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Dear Mr Smith

A122 Lower Thames Crossing (Reference Number TR010032)

Second Change Application

1 Applicant's Second Change Application

- 1.1.1 The Applicant hereby encloses a Second Change Application seeking the Examining Authority's (ExA's) consent to include two proposed changes in the application currently being examined. This follows the three changes (set out in the First Change Application [[AS-092](#)]) which were accepted into the examination by the ExA in its Procedural Decisions dated 29 August 2023 [[PD-031](#)].
- 1.1.2 The Applicant's Second Notification of Proposed Changes dated 3 July 2023 set out the intention to request two further minor changes to the application for development consent for the A122 Lower Thames Crossing (the Project) [[PD-023](#) and [PD-024](#)], namely:
- EC01: Brentwood Road utilities change – land use change and works alignment change to support the safe and timely delivery of utilities works.
 - EC02: Fen Lane Land Use change – to facilitate future maintenance and operational access to utility works off Fen Lane, Ockendon.
- 1.1.3 The information provided with this Second Change Application complies with the requirements for information set out in Figure 2b of the Planning Inspectorate's Advice Note Sixteen (Version 3, published March 2023) (AN16), and the Applicant can confirm that the process and steps for preparing the required information comply with AN16 and the ExA's Procedural Decision dated 14 July 2023 [[PD-022](#)].
- 1.1.4 Details of the Applicant's compliance with Steps 1 to 4 in Figure 1 of AN16 are included in Table 1 and compliance with the requirements of Figure 2b are set out in Table A.1 of Annex A.

Table 1 Compliance with AN16 Steps 1 to 4

| AN16 step number | AN16 step requirement | Applicant's compliance with AN16 steps |
|------------------|---|--|
| Step 1 | Applicant decides to request a change to an application which has already been accepted for Examination and informs the ExA in writing (the Change Notification), including the relevant information set out in Figure 2. | The Applicant's Second Notification of Proposed Changes of 3 July 2023 [PD-023 and PD-024] constituted Step 1. |
| Step 2 | ExA provides advice to the Applicant about the procedural implications of the proposed material change and about the need, scale and nature of consultation that the Applicant may need to undertake. | The ExA's Procedural Decision letter of 14 July 2023 [PD-022] confirmed that ' <i>the ExA has considered the proposed "formal changes" (numbered EC01 and EC02 in the Notification Report). It agrees with the Applicant that these would constitute "changes" to the Project that would require a Change Application</i> '. |
| Step 3 | To the appropriate extent, the Applicant carries out consultation about the proposed change. This step may be initiated earlier to potentially save time and inform the Applicant's approach. | The Applicant carried out a targeted non-statutory landowner and Persons with an Interest in Land (PILs) consultation for the two proposed changes EC01 and EC02. The consultation ran for 28 days from and including 20 July to 23:59 on 16 August 2023. |
| Step 4 | Applicant makes a formal request to the ExA to change the application (the Change Application) by providing the relevant information set out in Figure 2. | This Second Change Application constitutes Step 4, and Table A.1 of Annex A describes where to find the required information as set out in Figure 2b of AN16. |

2 Accommodating the changes within the Examination statutory timeframes

- 2.1.1 In accordance with AN16, the Applicant has considered whether the effect of the changes would be so substantial as to constitute a materially different project. The Applicant considers that two changes subject to this Second Change Application would (individually and collectively with the three proposed changes in the First Change Application [[AS-092](#)]) fall below that threshold.
- 2.1.2 The principal consideration is, therefore, whether the ExA believes that there is sufficient time remaining to accommodate the changes as part of the Examination process. The Applicant considers that, subject to the ExA's agreement, there is sufficient time for the following reasons:
- a. The two proposed changes relate to minor changes to land plot designations as a result of ongoing discussion with Statutory Undertakers. They are not complex in nature.
 - b. There are no materially new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES).
 - c. The proposals would not involve any increase to the extent of the Order Limits (only minor changes to the powers sought within the existing Order Limits).
 - d. The changes would require updates to a limited number of Examination documents (as listed in Table A.1 of Annex A).
 - e. The localised nature of the changes which affects a small number of parties who have been notified of the proposed changes.
 - f. The submission of the Change Application at this stage provides sufficient time to review and examine any relevant stakeholder concerns relating to the proposed changes.

3 Description and need for the changes

- 3.1.1 The proposed changes are minor in scale though represent important updates to the Application to reflect ongoing discussions with stakeholders which will improve the Project.
- 3.2 EC01 – Land use change and gas pipeline realignment at Brentwood Road**
- 3.2.1 This proposed change is in response to a request from the utility network provider and Statutory Undertaker (Cadent Gas) to revise the proposed alignment of the high-pressure gas pipeline Work No G5.

