

Lower Thames Crossing

10.36 Targeted landowner and persons with an interest in land (PILs) consultation report

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1 Executive Summary

- 1.1.1 This report describes the non-statutory consultation held between National Highways (the Applicant) and a number of persons with an interest in land (PILs), which was carried out from 20 July to 16 August 2023. The Applicant consulted on two minor changes to the proposed A122 Lower Thames Crossing (the Project) via the Second Notification of Proposed Changes [\[PD-024\]](#).
- 1.1.2 The purpose of the consultation was to enable affected parties to provide comments on the proposals before the Applicant could finalise and submit a formal change request to the Examining Authority, as part of the ongoing Examination of the Applicant’s application for development consent to build the Project.
- 1.1.3 The Applicant consulted six PILs and Thurrock Council (in their capacity as the local planning authority) in respect of one change, and 20 PILs in respect of a second change. All parties were provided with information on the proposed change or changes that affected their land interest as well as a response form and further instructions about how to provide feedback.
- 1.1.4 Four responses were submitted during the consultation period, and the Applicant has taken into consideration the issues they contained, as described in Chapter 3 of this report. The Applicant has decided to progress the proposals put forward during the consultation and is grateful for the feedback that helped to inform these decisions.

2 Targeted landowner and PILs consultation

2.1 Introduction

- 2.1.1 This report describes the non-statutory consultation held between National Highways (the Applicant) and a number of persons with an interest in land (PILs), which was carried out from 20 July to 16 August 2023. The Applicant consulted on two minor changes to the proposed A122 Lower Thames Crossing (the Project) via the Second Notification of Proposed Changes report [\[PD-024\]](#).
- 2.1.2 The two proposed changes are a result of ongoing discussions with Statutory Undertakers and affect existing land plot designations. The changes relate to:
- EC01 – a request from the network utility supplier to realign Work No. G5 (shown on Sheet 28, Works Plans Volume C: Utilities [\[AS-030\]](#)) east of Brentwood Road to reflect wider network operational changes and support the safe and timely delivery of utilities works
 - EC02 – a need for access off Fen Lane, Ockendon for Statutory Undertakers to facilitate future maintenance and operational works on utility networks modified by the Project.
- 2.1.3 For the purposes of this consultation, a PIL is an individual or organisation occupying or having a legal interest in land that would be affected by the proposed changes, including parties who may be entitled to make a relevant claim for compensation as a result of them. This includes all persons within one or more of the categories set out in section 44 of the Planning Act 2008.
- 2.1.4 This chapter explains the purpose of the consultation and how it was carried out, while Chapter 3 summarises the responses received and the Applicant's responses to those issues. Annex A of this report includes copies of documents relevant to the consultation, such as notification letters, response forms, and copies of all consultation responses. The responses are provided in accordance with the requirements of Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3) (Planning Inspectorate, 2023).

2.2 Purpose of the consultation

- 2.2.1 The Applicant carried out a targeted non-statutory consultation in order to provide all parties with an interest in the land plots affected by the changes described below in Section 1.5 with an opportunity to provide comments. This enabled the Applicant to review and potentially act on any feedback received, in advance of the submission of the formal change request to the Examining Authority (ExA).
- 2.2.2 The proposed scope of consultation activities and procedure for requesting the changes was set out on 3 July 2023 in the Second Notification of Proposed Changes [\[PD-024\]](#). The ExA's procedural decision of 14 July 2023 [\[PD-022\]](#) confirmed that it was satisfied that the proposed procedure complies with Advice Note Sixteen.

- 2.2.3 In total, the Applicant sent 27 notification letters to PILs, explaining the changes that would affect the land in which they have an interest.

2.3 Consultation schedule

- 2.3.1 The consultation took place from and including 20 July to 16 August 2023. The closing date and time of 16 August 2023 at 23:59 was publicised in the consultation materials, including the notification letters sent to those PILs affected by the proposed changes.
- 2.3.2 A consultation period of 28 days was considered proportionate and appropriate, based on the Applicant's assessment of the scale and complexity of the proposals.

