

Reference number: TR010032
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23 October 2023

Dear Mr Smith

A122 Lower Thames Crossing (Reference Number TR010032)

Third Change Application

1 Applicant's Third Change Application

- 1.1.1 The Applicant hereby submits a Third Change Application seeking the Examining Authority's (ExA's) consent to include two proposed changes in the application currently being examined.
- 1.1.2 The Applicant's Third Notification of Proposed Changes dated 1 August 2023 [[CR3-001](#)] set out the intention to propose two further proposed changes, namely:
- a. EC03 – a minor increase to the Limits of Deviation in relation to a proposed Walking, Cycling and Horse Riding (WCH) structure over the A127 to prevent any conflict with proposals for a new employment park (Brentwood Enterprise Park).
 - b. EC04 – the correction of the land use for plot 16-41 to reflect the requirement for the powers of permanent acquisition of subsoil and rights, and temporary possession of land at the surface of this plot. Currently, plot 16-41 is shown as required for permanent acquisition of subsoil and rights only, so does not include temporary possession of land at the surface.
- 1.1.3 The information provided with this Third 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 30 August 2023 [[PD-030](#)].

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 Appendix 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 Third Notification of Proposed Changes of 1 August 2023 [CR3-001] 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 30 August [PD-030] confirmed that it ‘ <i>agrees with the Applicant that these would constitute “changes” to the Project that would require a Change Application</i> ’ and accepted the Applicant’s proposed approach to consultation.
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 non-statutory consultation with a targeted group of persons with an interest in land (PILs) between 8 August – 4 September 2023 in relation to proposed change EC04. The ExA accepted the Applicant’s position not to carry out targeted consultation on change EC03, acknowledging that interested parties would have the chance to comment on that change if accepted into the Examination.
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 Third Change Application constitutes Step 4, and Table A.1 of Appendix 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 Third Change Application would (individually and collectively with the five changes already accepted into the Examination) 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 proposed changes are not considered complex in nature.
 - b. There are no anticipated new or different likely significant adverse environmental effects compared to those reported in the Environmental Statement (ES).
 - c. The proposed changes do not involve the addition of any further land to the Order Limits.
 - d. The Applicant anticipates there will be very limited public/stakeholder interest due to the localised nature of the changes beyond the small number of affected landowners.
 - e. The Infrastructure Planning (Compulsory Acquisition Regulations) 2010 (the CA Regulations) do not apply to the changes referenced in this document (as set out in Section 5 of this report).
 - f. No consents, permits or licences require update as a result of the proposed changes and the proposed changes do not impede the securing of any consents, permits or licences required to undertake the Project.
 - g. The proposed changes do not alter compliance with National Policy Statement (NPS) policy.
- 2.1.3 The proposed changes are minor in scale though represent important updates to the Application to reflect ongoing discussions with interested parties.