- 3.2.2 The proposed change relates to wider network operational upgrades that the utility network provider is progressing in this area and will support the safe and timely delivery of utility works required to implement the Project.
- 3.2.3 The change would involve the modification of the alignment of an approximately 100m section of the proposed pipeline, allowing it to be aligned up to a maximum of 13 metres further east (away from Brentwood Road) where required, in the south-western corner of the Orsett Golf Club.
- 3.2.4 The proposed realignment requires a change to the land designation affecting land plot 28-130 (refer to Sheet 28 of Land Plans Volume C [[REP3-013](#)] shown in Table 2.

Table 2 Brentwood Road proposed land plot changes

| Current land plot | | | | Proposed change to land plots (due to subdivision of existing) | | | |
|-------------------|------------------------------|-----------|--------------|--|---|------------|-----------------|
| Plot ID | Land use | Area (m2) | Change | Plot ID | Land use | Area (m2) | Change |
| 28-130 | Temporary possession of land | 5,120 | Plot deleted | 28-145 | Temporary possession of land | 4,692 | New plot |
| | | | | 28-144 | Temporary possession of land and permanent acquisition of rights | 428 | New plot |

- 3.2.5 The land currently designated as ‘temporary possession of land and permanent acquisition of rights’ would be increased by approximately 428m², and the land designated as ‘temporary possession of land’ would be reduced by approximately 428m² (i.e. the change would add permanent rights to this area of land within the existing Order Limits). The implications of this are considered further in Section 5 of this letter.
- 3.2.6 The proposed change does not affect the amount of land required to undertake the works.
- 3.2.7 EC02 – Land use change at Fen Lane**
- 3.2.8 During ongoing engagement with Statutory Undertakers, a request by National Grid Electricity Transmission (NGET) was made to provide access from Fen Lane, Ockendon, to provide future maintenance and operational access to utility networks.

3.2.9 A change is required to the current land designation of land plots south of Fen Lane to provide this access. The land designation would be changed from ‘temporary possession of land’ to ‘temporary possession of land and permanent acquisition of rights’. Table 3 provides details of the proposed changes to land plots and land designations resulting from this proposed change.

Table 3 Fen Lane proposed land plot changes

| Current land plot | | | | Proposed change to land plots (due to subdivision of existing) | | | |
|-------------------|------------------------------|-----------|--------------|--|---|--------------|-----------------|
| Plot ID | Land use | Area (m2) | Change | Plot ID | Land use | Area (m2) | Change |
| 41-12 | Temporary possession of land | 25,361 | Plot deleted | 41-44 | Temporary possession of land and permanent acquisition of rights | 3,114 | New plot |
| | | | | 41-45 | Temporary possession of land | 21,919 | New plot |
| | | | | 41-50 | Temporary possession of land | 328 | New plot |
| 41-17 | Temporary possession of land | 2,947 | Plot deleted | 41-48 | Temporary possession of land and permanent acquisition of rights | 53 | New plot |
| | | | | 41-46 | Temporary possession of land | 2,894 | New plot |
| 41-20 | Temporary possession of land | 293 | Plot deleted | 41-49 | Temporary possession of land and permanent acquisition of rights | 193 | New plot |

| Current land plot | | | | Proposed change to land plots (due to subdivision of existing) | | | |
|-------------------|----------|-----------|--------|--|------------------------------|-----------|----------|
| Plot ID | Land use | Area (m2) | Change | Plot ID | Land use | Area (m2) | Change |
| | | | | 41-47 | Temporary possession of land | 52 | New plot |
| | | | | 41-51 | Temporary possession of land | 48 | New plot |

3.2.10 As with EC01, the change would involve only the addition of permanent acquisition of rights in addition to temporary possession of land within the existing Order Limits. Again, the implications of these land designation changes are considered further in Section 5 of this letter.

3.2.11 The proposed change does not affect the amount of land required to undertake the works.

4 Change Application documents

4.1.1 The Second Change Application comprises this cover letter and the documents listed in Annex A, which satisfy the requirements of Figure 2b of AN16.

4.1.2 The proposed changes do not have any effect on any other consents/licences required.

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

5.1.1 The effect of both of the proposed changes is that the Applicant would be seeking further powers of compulsory acquisition over land within the Order Limits, changing the land designation of land parcels from temporary possession (green land) to temporary possession of the land and permanent acquisition of rights (blue land). The impacted plots are identified in Table 2 and Table 3 and those seeking permanent acquisition of rights in addition to temporary possession of land.

