to assist the Examining Authority in understanding the headings which remain under discussion or not agreed, particularly such headings where the position is shared across more than one stakeholder. Therefore, the categorisation and colour coding in the matrix is intended to represent the broad position per heading (it is not absolute). In addition, footnotes have been used to indicate exceptions.
- 4.1.5 There are limitations with this approach: the summary does not identify particular matters within headings – and any commonality (or not) on those matters.
- 4.1.6 Table 4.2 lists Interested Parties who have a SoCG (apart from those with individual landowners) that was either submitted at Application, or at a subsequent deadline. For Interested Parties where a SoCG is in development but not yet submitted, they are not listed in the Table.
- 4.1.7 At Deadline 3, if an updated SoCG has not been submitted then the colour coding presented in Table 4.2 is as it was at its last submission.

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Table 4.2 Statement of Commonality

		DCO and consents	Need for the project	Planning statement/policy	Route selection, modal alternatives & assessment of reasonable alternatives	Consultation and engagement	Land and compulsory acquisition	Design – road, tunnels, utilities	Construction	Operation & maintenance	Charging	Traffic and economics	Wider network impacts	Sustainability	Socio-economics	EIA methodology	Air quality	Cultural heritage	Landscape and visual	Terrestrial biodiversity	Marine biodiversity	Geology & soils	Material assets and waste	Noise and vibration	Population and human health	Road drainage and the water environment	Climate	Cumulative effects	Habitats Regulations Assessment (HRA)	Nitrogen deposition	Protective provisions
Statutory Environmental Bodies	Environment Agency																								1						
	Forestry Commission																														
	Historic England																2														
	Kent Downs AONB Unit																		3												
	Marine Management Organisation																														
	Natural England	4														5				6											
	Port of London Authority																														
Business & Industry	DP World London Gateway																														
	Global Mutual (c.o Lakeside Centre Limited)																														
	Kent & Medway Economic Partnership																														
	Port of Tilbury London Limited																														
	Thurrock Power Limited																														
	Anglian Water																														
Statutory Undertakers, Utility Owners, and Regulators	Barking Power Limited																														
	Cadent Gas Ltd	7																													
	Cellnex Ku Ltd																														
	Emergency Services and Safety Partnership Steering Group (ESSP SG)																														
	Essex Police																														
	Essex and Suffolk Water																														
	EXA Infrastructure Services UK Ltd																														
	Health and Safety Executive																														
	HS1 Limited																														
	Kent Police																														
	National Grid Electricity Transmission PLC																														
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	Network Rail Infrastructure Ltd																														
	ITS Technology Group (NextGen Access)																														
	NHS North East London Integrated Care Board																														
	North Kent Marshes Internal Drainage Board																														
	Openreach Ltd																														
	Royal Mail Group																														
	Southern Gas Networks plc																														
	Southern Water Services Ltd																														
	Thames Water Services Ltd																														
	UK Power Networks Ltd																														
	Verizon UK Ltd																														
Virgin Media Ltd																															
Vodafone Ltd																															
Zayo Group UK Ltd																															

Changes since previous submission: Please note that there have been changes to the colour coding of some parties listed in Table 4.2 and additional parties added however, this has not been picked up by the 'tracked changes' comparison so please compare Table 4.2 with that from version 3 [REP2-006]

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		DCO and consents	Need for the project	Planning statement/policy	Route selection, modal alternatives & assessment of reasonable alternatives	Consultation and engagement	Land and compulsory acquisition	Design – road, tunnels, utilities	Construction	Operation & maintenance	Charging	Traffic and economics	Wider network impacts	Sustainability	Socio-economics	EIA methodology	Air quality	Cultural heritage	Landscape and visual	Terrestrial biodiversity	Marine biodiversity	Geology & soils	Material assets and waste	Noise and vibration	Population and human health	Road drainage and the water environment	Climate	Cumulative effects	Habitats Regulations Assessment (HRA)	Nitrogen deposition	Protective provisions		
Local Authorities and Transport Bodies	Basildon Council																																
	Brentwood Borough Council																																
	Dartford Borough Council																																
	Dover Borough Council																																
	Essex County Council																																
	Gravesham Borough Council																																
	Kent County Council																																
	London Borough of Havering																																
	Medway Council																																
	Thurrock Borough Council																																
	Tonbridge & Malling Borough Council																																
	Transport for London																																
	Sevenoaks District Council																																
	Swale Borough Council																																
Community & Parish	Cobham Parish Council							10																									
	Caxton Parish Council																																
	Forestry England																																
	Higham Parish Council																																
	Luddesdown Parish Council																																
	Meopham Parish Council																																
	Shorne Parish Council																																
	Thames Chase Trust																																