3 Description and need for the changes

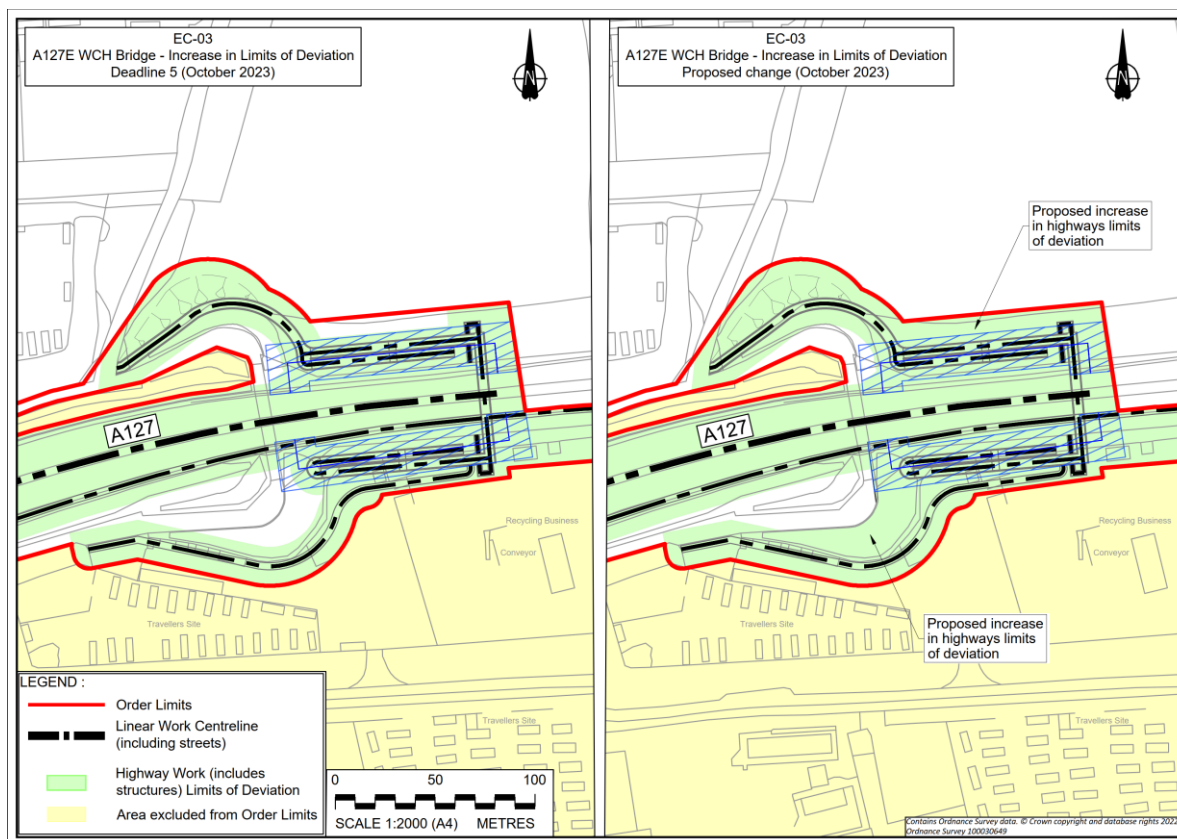
- 3.1.1 In accordance with points 1 and 2 of Figure 2b of Advice Note 16 this section provides a confirmation of the description of the proposed changes and rational and need for making the changes. This remains unchanged from the information set out in the Third Change Notification though incorporates updated document references.

3.2 EC03 – A127E WCH Bridge – increase in Limits of Deviation

- 3.2.1 Proposed change EC03 seeks additional flexibility to increase the Highway Works horizontal Limits of Deviation by approximately 580 sqm to the north of the A127E WCH overbridge to avoid any conflict with the delivery of a new vehicle bridge proposed by St Modwen, as part of the Brentwood Enterprise Park (BEP).
- 3.2.2 The Applicant's A127E WCH bridge is as described under Work No. 9Z of Schedule 1 of the draft Development Consent Order [[REP5-024](#)] and shown on sheet 45 of 2.6 Works Plans (Volume C) Composite (Sheets 21 to 49) [[REP5-020](#)].
- 3.2.3 St. Modwen has submitted a planning application (22/00402/FUL¹) to Brentwood Borough Council for a new employment park – Brentwood Enterprise Park – on land to the south-east of the M25 junction 29. The outline design proposes a new vehicle bridge across the A127, to the west of the Applicant's proposed WCH ramp and bridge structure, and to the east of the existing single lane bridge.
- 3.2.4 The Applicant has, and will continue to, engage with St Modwen, the landowner and other parties throughout the detailed design of both projects, to seek to ensure a coordinated approach to implementation is taken. To allow a reasonable amount of flexibility in the detailed design for the Applicant to accommodate the BEP bridge the Applicant seeks to increase the Limits of Deviation to the north of the A127E structure.
- 3.2.5 The land required for the proposed increase to the Limits of Deviation is already identified for permanent acquisition in the Land Plans Volume C (Sheets 21 to 49) [[REP5-008](#)] so there is no change to land requirements. The change would not involve any modification to the vertical limits of deviation and would not result in any new or materially different environmental effects.