5.1.2 Whilst these further powers of compulsory acquisition are sought over land which is already within the Order Limits, the Applicant understands that the Planning Inspectorate's view in similar circumstances on other schemes is that any change which involves an 'upgrade' in land powers over those previously anticipated, including from temporary possession to permanent acquisition of land or rights over land, would amount to the compulsory acquisition of additional land, triggering the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations). The Applicant has written seeking the affected PILs' consent though no consent has been given at this stage.

- 5.1.3 The changes which are the subject of this Second Change Application therefore constitute a ‘proposed provision’ under the CA Regulations and the Applicant must seek the Examining Authority’s consent to the same as part of the Application. On that basis, the Applicant is providing the information required by Regulation 5 of the CA Regulations (namely supplements to the Book of Reference and Statement of Reasons and Land Plans identifying the land) and formally seeks the ExA’s consent to accept the proposed provision as part of the Application.
- 5.1.4 If accepted, the Applicant would issue notices confirming when and where information about the land subject to a designation change can be inspected and the deadline for submitting Relevant Representations about the land. It is the intention, subject to the acceptance of these two changes, to commence a single relevant representation period (including accepted change MRC03) on 10 October 2023.
- 5.1.5 The Applicant will, however, continue to seek to obtain consent from all persons with an interest in the land affected by the land designation change, to include such powers within the DCO application, and will update the ExA accordingly.

5.2 Implications for Statement of Reasons

- 5.2.1 The proposed changes require changes in land powers sought for the plots listed in Table 1 and Table 2. All changes to plots are illustrated in the updated Land Plans [**Document Reference 10.28**] and reflected in the Extract of the Statement of Reasons [**Document Reference 10.33**] and those plots seeking additional permanent acquisition of rights are reflected at Table 4.

Table 4 Acquisition of Rights and Temporary Possession on land

| Land plans plot ref | Land use | DCO Work No | Purpose for which the land is required |
|---------------------|--|-------------|---|
| 28-144 | Temporary Possession of Land and Permanent Acquisition of Rights | G5 | Installation of a high-pressure gas pipeline, and the rights and restrictive covenants to construct, protect, operate, access and maintain the pipeline |
| 41-44 | Temporary Possession of Land and Permanent Acquisition of Rights | OH7 | Provision for access for Overhead lines diversion works, and the rights for access to maintain those overhead line diversion works |
| 41-48 | Temporary Possession of | OH7 | Provision for access for Overhead lines diversion works, and the rights for access to |

| Land plans plot ref | Land use | DCO Work No | Purpose for which the land is required |
|---------------------|--|-------------|--|
| | Land and Permanent Acquisition of Rights | | maintain those overhead line diversion works |
| 41-49 | Temporary Possession of Land and Permanent Acquisition of Rights | OH7 | Provision for access for Overhead lines diversion works, and the rights for access to maintain those overhead line diversion works |

5.2.2 The Applicant has consulted Statutory Undertakers regarding these changes. An updated Status of Negotiations with Statutory Undertakers document will be submitted at Deadline 4. Of note, these changes have not resulted in any new issues being included in that document.

5.2.3 Matters related to Crown land remain unchanged as set out in the latest version of the Statement of Reasons [**Document Reference 10.33**]. The Crown Land Plans [[REP3-015](#) to [REP3-019](#)] remain unchanged.

5.2.4 These proposed changes do not require any amendments to the Special Category Land Plans [[REP3-021](#) to [REP3-025](#)].

5.3 Implications for Funding Statement

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

6 Environmental effects

6.1.1 As set out in the Second Notification of Proposed Changes [[PD-023](#) and [PD-024](#)], the Applicant has undertaken a review and appraisal of the proposed changes in the context of all topics within the Environmental Impact Assessment to understand if any of the proposed changes, either individually or cumulatively, would give rise to any materially new or materially different environmental effects beyond those already reported in the Environmental Statement.

6.1.2 The Applicant concluded that neither proposed change would result in any materially new or materially different likely significant environmental effects.

7 Consultation

7.1.1 The Applicant carried out a non-statutory landowner and PILs consultation to ensure that all parties with a potential interest in the land plots affected by

changes EC01 and EC02 were made aware of them and had the opportunity to provide comments in advance of the submission of the formal change request to the ExA.

- 7.1.2 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-023](#) and [PD-024](#)]. The ExA's procedural decision of 14 July [[PD-022](#)] confirmed that it was content that the proposed procedure complies with AN16.
- 7.1.3 A Consultation Report [**Document Reference 10.36**] has been duly prepared and submitted with this Second Change Application.