¹43 'Road drainage and the water environment' matters agreed, two are not agreed and one remains under discussion

²40 'Cultural heritage' matters are agreed, three remain under discussion

³16 'Landscape & visual' matters are agreed, six are not agreed and four remain under discussion

⁴Two 'DCO and consents' matters agreed, two matters not agreed and one matter under discussion

⁵Five 'EIA Methodology' matters agreed, one matter under discussion.

⁶24 'Terrestrial Biodiversity' matters agreed, one not agreed and 10 under discussion

⁷Two 'DCO and consents' matters agreed, one remains under discussion

⁸Two 'Road drainage and water environment' matters are agreed, one is not agreed and one remains under discussion

⁹Three 'Road drainage and the water environment' matters are agreed, one remains under discussion

¹⁰Six 'Design - road, tunnels utilities' matters agreed, one is not agreed

¹¹Three 'Population and human health' matters agreed, one is not agreed

4.2 Commentary at Examination Deadline 3

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4.2.1 Table 4.2 shows that there are a large number of topics which are not of particular interest to some parties. This reflects the reality that different parties have different technical and professional interests, and/or particular spatial and local interests, which inevitably focuses interest towards particular topics:

- a. The Statutory Environmental Bodies are particularly focused on environmental topics, and less focused on Design, Operation and Maintenance, and Traffic and Economics matters.
- b. The Business and Industry cohort is focused on a small number of issues.
- c. For the Statutory Undertakers, Utility Owners and Regulators, common ground has been sought across DCO and Consents, Design (roads, tunnels, utilities), Construction, Operations and Maintenance, and Protective Provisions – most other topics have not been raised by these stakeholders.
- d. Across the Local Authorities and Transport Bodies cohort, and Community and Parish Councils cohort, common ground has been sought across the breadth of topics.

4.2.2 At Deadline 2, 5 updated or new SoCGs were submitted. At Deadline 3, 4 updated SoCGs (excluding the Landowner ones) were submitted.

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4.2.3 The top five headings where matters are either **all or broadly all agreed** are:

- a. **Geology and Soils** – matters raised by two parties, 100% of matters agreed.
- b. **Cumulative effects** – matters raised by two parties, 100% of matters agreed.
- c. **Need for the Project** – matters raised by twenty parties, 75% of matters agreed. Since DL2, two parties have withdrawn matters relating to 'Need for the Project'. Whilst this has not changed the overall commentary it illustrates that the Party is satisfied that there are no outstanding matters to address with the Applicant on this topic.
- d. **Marine Biodiversity** – matters raised by four parties, 75% of matters agreed.
- e. **Consultation and Engagement** – matters raised by 20 parties, 60% of matters agreed, a 5% increase in matters agreed since DL2.

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4.2.4 The top five headings where matters are **broadly still under discussion** are:

- a. **HRA** – matters raised by two parties, 100% of matters remain under discussion. This is the first time that HRA has appeared in the 'top five headings where matters are broadly still under discussion'.

- b. **Socio-economic** – matters raised by seven parties, 71% of matters remain under discussion.
- c. **Sustainability** – matters raised by three parties, 67% of matters remain under discussion.
- d. **Land and Compulsory Acquisition** – matters raised by 14 parties, 64% of matters remain under discussion.
- e. **Protective Provisions** – matters raised by 23 parties, 57% of matters remain under discussion.

4.2.5 The top 5 headings where matters are **broadly not agreed** are:

- a. **Wider Network Impacts** – matters raised by 23 parties, 70% of matters are not agreed.
- b. **Climate** – matters raised by six parties, 67%, of matters are not agreed.
- c. **EIA methodology** – matters raised by eight parties, 63% of matters are not agreed.
- d. **Noise and Vibration** – matters raised by ten parties, 60% of matters are not agreed.
- e. **Traffic and Economics** – matters raised by 22 parties, 55% of matters are not agreed.

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Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Application Document	-	In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Examining Authority	ExA	The Examining Authority is appointed by the Secretary of State to examine an application for a Development Consent Order and make a recommendation.
National Highways	-	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
Planning Act 2008	-	The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.

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