¹ Brentwood Borough Council (2022). Planning – Application Summary (Ref: 22/00402/FUL). Accessed October 2023. <https://publicaccess.brentwood.gov.uk/online-applications/>

Plate 1 EC03 proposed change



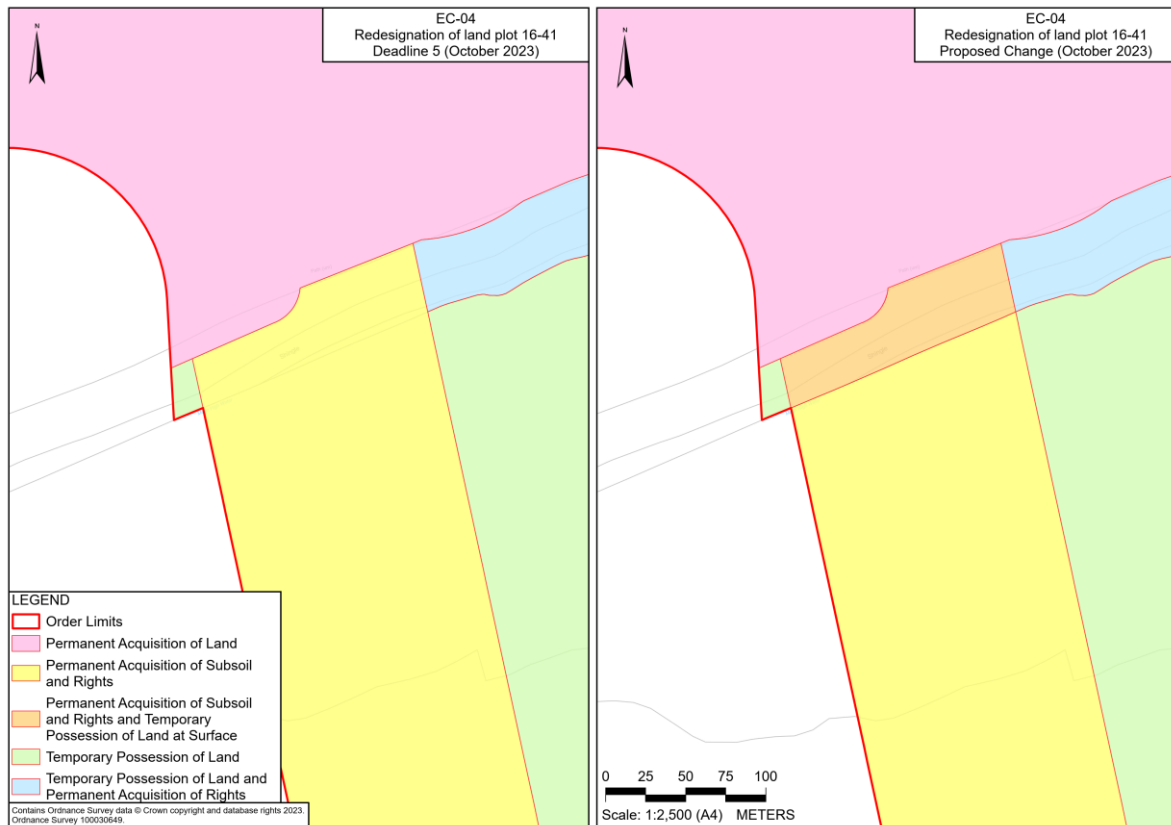
3.3 EC04 – Redesignation of land Plot 16-41

3.3.1 The Applicant has identified the need to correct the land use for plot 16-41. This plot is located north of the River Thames, above the tunnel limits of deviation, in Thurrock, and it is shown in the Application on sheet 16 of the Land Plans [REP5-006]. To implement this change and maintain an audit trail, plot 16-41 is being removed from the application and is replaced with plot 16-70, geographically identical but with the revised powers over land.

3.3.2 In the Development Consent Order Application, powers were sought for the permanent acquisition of subsoil and rights in connection with Work No. 4A, the construction of the new A122 Lower Thames Crossing tunnels. Whilst this is correct (plot 16-41 is within the alignment of the tunnels and the limits of deviation) this plot should have been shown as land required for the permanent acquisition of subsoil and rights, *and* temporary possession of land at the surface. This is because it is also required for temporary works: Work No. 50 and Work No. CA5, as shown in the Works Plans [REP4-038] and detailed in Schedule 1 of the draft Development Consent Order [REP5-024]. Work No. 50 being the construction of a new public right of way along the existing footpath FP146 and Work No. CA5 being the temporary establishment of the construction compound for facilitating main works at the A122 Lower Thames Crossing North Portal and tunnel approach.

- 3.3.3 This change therefore entails the correction of an error, but as it would involve the need for further temporary possession of land at the surface, the Applicant is making a formal request to make the change.