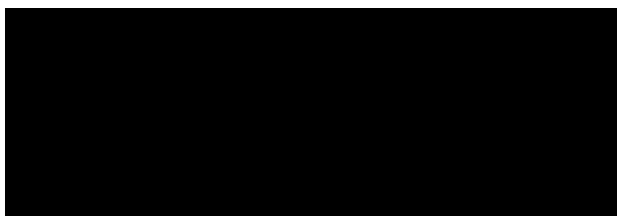
8 Relationship with other proposed changes

- 8.1.1 The Applicant submitted a Change Application on 2 August in relation to three proposed changes, namely MRC01, MRC02 and MRC03, which, as confirmed in the Procedural Decisions dated 29 August 2023 [[PD-031](#)], have been accepted into the Examination.
- 8.1.2 The Applicant submitted a Second Notification of Proposed Changes [[PD-023](#) and [PD-024](#)] on 3 July 2023 relating to the two proposed changes subject to this Second Change Application (namely EC01 and EC02).
- 8.1.3 On 1 August 2023, the Applicant also submitted a further Change Notification in relation to two further minor proposed changes. These are set out in the Third Notification of Proposed Changes to the Planning Inspectorate [[AS-090](#)].

9 Conclusion

- 9.1.1 The two proposed changes, in response to stakeholder engagement, would not be so substantial as to constitute a materially different project, and the Applicant considers that they are capable of being fairly examined within the Examination period.
- 9.1.2 If accepted, the Applicant's intention would be to formally reflect the necessary updates to the Examination documents at Deadline 5.

Yours sincerely



Dr Tim Wright
Head of Consents – Lower Thames Crossing

Annex A Compliance with AN16 Figure 2b requirements

Table A.1 Applicant's compliance with AN16 Figure 2b

| Document Reference Number | Title | Content and compliance with Figure 2b of AN16 | Figure 2b requirement |
|---------------------------|---|--|-----------------------|
| TR010032/EXAM/10.27 | Second Change Application (September 2023) Cover Letter (this letter) | Section 3 provides a description of the proposed changes. | Figure 2b (1) |
| | | Section 3 sets out the rationale / need for each design change | Figure 2b (2) |
| | | Section 4 and Annex A identifies the documents that would require a consequential revision to the Application as a result of the changes and updated position on consents/licences. Where there would be no change to a document, these have not been listed. | Figure 2b (3) |
| | | Section 5 sets out the position in relation to additional land as required by Figure 2b (5). | Figure 2b (5) |
| | | Section 6 confirms that the proposed changes would not result in any new or different likely significant environmental effects | Figure 2b (6) |
| TR010032/EXAM/10.28 | Extract from Land Plans Volume C (sheets 21 to 49) | Provides detail of the proposed changes. | Figure 2b (1) |

| Document Reference Number | Title | Content and compliance with Figure 2b of AN16 | Figure 2b requirement |
|----------------------------------|--|--|------------------------------|
| TR010032/EXAM/10.29 | Extract from General Arrangement Plan Volume C (sheets 21 to 49) | Provides detail of the proposed changes. | Figure 2b (1) |
| TR010032/EXAM/10.30 | Extract from Works Plans Volume C (sheets 21 to 49) | Provides detail of the proposed changes. | Figure 2b (1) |
| TR010032/EXAM/10.31 | Extract from Works Plans Volume C (sheets 21 to 49) Utilities | Provides detail of the proposed changes. | Figure 2b (1) |
| TR010032/EXAM/10.32 | dDCO for Second Change Application (September 2023) (clean and tracked changed) | Reflecting each proposed change These changes do not require a modification or update to be made to the Explanatory Memorandum and so no revised Explanatory Memorandum is provided with this Change Application, for the purposes of step 4 of Figure 2b of AN16." | Figure 2b (4) |
| TR010032/EXAM/10.35 | Schedule of Changes to the dDCO for Second Change Application (September 2023) | Reflecting each proposed change | Figure 2b (4) |
| TR010032/EXAM/10.33 | Extract from Statement of Reasons (clean and tracked changed) | This provides details of the proposed updates to the Statement of Reasons reflecting changes to land plot information as a result of the proposed changes. | Figure 2b (5) |

| Document Reference Number | Title | Content and compliance with Figure 2b of AN16 | Figure 2b requirement |
|----------------------------------|---|---|------------------------------|
| TR010032/EXAM/10.34 | Extract from Book of Reference (clean and tracked changed) | This provides details of the proposed updates to the Book of Reference reflecting changes to land plot information resulting from the proposed changes. | Figure 2b (5) |
| TR010032/EXAM/10.36 | Consultation Report for Second Change Application (September 2023) | To confirm who has been consulted about the proposed changes, the Applicant's consideration of the responses received and copies of the responses. | Figure 2b (7) |