2.4 Whom the Applicant consulted

- 2.4.1 The Applicant consulted all persons with an interest in the land affected by the proposed changes.
- 2.4.2 For example, all persons with an interest in the land affected by the proposed change at Brentwood Road (EC01) (see Section 2.5 below) were informed about that change. Similarly, all persons with an interest in the land affected by the Fen Lane change (EC02) were informed about that change. National Gas Transmission PLC are the only party that would be affected by both changes and was therefore the only party informed of both changes.
- 2.4.3 The Applicant also notified Thurrock Council of the Brentwood Road proposed change (EC01), as that change affects a high-pressure gas pipeline and is therefore of relevance to the Council in their capacity as a planning authority.
- 2.4.4 The Applicant notified six PILs and Thurrock Council about the Brentwood Road change, 20 PILs about the Fen Lane change, and one PIL (as described in 2.4.2) about both.
- 2.4.5 More information on the Applicant's notification of consultees is provided in Section 2.6 of this report.

2.5 Proposed changes the Applicant consulted on

- 2.5.1 After further engagement with utility companies, the Applicant identified opportunities to improve its DCO Application by proposing two minor changes to the Project.
- 2.5.2 Neither of the proposed changes would alter the assessment conclusions reported in the Environmental Statement [[APP-138](#) to [APP-485](#)] submitted as part of the DCO Application.

Land use change and gas pipeline realignment at Brentwood Road (EC01)

- 2.5.3 This change proposed by the Applicant arose as a result of a request by Cadent Gas to realign a high-pressure gas pipeline to reflect wider network operational changes and support the safe and timely delivery of utilities works. The proposed change would move the high-pressure gas pipeline by up to 13 metres to the east. This area is within the south-west corner of the Orsett Golf Club and would require a minor alteration to the landscape design. The change

would require redesignation of 428m² of land from ‘temporary possession of land’ to ‘temporary possession of land and permanent acquisition of rights’.

Land use change at Fen Lane (EC02)

- 2.5.4 This change proposed by the Applicant arose as a result of a request from National Grid Electricity Transmission (NGET) for rights to access and maintain utility assets near Fen Lane, Ockendon. The change would require 3,360m² of land to be redesignated from ‘temporary possession of land’ to ‘temporary possession of land and permanent acquisition of rights’. The change would affect the land use for Footpath 135 and an adjacent field, but it would not affect public access to this footpath.
- 2.5.5 Both of the proposed changes are presented in detail in Chapter 2 of the Second Notification of Proposed Changes to the Planning Inspectorate [[PD-024](#)] and in the Second Change Application.

2.6 How consultation was carried out

Consultation materials

- 2.6.1 Because the consultation proposals only affected a defined set of PILs, publicity for the consultation was limited to notification letters sent to those persons and organisations, using the notification letters described in Table 2.1. Each notification letter was accompanied by a response form addressing whichever of the proposed changes that was relevant to the recipient’s individual land interest.
- 2.6.2 The notification letters and response forms explained that feedback on the changes could be provided to the Applicant using either of the postal or email addresses that were set out in those materials. PILs were also sent a pre-paid envelope with which they could respond to the consultation by post free of charge.

Table 2.1 Consultation materials

Document	Description	Number of PILs / parties to which the letter was sent
Brentwood Road change PIL notification letter	This letter explained the proposed changes to utility works and land use near Brentwood Road. The letter included maps and computer-generated images to clarify the proposals. It also explained how consultees could provide feedback and the closing date for the consultation.	6
Fen Lane PIL notification letter	This letter explained the proposed changes to land use near Fen Lane. The letter included maps and computer-generated images to clarify the proposals. It also explained how consultees could provide feedback and the closing date for the consultation.	20

