

Lower Thames Crossing

9.214 Applicant's comments on Interested Parties' submissions at Deadline 8

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

DATE: December 2023
DEADLINE: 9

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.214

VERSION: 1.0

Lower Thames Crossing

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1 Introduction

1.1 Introduction

- 1.1.1 National Highways (the Applicant) has reviewed the submissions made by Interested Parties (IPs) at Deadline 8. Where the Applicant considers it has already addressed an issue in previous submissions before the Examination, or it is covered by a Statement of Common Ground (SoCG), the Applicant has taken the approach of not repeating its position in this document. Accordingly the focus of this document is responding to new matters raised at Deadline 8, or providing clarification of the Applicant's position in response to Deadline 8 submissions where considered beneficial to do so.
- 1.1.2 The Applicant has provided responses to part of the following submissions with the aim of assisting the Examining Authority and the Examination process:
- a. Climate Emergency Policy and Planning (CEPP) [[REP8-174](#)] (Section 2 of this document)
 - b. Gateley Hamer on behalf of Tarmac Building Products Limited [[REP8-190](#)] (Section 3 of this document)
 - c. Gateley Legal on behalf of Christopher Scott Padfield, S&J Padfield & Partners LLP and S&J Padfield Estates LLP [[REP8-173](#)] (Section 4 of this document)
 - d. Gateley Legal on behalf of Stuart Mee A P Mee Partnership [[REP8-189](#)] (Section 5 of this document)
 - e. Gravesham Borough Council [[REP8-126](#)], [[REP8-127](#)], [[REP8-128](#)], [[REP8-134](#)] (Section 6 of this document)
 - f. Kent County Council [[REP8-138](#)] (Section 7 of this document)
 - g. Kent Downs AONB Unit [[REP8-144](#)] (Section 8 of this document)
 - h. London Borough of Havering [[REP8-147](#)] (Section 9 of this document)
 - i. Natural England [[REP8-154](#)] (Section 10 of this document)
 - j. Port of London Authority (PLA) [[REP8-163](#)] (Section 11 of this document)
 - k. Thurrock Borough Council [[REP8-166](#)], [[REP8-167](#)] (Section 12 of this document)
 - l. Thurrock Flexible Generation Limited (formerly Thurrock Power Limited) [[REP8-169](#)] (Section 13 of this document)
 - m. Transport for London (TfL) [[REP8-171](#)] (Section 14 of this document)
 - n. Warley Green Limited [[REP8-193](#)] (Section 15 of this document)

- 1.1.3 The Applicant has not sought to provide a summary of the IPs' submissions, to avoid misrepresenting statements made by others. Instead, the Applicant has provided links to source documents for each response below. Where helpful to provide context for the Applicant's response, extracts of direct quotes are provided within the body of the response.
- 1.1.4 The Applicant has no comments to make on the other Deadline 8 submissions made by IPs.

1.2 Signposting to other responses to Deadline 8 submissions

- 1.2.1 This document does not include responses to the following matters:
- a. Any comments made on the draft Development Consent Order (dDCO), planning obligations, agreements and the adequacy of security. These have been covered in the Applicant's response to IPs' comments on the dDCO at Deadline 8 [**Document Reference 9.213**].
 - b. To respond to hearings actions required to be submitted at Deadline 9, the Applicant has prepared Deadline 9 Hearing Actions [**Document Reference 9.222**]; in some instances this provides an update on what was submitted by Interested Parties at Deadline 8.

2 Climate Emergency Policy and Planning (CEPP)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7	Climate Emergency Policy and Planning	<p>Link to IP's submission: [REP8-174]</p> <p>Applicant's response: The Applicant acknowledges CEPP's Deadline 8 submission. For the purposes of this response and in order to assist the Examining Authority, the Applicant has focussed on new issues raised by CEPP at Deadline 8 and provided a response accordingly. These are taken in turn below.</p> <p>Position Statement R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 In response to the ExA's request for a rolling position statement on the Boswell appeal case, the Applicant confirms nil return.</p> <p>Security of the Carbon and Energy Management Plan and the Project's carbon limit and the use of the carbon limit as reasonable worst case for EIA A number of the comments raised by the CEPP relate to an incorrect assumption that the Carbon and Energy Management Plan and associated carbon commitments are not secured. The Applicant set out the basis of security in its oral and written submission at Issue Specific Hearing 12 (ISH12) [REP8-111].</p> <p>The Applicant believes there may be some misunderstanding in section 4.2 of CEPP's submissions as to the mechanism under which the Carbon and Energy Management Plan is secured. CEPP appears to consider that, because the Carbon and Energy Management Plan will not form part of the second iteration of the environmental management plan (or EMP2), it is simply a "supportive plan". To be clear, the Carbon and Energy Management Plan is a secured plan, pursuant to Requirement 16 of Schedule 2 of the draft DCO. It does not form part of EMP2, the preparation and approval of which is secured by Requirement 4 of the draft DCO. The two are therefore distinct; but both are legally secured. In the Applicant's view, many of the comments raised by CEPP at Deadline 8 arise because of a misconception that the Carbon and Energy Management Plan and measures contained in that plan (including CBN04) are not secured.</p>

