



# The Planning Inspectorate

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National Highways  
CA Regs Interested Parties  
For information – to all Interested Parties

Your Ref:

Our Ref: TR010032

Date: 8 December 2023

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Dear Sir/Madam,

## **Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing**

### **Planning Act 2008 – Section 89(3) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9 and 17**

### **The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 4 to 19**

### **Procedural Decision<sup>1</sup> 44 to publish the Initial Assessment of Issues in relation to the Second Change Request Application and seek final written submissions**

We are writing to inform you of a procedural decision made by the Examining Authority (ExA) in relation to the Second Change Request Application (EC01 and EC02) (CR2).

The Applicant notified the ExA of its intention to seek CR2 on 3 July 2023. The ExA responded to confirm its agreement to the Applicant's consultation process on 14 July 2023 [[PD-022](#)]. CR2 was formally submitted by the Applicant on 8 September 2023 [[CR2-001](#) – CR2-019.] The changes are summarised as follows:

- **EC01:** Revised alignment of a high-pressure gas pipeline at Brentwood Road, which would require additional permanent acquisition of rights to approximately 428m<sup>2</sup> of land for Cadent Gas (Work No. G5).

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<sup>1</sup> All Procedural Decisions made by the ExA for the Lower Thames Crossing examination can be found in the Procedural Decisions Log [[PD-007](#)].

- **EC02:** Additional permanent acquisition of rights to approximately 3,360m<sup>2</sup> of land south of Fen Lane, Ockendon for National Grid Electricity Transmission to facilitate future maintenance and operational access to diverted overhead lines off Fen Lane, Ockendon (Work No. OH7).

In its Procedural Decisions (PDs) 39 and 40 [[PD-039](#)] of 25 September 2023, the ExA assessed the Applicant's CR2 request as required by paragraphs 109 to 115 of DCLG Guidance '[Planning Act 2008: examination of applications for development consent](#)' and the Planning Inspectorate's [Advice Note 16](#) – 'Requests to change applications after they have been accepted for examination'. We resolved to accept CR2 for Examination and, noting the applicability of the of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs) to change requests that seek additional permanent rights, we sought representations on the proposed changes from 10 October 2023 until 10 November 2023, pursuant to Regulations 7 & 10 of the CA Regs.

Representations were made during that period on behalf of Warley Green Ltd [[CARDL1-001](#)], Linford Land Group and Mulberry Strategic Land [[CARRR-01](#)] (the CA Regs Interested Parties). The ExA has considered the issues raised in those representations under Regulation 11 of the CA Regs, which requires us to make an initial assessment of the issues arising in connection with the additional rights requests in CR2. In doing so, we have noted that the makers of those representations have been provided with an opportunity to be heard on the specific issues arising from their representations but have not elected to be heard orally. However, Mr Mike Holland on behalf of Linford Land Group and Mulberry Strategic Land [[CARRR-01](#)] has remained engaged in the Examination throughout and has made multiple oral and written interventions on behalf of his clients affected by CR2.

Taking the matters raised in the CA Regs representations and the engagement of the CA Regs Interested Parties into account, the ExA is content that CR2 can be properly examined within the framework of issues already in use for the Examination as a whole, using written procedure, a decision which was taken on 28 November 2023. It follows that the ExA has adopted its existing Initial Assessment of Principal Issues (IAPI) as the initial assessment of issues arising for the purposes of Regulation 11 of the CA Regs. The IAPI can be found at Annex B to the Rule 6 Letter of 25 April 2023 [[PD-013](#)].

On this basis and pursuant to the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17, the ExA seeks final written submissions (if any) from the CA Regs Interested Parties at Deadline 9A (15 December 2023) and final responses from the Applicant (if required) at Deadline 10 (20 December 2023).

#### **44. CA Regs – Regulation 11: initial assessment of the issues arising from CR2 and final written submissions**

The ExA's initial assessment of the issues arising from CR2 was that the issues identified in the IAPI, and particularly issue 15: '*[t]he acquisition and temporary possession of land and rights...*' are applicable to the Examination of representations relating to CR2 arising under the CA Regs.

Any final matters in relation to CR2 arising from the CA Regs Interested Parties must be put in writing at **Deadline 9A** on 15 December 2023 and the Applicant may respond at **Deadline 10** on 20 December 2023.

If you have any questions on the matters addressed in this letter, please do not hesitate to contact the case team using the contact details at the head of this letter.

Yours faithfully,

*Rynd Smith*

Rynd Smith  
**Lead Panel Member for the Examining Authority**

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