Document	Description	Number of PILs / parties to which the letter was sent
Combined Brentwood Road and Fen Lane PIL notification letter	This letter explained both the proposed changes to land use. The letter included maps and computer-generated images to clarify the proposals. It also explained how consultees could provide feedback and the closing date for the consultation.	1
Brentwood Road change notification letter for Thurrock Council	This letter explained the proposed changes to utility works and land use near Brentwood Road. The letter included maps and computer-generated images to clarify the proposals. It also explained how the recipient could provide feedback and the closing date for the consultation.	1
Brentwood Road response form	This response form contained open and closed questions relevant to the proposed changes at Brentwood Road. It also included a form for PILs to provide written consent for the proposals, if they chose to do so. This form was sent to six PILs and Thurrock Council.	7
Fen Lane response form	This response form contained open and closed questions relevant to the proposed changes at Fen Lane. It also included a form for PILs to provide written consent for the proposals, if they chose to do so.	20
Combined response form	This response form contained open and closed questions relevant to both proposed changes. It also included a form for PILs to provide written consent for the proposals, if they chose to do so.	1

2.6.3 Copies of these letters and response forms are provided in Annex A of this document.

Consultation response forms

2.6.4 Both the Brentwood Road and Fen Lane response forms were structured in the same way and provided the same supporting information.

2.6.5 The response forms asked all consultees to provide the following information about themselves:

- a. Name
- b. Address
- c. Email address
- d. Organisation (if applicable)

2.6.6 The response form then asked questions specific to the proposed change, for either Brentwood Road or Fen Lane.

Brentwood Road questions

2.6.7 In the case of the Brentwood Road change, the following closed question was asked:

- a. *Brentwood Road high pressure gas pipeline alignment and land use. Do you support or oppose this proposed change?*

2.6.8 Consultees were asked to answer with one of the following responses:

- a. *Support*
- b. *Oppose*
- c. *No preference*
- d. *Don't know*

2.6.9 Consultees were then asked the following open question:

- a. *Please let us know the reasons for your response and any other comments you have on the Brentwood Road high pressure gas pipeline realignment and land use change below.*

2.6.10 As part of the response form, consultees were also given the option to provide their written consent to the proposed change via a form that included the following question:

- a. *Brentwood Road high pressure gas pipeline alignment and land use change. Do you give your consent? (please sign and print your name below)*

Fen Lane questions

2.6.11 In the case of the Fen Lane change, the following closed question was asked:

- a. *Fen Lane land use. Do you support or oppose this proposed change?*

2.6.12 Consultees were asked to answer with one of the following:

- a. *Support*
- b. *Oppose*
- c. *No preference*
- d. *Don't know*

2.6.13 Consultees were then asked the following open question:

- a. *Please let us know the reasons for your response and any other comments you have on the Fen Lane land use change below.*

2.6.14 As part of the response form, consultees were also given the option to provide their written consent to the proposed change via a form that included the following question:

- a. *Fen Lane land use change. Do you give your consent? (please sign and print your name below)*

National Gas Transmission PLC questions

2.6.15 The response form sent to National Gas Transmission PLC, which was the only PIL that would be affected by both changes, included both the Brentwood Road and Fen Lane questions.

3 Responses to the consultation

3.1 Responses to the consultation

- 3.1.1 The Applicant received four responses to the consultation, all of which were submitted by email. Three respondents chose to submit completed response forms, and one chose to send a letter via email. Copies of the four responses are provided in Annex A of this report.
- 3.1.2 Information about each respondent, submitted with their response, is presented in Table 3.1.

Table 3.1 Information about the respondents

Response ID	Respondent	Organisation	Address	Email
LC01	George Young	A G Young & Sons	[REDACTED]	[REDACTED] obbingfarms.co.uk
LC02	Jacqui Lynn-Jones	N/A	[REDACTED]	[REDACTED]
LC03	Mike Holland	M R Holland, on behalf of E & K Benton Ltd	[REDACTED]	[REDACTED] @hollandlp.co.uk
LC04	Colin Cottage	Ardent, on behalf of Orsett Golf Club	[REDACTED]	[REDACTED] @ardent-management.com

- 3.1.3 The answers to the closed questions, a summary of the issues raised by each respondent in response the open question, and the Applicant’s responses to the issues raised are presented in Table 3.2.