Plate 2 EC04 proposed change



4 Change Application documents

- 4.1.1 This Third Change Application comprises this cover letter and the documents listed in Appendix A, which satisfy the requirements of Figure 2b of AN16.
- 4.1.2 If the changes are accepted it would be the Applicant's intention to reflect them in updates to the application documents listed below at Deadline 7:
- 2.2 Land Plans Volume A (key plan)
 - 2.2 Land Plans Volume B (sheets 1 to 20)
 - 2.6 Works Plans Volume C Composite (sheets 21 to 49)
 - 3.1 dDCO (clean and tracked changed)
 - 4.1 Statement of Reasons (clean and tracked changed)
 - 4.2 Book of Reference (clean and tracked changed)

g. 9.22 Schedule of Changes to the Book of Reference (including Appendix A)

h. 7.5 Design Principles

4.1.3 With regard to the Design Principles, it would be the intention to amend clause S14.22 (A127 East WCH bridge) as follows in Table 2.

Table 2 Proposed change to design principle S14.22

Current wording	Proposed wording
<p>Notwithstanding provisions of Design Principle S14.10 above, the authorised development shall be designed in detail and carried out excluding the specified WCH provision over the A127 where:</p> <p>(a) the planning permission 22/00402/FUL in respect of the Brentwood Enterprise Park (“BEP Permission”) has been granted</p> <p>(b) BEP Permission includes the new non-motorised user facilities connecting the footway running along the southern side of the A127 to the existing bridleway within the proposed site for the Brentwood Enterprise Park as shown in the BEP Permission document ‘Link Road Concept Design’ (drawing number BEPATK-HML-DR-CH-000004 rev C05) for the BEP Permission Amber - and then over the existing accommodation bridge that spans the A127 (“BEP WCH Solution”) connecting to Codham Hall Lane</p> <p>(c) BEP WCH Solution is constructed and open for use</p> <p>(d) in the event that another planning permission is brought forward that supersedes 22/00402/FUL by providing consent for an access from the B186 of similar specification to the BEP B186 Access, then Applicant's access shall be designed so as to connect to it.</p>	<p>In this design principle:</p> <ul style="list-style-type: none"> • ‘BEP’ means Brentwood Enterprise Park; • the ‘BEP Permission’ means any permission granted by Brentwood Borough Council for BEP as a result of planning application 22/00402/FUL, or a superseding application for an equivalent proposal; • the ‘BEP WCH Solution’ means the vehicle and WCH access proposals for BEP which include a new connection for walkers and cyclists between the footway running along the southern side of the A127 and the existing bridleway as shown in the BEP Permission document ‘Link Road Concept Design’ (drawing number BEP-ATK-HML-DR-CH-000004 rev C06), or subsequent plan providing the same connectivity, and a dedicated public right of way for WCH users over the existing accommodation bridge that spans the A127 connecting to Codham Hall Lane and to the footway running along the northern side of the A127; • ‘planned construction commencement date of the Project A127 East WCH Bridge’ means the date identified by the undertaker for implementation of these works as part of the Project’s wider delivery programme; and • the ‘Project A127 East WCH Bridge’ means Work No. 9Z in Schedule 1 to the Development Consent Order. <p>The design and implementation of the Project A127 East WCH Bridge is dependent on the status of the proposed BEP. The undertaker shall observe the following conditions.</p> <p>(1) Notwithstanding the provisions of Design Principle S14.10 above, the authorised development shall be carried out excluding the Project A127 East WCH Bridge provided that all of the following conditions are met prior to</p>

Current wording	Proposed wording
	<p>the planned construction commencement date of the Project A127 East WCH Bridge:</p> <ul style="list-style-type: none"> a. the BEP Permission has been granted; and b. the BEP Permission includes the BEP WCH Solution; and c. the BEP WCH Solution is constructed and open for use by the public. <p>(2) Notwithstanding provisions of Design Principle S14.10 above, the structures of the Project A127 East WCH Bridge shall be designed and constructed to align with the proposed BEP WCH Solution.</p>

4.1.4 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 the two proposed changes is that the Applicant would be seeking further powers of temporary possession only over land within the Order Limits in relation to change EC04. The impacted plot is identified in Table 3 below.

Table 3 Changes to land plot designation affecting permanent rights

Change Code	Land Plot	Existing land designation	Proposed new land designation
EC04	16-41 (now 16-70)	Permanent acquisition of subsoil and rights	Permanent acquisition of subsoil and rights, and temporary possession of land

5.1.2 In its Procedural Decision letter dated 30 August 2023 [[PD-030](#)], the ExA confirmed that the addition of further temporary possession powers does not invoke the CA Regulations.