Table 3.2 Answers to closed questions, summary of issues raised, and the Applicant’s responses

Response ID	Answers to closed questions	Issues raised in open question	Applicant’s response
LC01	<p>Opposed the proposed Fen Lane land use change.</p> <p>Did not provide written consent to the proposed acquisition of rights at Fen Lane.</p>	<p>Respondent stated that they have incurred losses of approximately £15,000 per acre on the affected land because of the limit on the size of their solar farm.</p> <p>They said that rights to their land could be purchased, but not taken.</p>	<p>The Applicant will engage with the landowner to discuss the acquisition of rights and seek to reach voluntary agreement. Any agreement would also be dependent on the agreement of the utility company.</p> <p>Any claim for losses would be assessed in accordance with the Compensation Code.</p>
LC02	<p>Opposed the proposed Brentwood Road high-pressure gas pipeline alignment land use change.</p> <p>Did not provide written consent to the proposed acquisition of rights at Brentwood Road.</p>	<p>Respondent noted that the gas pipeline has always been in their land and they have never imposed restrictions on those who needed access to it.</p> <p>They said they do not want their land to be taken from them.</p>	<p>The Applicant is not seeking to permanently acquire rights over the title where the landowner’s property is located. Temporary possession of land and permanent rights is required over land approximately 500m to the south of their property. The title to the land on which the owner’s property is located would not be affected by this land use change.</p>
LC03	<p>Did not answer either of the closed questions.</p>	<p>Respondent stated that they have sought clarification from the Applicant on the rights sought over their client’s land.</p> <p>They stated that their client accepts that access for National Grid will be required and acknowledges the DCO process through which those rights are sought.</p> <p>They queried the additional information received from the Applicant that stated that other utility companies (UKPN, Cadent, Openreach) would be granted access rights over their land. They asked for detailed information as to the location of these additional assets to fully understand</p>	<p>The Applicant replied to the respondent by email on 14 August 2023, detailing the holders of the existing utility assets that would continue to need access rights in future.</p> <p>The Applicant also explained that those rights would replicate the utility companies’ existing rights associated with the track.</p> <p>It was highlighted by the Applicant in the email to the respondent that some access arrangements could be acquired via a voluntary agreement with some utility companies, but the Applicant is aware that other utility companies are reluctant to rely on voluntary agreements and insist that any severed access rights are</p>

Response ID	Answers to closed questions	Issues raised in open question	Applicant's response
		how those access rights might be exercised.	replaced by rights guaranteed within the Project's DCO.
LC04	<p>Stated on behalf of their client that they had no preference with regards to the proposed Brentwood Road high-pressure gas pipeline and land use change.</p> <p>Did not provide written consent to the proposed acquisition of rights at Brentwood Road.</p>	<p>Respondent stated that their client, Orsett Golf Club, is in discussions with the Applicant regarding an agreement for works that the Applicant will carry out to mitigate the Project's impacts on the golf club.</p> <p>They stated that their client does not oppose the land use change but noted that this would need to be accounted for in the proposed agreement with the Applicant.</p> <p>They stated that if the Applicant does not enter into an agreement with their client, then the golf club's position on the land use change may alter.</p>	<p>The Applicant is progressing discussions with Orsett Golf Club regarding a voluntary agreement, with a view to this being signed prior to the end of Examination.</p>

3.2 Conclusions from the consultation

- 3.2.1 The Applicant appreciates the time and effort taken by each respondent to submit feedback to the consultation. Consultation provides an essential channel for those with an interest in proposed changes to comment on the Applicant's proposals, while the Applicant has an opportunity to reflect on the feedback and ensure the proposals are appropriate and robust.
- 3.2.2 As set out in Table 3.2, the Applicant has considered and responded to the concerns raised by respondents to the consultation, although it is acknowledged that some respondents may not agree with all the Applicant's responses.
- 3.2.3 Having thoroughly considered the feedback received, the Applicant has decided to progress the proposals put forward during the consultation, subject to following the appropriate procedures.

References

Planning Inspectorate (2023). Advice Note Sixteen: Requests to change applications after they have been accepted for examination. Version 3. Accessed August 2023.
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

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.
Compensation Code		A combination of legislation, case law and established practice on which compulsory purchase compensation claims are assessed.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Person with an interest in land	PIL	A person within one or more of the categories set out in section 44 of 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.

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