5.1.3 Accordingly, neither of the proposed changes engage the requirements of the CA Regulations.

6 Environmental effects

6.1.1 As set out in the Third Change Notification neither of the proposed changes 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 consultation with a targeted group of persons with an interest in land (PILs) between 8 August and 4 September in relation to proposed change EC04.
- 7.1.2 A Consultation Report has been duly prepared and appended to this letter (Appendix B).

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 [[CR2-001](#) and [CR2-002](#)] on 3 July 2023 relating to two proposed changes subject to a Second Change Application (namely EC01 and EC02) which were accepted into the Examination on 25 September [[PD-039](#)].

9 Conclusion

- 9.1.1 The two proposed changes 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 7.

Yours sincerely

Dr Tim Wright
Head of Consents – Lower Thames Crossing

Appendix 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/10.44	Third Change Application (October 2023) Cover Letter (this letter) including Consultation Report	Section 2 provides a description of the proposed changes.	Figure 2b (1)
		Section 2 sets out the rationale / need for each design change	Figure 2b (2)
		Section 4 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 confirms that that the CA Regulations are not engaged 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)
		Appendix B provides the Consultation Report, to confirm who has been consulted	Figure 2b (7)

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
		about proposed change EC04, the Applicant's consideration of the responses received and copies of the responses.	
TR010032/EXAM/10.39	Extract from Land Plans Volume B (sheets 1 to 20)	Provides detail of the proposed changes.	Figure 2b (1)
TR010032/EXAM/10.40	Extract from Works Plans Volume C Composite (sheets 21 to 49)	Provides detail of the proposed changes.	Figure 2b (1)
TR010032/EXAM/10.41	dDCO for Third Change Application (October 2023) schedules 8, 10 and 11 (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/10.45	Schedule of Changes to the dDCO for Third Change Application (October 2023)	Reflecting each proposed change	Figure 2b (4)
TR010032/EXAM/10.42	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	Figure 2b (5)

Document Reference Number	Title	Content and compliance with Figure 2b of AN16	Figure 2b requirement
		of the proposed changes.	
TR010032/EXAM/10.43	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)

Appendix B Third Change Application Consultation Report

**Lower Thames Crossing
10.44 Third Change Application
(October 2023) Cover Letter
Appendix B Consultation
Report**

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 10

**DATE: October 2023
Third Change Application (October 2023)**

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/10.44

VERSION: 1.0

Lower Thames Crossing

10.44 Third Change Application (October 2023) Cover Letter

Appendix B Consultation Report

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1 Executive Summary

- 1.1.1 This report describes the non-statutory consultation carried out by National Highways (the Applicant) with a targeted group of persons with an interest in land (PILs). This consultation was carried out from 8 August to 4 September 2023. The Applicant consulted on one minor change (EC04) to the proposed A122 Lower Thames Crossing (the Project), notified to the Examining Authority in the Third Notification of Proposed Changes to the Planning Inspectorate [[CR3-001](#)].
- 1.1.2 The purpose of the consultation was to enable affected parties to provide comments on the proposal before the Applicant finalised and submitted 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 five PILs in respect of the change. All parties were provided with information on how the proposed change would affect their land interest, along with a response form and instructions explaining how to provide feedback.
- 1.1.4 One response was submitted during the consultation period, and the Applicant has taken into consideration the issues it contained, as described in Chapter 3 of this report.
- 1.1.5 The Applicant has decided to progress with the proposed change put forward during the consultation, through a formal Change Application, and is grateful for the feedback that helped to inform this decision.

2 Targeted landowner and PILs consultation

2.1 Introduction

- 2.1.1 This report describes the non-statutory consultation carried out by the Applicant with affected PILs from 8 August to 4 September 2023. The Applicant consulted on one minor change (EC04) to the proposed Project, notified to the Examining Authority in the Third Notification of Proposed Changes to the Planning Inspectorate [[CR3-001](#)].
- 2.1.2 The change was proposed as a result of ongoing discussions with Statutory Undertakers, and it affects existing land plot designations as follows:
- a. EC04 – The correction of the land use for plot 16-41 to reflect the requirement for the powers of permanent acquisition of subsoil and rights, and temporary possession of land at the surface of this plot. Currently, plot 16-41 is shown as required for permanent acquisition of subsoil and rights only, so does not include temporary possession of land at the surface.
- 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 response received and presents the Applicant's response to the issues raised. Annex A of this report includes copies of documents relevant to the consultation, such as notification letters, response forms, and a copy of the consultation response - 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 to provide all parties with an interest in the land plot affected by the changes described below in Section 2.5 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.
- 2.2.2 The proposed scope of consultation activities and procedure for requesting the changes was set out on 1 August 2023 in the Third Notification of Proposed Changes to the Planning Inspectorate [[CR3-001](#)]. The Examining Authority's procedural decision of 30 August 2023 [[PD-030](#)] confirmed that it was satisfied with the proposed targeted consultation and accepted the Applicant's proposal not to carry out any targeted consultation on Change EC03 at this time.
- 2.2.3 The Applicant sent five notification letters to PILs, explaining the change that would affect the land in which they have an interest.

2.3 Consultation schedule

- 2.3.1 The consultation took place from 8 August to 4 September 2023 inclusive. The closing date and time of 4 September 2023 at 23:59 was publicised in the consultation materials, including the notification letters sent to those PILs affected by the proposed change. Notification letters were sent on 4 August 2023, to ensure they would arrive before the first day of the consultation on 8 August.
- 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 proposal.

2.4 Whom the Applicant consulted

- 2.4.1 The Applicant consulted all PILs affected by the proposed changes, with two of these being identified as Category 1 PILs (who also appear in the Book of Reference as Category 3), while three were Category 2 (who also appear in the Book of Reference as Category 3). For more information on PILs and categories, see paragraph 1.1.3 above.

2.5 Proposed change the Applicant consulted on

East Tilbury Marshes minor land use change (EC04)

- 2.5.1 The Applicant identified the need for a correction to ensure the land powers are consistent with information contained in other documents within the DCO application (as shown in sheet 16 of the Works Plans [[REP4-038](#)]), which show the need for temporary surface possession to deliver the works in this area.
- 2.5.2 The Applicant seeks to amend the rights sought for this area from 'permanent acquisition of subsoil and rights' to 'permanent acquisition of subsoil and rights and temporary possession of land at the surface'.
- 2.5.3 The affected area would include part of the northern tunnel entrance compound as well as the upgrade of the existing section of footpath FP146 (Two Forts Way) to a pedestrian-cycle track. Separately to this change, through ongoing design refinement and feedback from stakeholders, the Applicant is reducing the rights required over an area of land within the River Thames, which would instead become land subject to temporary possession.
- 2.5.4 The proposed change would not alter the assessment conclusions reported in the Environmental Statement [[APP-138](#) to [APP-485](#)] submitted as part of the DCO application.

2.6 How consultation was carried out

Consultation materials

- 2.6.1 Because the consultation proposals only affected a small group of PILs, publicity for the consultation was targeted by means of sending notification letters to those persons and organisations, using the notification letters described in Table 2.1 below. Each notification letter was accompanied by a response form.

2.6.2 The notification letters and response forms explained that feedback on the changes could be sent 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
East Tilbury Marshes minor land use change PIL notification letter	This letter explained the proposed changes to land use near East Tilbury Marshes. 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.	5
East Tilbury Marshes response form	This response form contained one open and one closed question relevant to the proposed changes at East Tilbury Marshes. This form was sent to five PILs.	5

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

Consultation response forms

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

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

2.6.5 The response form then asked questions specific to the proposed change.

2.6.6 The following closed question was asked:

- a. *'East Tilbury Marshes minor land use change. Do you support or oppose this proposed change?'*

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

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

2.6.8 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 East Tilbury Marshes minor land use change below.'*

3 Response to the consultation

3.1 Response to the consultation

3.1.1 The Applicant received one response to the consultation, which was submitted by email. A copy of the response is provided in Annex A of this report.

3.1.2 Information about the respondent, submitted with their response, is presented in Table 3.1.

Table 3.1 Information about the respondents

Response ID	Respondent	Organisation	Address	Email
PIL01	M R Holland	Holland Land & Property, on behalf of Melville Mott	Not provided	mike.holland@hollandlp.co.uk

3.1.3 The answers to the closed questions, a summary of the issues raised by each respondent in response to 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	Answer to closed questions	Issues raised in open question or email	Applicant's response
PIL01	N/A	<p>The respondent stated that their client has no objection to the proposed change.</p> <p>However, the respondent highlighted that other land within their client's freehold ownership in a location along the river frontage would be severed by the Applicant's proposed permanent acquisition of adjacent land. They requested, on behalf of their client, access across the land proposed to be permanently acquired.</p> <p>The respondent stated that this issue, which has been discussed previously with the Applicant, has the potential to sever access for the landowner to any new wharf/jetty location along that section of river frontage.</p>	<p>The Applicant notes and welcomes the respondent's confirmation there is no objection to the change proposed during consultation.</p> <p>With regards to the other area of land mentioned, which is not land consulted on at this time, the Applicant and the landowner continue to have discussions on this matter.</p>

3.2 Conclusions from the consultation

- 3.2.1 The Applicant appreciates the time taken by the 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 above, the Applicant has considered and responded to the concerns raised by the respondent to the consultation.
- 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.

Annexes

Annex A Consultation material and responses

A.1 Targeted landowner and persons with an interest in land (PILs) consultation materials and responses

- A.1.1 Plate A.1 and Plate A.2 present copies of the consultation notification letter and response form produced for consultation by the Applicant, with Plate A.3 showing the single landowner response received during consultation.

Plate A.1 Notification letter



Our ref: LENG-822
 Your ref: TBC

B Owner name
 C1 Owner line 1
 C2 Owner line 2
 C3 Owner line 3
 C4 Owner line 4
 C5 Owner line 5
 C6 Owner line 6
 C7 Owner line 7

Sarah Collins
 Head of Land, Property and
 Compensation
 Lower Thames Crossing 1st Floor
 National Highways
 Woodlands
 Manton Lane
 Bedford
 MK41 7LW

Telephone: 0300 123 5000
 8 August 2023

Dear B – Owner name

Lower Thames Crossing: Consultation on proposed changes to the project with persons with an interest in land

I write to inform you that, following the submission of our Development Consent Order (DCO) Application on 31 October 2022 and the minor refinement consultation held from 17 May 2023 to 19 June 2023, we have continued to refine the Project proposals and we are now proposing to make some minor changes. Some of these relate to land that you own or have an interest in.

The change is localised in nature and limited in extent. As a landowner or rights holder affected by the change, this letter seeks your views on the proposed change.

The proposed change is outlined in the table below. The detail, including the relevant map and/or land use plan showing the extent and location of the change, can be found on the following pages.

Change title	East Tilbury Marshes minor land use change
Description of the location of the change	Approx 0.5 hectares of land located above mean high water springs on the northern bank of the river Thames on East Tilbury Marshes.
Lower Thames Crossing proposals	To amend the rights sought for this area from 'Permanent Acquisition of Subsoil and Rights' (shown in yellow on the land use figures) to 'Permanent Acquisition of Subsoil and Rights and Temporary Possession of Land at the Surface' (shown in orange on the land use figures). This change is to ensure the land powers are consistent with what is reflected in other documents in our





	<p>Development Consent Order Application (DCO) which show the need for temporary surface possession to deliver the works.</p> <p>The area would include the northern tunnel entrance compound as well as the upgrade of the existing section of footpath FP146 (Two Forts Way) to a pedestrian cycle track. Separately to this change, through ongoing design refinement and feedback from stakeholders we are also reducing the rights we require over an area of land within the river. This would instead become land subject to temporary possession (changing from blue to green on the land use figures).</p>
Impact of the change	<p>As this change is restricted to redefining the classification of rights required over land and does not in any way alter the extent, nature or timing of the works proposed at this location, which formed the basis of assessment for the DCO, there is no change to the assessment of environmental impacts presented within the Environmental Statement.</p> <p>The earthworks forming the new public park, Tilbury Fields, occur just to the north of the area related to this change. This area is directly affected by the reinstatement of Footpath FP146 which, when construction is completed, would run along the northern foreshore to the River Thames. Tunnel construction occurs at depth below this area with no impacts at the surface but is the reason why subsoil rights need to be acquired.</p>

We are seeking your comments on the change detailed in the table above. Please find enclosed a bespoke response form, to assist you in providing your feedback. **The deadline for responding is 23.59 on Monday 4 September 2023.**

You can submit your completed response form by email or by post to the address below. Please note, we cannot guarantee that responses sent to any other address will be considered.

Email: Send your response form to consultationresponses@lowerthamescrossing.co.uk





Post: Send a printed response form or letter to the following address:

Consultation Response
Lower Thames Crossing
Pilgrims Lane
Chafford Hundred
Grays
RM16 6RL

Unless using a pre-paid envelope supplied by National Highways, respondents are required to pay appropriate delivery charges for responses sent to this address.

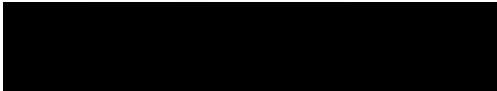
We will make sure that any comments submitted to the above response channels are carefully considered.

Please note that National Highways may be required to make copies of any comments received available to the Planning Inspectorate. For more information on how your personal data is retained and used by National Highways, see our full data privacy statement:

<https://nationalhighways.co.uk/our-work/lower-thames-crossing/privacy-notice/>

If you have any questions about the information contained in this letter, please email us at property@lowerthamescrossing.co.uk

Yours sincerely



Sarah Collins
Head of Land, Property and Compensation
Lower Thames Crossing



Plate A.2 Consultation response form



RESPONSE FORM

LOWER THAMES CROSSING

Consultation on proposed changes to the project with persons with an interest in land

In our accompanying letter, we included a description of the proposed change and a plan and/or land use map to show the location and extent of the change. To assist you in providing feedback on the proposal, please use this response form.

On the following pages we ask you a two-part question for the change that we would like your views on. Please indicate your level of support for the change by ticking the relevant box. In addition, please provide your comments on the change in the open box provided.

If you are posting your completed response form and would like to add further comments on any of the proposed changes, please do so on additional sheets of paper. You can also send your response via email using the address provided below.

Please return your completed response form by:

Email: Send your response form to consultationresponses@lowerthamescrossing.co.uk

Post: Send a printed response form or letter to the following address:

Consultation Response c/o reception
Lower Thames Crossing
Pilgrims Lane
Chafford Hundred
Grays
RM16 6RL

Responses will be accepted until 23.59 on Monday 4 September 2023.

Identification questions

We would be grateful if you could answer the following identification questions to help us categorise responses and so we can attribute your comments to the relevant area of land you have an interest in. Details of individuals will not be made public.

Name:		
Address:		
		Postcode:
Email address:		
Organisation (if applicable):		





Data privacy notice

We are committed to protecting your personal information. Whenever you provide such information, we are legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the General Data Protection Regulation (GDPR).

How will National Highways use the information we collect about you?

We may use your personal data collected via this engagement for a number of purposes, including to:

- analyse your feedback
- produce a consultation report, based on our analysis of responses (individuals will not be identified in the report)
- write to you with updates about the results of this engagement and other developments
- keep up-to-date records of our communications with individuals and organisations

Any personal information you include in this form will be handled and used by (or made available to) the following recipients to record, analyse and report on the feedback we receive:

- National Highways
- The Planning Inspectorate (which will consider our application for permission to build the Lower Thames Crossing)
- The Secretary of State for Transport (who will take the decision on our application)
- our legal advisers
- consultants working on the Lower Thames Crossing project

It is also possible that trusted third-party providers, for example construction companies, may later use the contact details provided in your responses to communicate with you about the project.

What rights do I have over my personal data?

Under the terms of the GDPR, you have certain rights over how your personal data is retained and used by National Highways. For more information, see our full data privacy statement at www.nationalhighways.co.uk/about-us/privacy-notice



East Tilbury Marshes minor land use change

Do you support or oppose this proposed change?

Support Oppose No preference Don't know

Please let us know the reasons for your response and any other comments you have on the East Tilbury Marshes minor land use change below.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
National Highways Limited registered in England and Wales number 09346363
HE540039-CJV-GEN-GEN-TEM-LAP-00229



Plate A.3 Consultation response

Dear Sir/Madam

We write on behalf of Melville Mott, freeholder of the land affected by the proposed minor land use change.

Our client has no objection to the proposed change.

However, as we have discussed with your land and property team, the land within our client's freehold ownership in this location along the river frontage would be severed by the permanent acquisition of adjacent land and therefore access is required across the land proposed to be permanently acquired.

This severance issue, as also discussed with your land and property team, has the potential to sever access to any new wharf/jetty location along that section of river frontage.

Please kindly acknowledge safe receipt.

Yours faithfully

M R Holland MRICS

Director

Email [\[REDACTED\]@hollandlp.co.uk](mailto:mrholland@hollandlp.co.uk)



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