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		<p>Requirement 16 of Schedule 2 of the draft DCO states at paragraph (1) that no part of the authorised development must commence until the Carbon and Energy Management Plan (Second Iteration) for that part has been submitted to and approved in writing by the Secretary of State (SoS) and at paragraph (2) that the Carbon and Energy Management Plan (Second Iteration) must be substantially in accordance with the First Iteration. Commitments in the First Iteration which relate to the construction of the authorised development will need to be reflected in the Second Iteration. The Second Iteration would provide the detailed approach to reducing emissions including (a) how the Contractors will comply with the maximum level of emissions secured as part of the first iteration and (b) the further measures and proposals Contractors will deploy during the construction phase to reduce emissions below this maximum level.</p> <p>On this basis, it is clearly the case that the Carbon and Energy Management Plan and carbon commitments, inclusive of the CBN04 carbon limit of 1.44 million tCO₂e are robustly secured within the DCO and are not “<i>just a supportive plan</i>” as suggested in [REP8-174].</p> <p>At Issue Specific Hearing 12 and through the response provided above, the Applicant has clearly demonstrated that the carbon limit of 1.44 million tCO₂e, secured through CBN04, is legally binding within the draft DCO. It is therefore entirely correct for the Examining Authority and Secretary of State to give weight to the commitment, in the same way that it is for all other measures which the Applicant is legally committing to within the draft DCO.</p> <p>Robustness of the emissions quantification, basis for emission savings and risk assessment of carbon limit</p> <p>In their representation, CEPP has challenged the basis and robustness of the Project's emissions quantification and its use in determining the assessment of likely significant effects reported in ES Chapter 15. It is noted that CEPP quotes information from the previously withdrawn DCO application. This information does not form part of the application or Project design being examined by the Examining Authority and is not relevant. No further comment will be made to matters related to information not documented in the Examination Library.</p> <p>The Applicant would refer CEPP to the updated Carbon and Energy Management Plan submitted at Deadline 8 [REP8-088]. Appendix B and Appendix C provide a comprehensive breakdown of the scope of the emissions quantification, including lifecycle, temporal and spatial boundaries, data sources and data quality principles. Table C.3 sets out the full data source used to develop the Project emissions quantification, in line with the requirements of PAS 2080 carbon management standard and demonstrates that the forecasting is not speculative as suggested by CEPP.</p>

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		<p>The carbon quantification has incorporated current (i.e. today's) best practice carbon reduction measures, as presented in Table D.3. These specific measures have not been secured within the DCO; however, the Contractors have committed to delivering the Project within the envelope of the maximum carbon limit of CBN04. The approach has retained flexibility for the Contractors to develop and implement innovative construction approaches to ensure carbon emissions are minimised throughout detailed design and construction. This is incentivised through the mechanisms secured within the Carbon and Energy Management Plan, specifically, CBN11 and CBN12. In the Applicant's opinion, this provides the most effective way of testing and developing low carbon approaches, which are not available today (i.e. would represent future best practice measures) and using the detailed design for further optimisation. This can have a wider beneficial impact in decarbonising the UK highway and construction industries. Through significant market engagement during the procurement of the three design and build contracts, the Applicant has legally secured, through version 3 of the Carbon and Energy Management Plan, a new lower maximum carbon limit.</p> <p>The Applicant acknowledges the potential risks due to the maturity and stage of the design. To address this, the carbon quantification has made an allowance, equating to 20% of the total greenhouse gas (GHG) emissions, for unforeseen circumstances that may result in additional GHG emissions. The data sources are identified in Table C.3 (PAS 2080 module A5: Construction process stage: Onsite stage) and Plate D.3 of the Carbon and Energy Management Plan [REP8-088]. This allocation is reflective of the design stage and the scale of the Project.</p> <p>Further to this, the Applicant has also undertaken activities to assure the carbon quantification and verify its internal carbon management system. The Applicant achieved PAS 2080 certification from an independent, third-party certification body in 2022 and is currently undergoing certification against the latest update to PAS 2080 (PAS 2080:2023 Carbon Management in Infrastructure (British Standards Institution, 2023)). Appendix B and Appendix C of the Carbon and Energy Management Plan have been updated to reflect the requirements of the latest PAS 2080 guidance at Deadline 8 [REP8-088].</p> <p>The carbon quantification model was reviewed by an independent expert, UKCRIC Limited, a network of leading UK universities. This process confirmed that the approach to calculating carbon represents good practice and that the construction phase emissions level of 1.76 million tCO₂e (now updated to 1.44 million tCO₂e) is in line with industry best practice. The findings of the UKCRIC report have been adopted where they are relevant to this phase of the Project.</p> <p>The measures adopted by the Applicant therefore demonstrate that there is no basis for CEPP's claims that the carbon commitments contained in the draft DCO have not been subject to a robust risk assessment.</p>

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		<p>For the reasons set out above, the carbon quantification can accordingly be considered to be comprehensive, robust, representative of industry best practice and appropriate to use within the Environmental Impact Assessment.</p> <p>Failure to remain within the secured carbon limit and corrective actions</p> <p>In Section 4.2 CEPP provide comment on the Applicant's responses at ISH12, noting the use of contract defects to remedy contractual emission targets not being achieved. In this regard, the Applicant has provided further comment below to assist CEPP in understanding this process. The Applicant has put in place several mechanisms described in the Carbon and Energy Management Plan which seek to ensure that the carbon limit of 1.44 million tCO₂e, secured through CBN04, would not be exceeded.</p> <p>The maintenance of PAS 2080 certification (CBN13, CBN14 and CBN15) would ensure regular monitoring of the progress of the implementation of carbon reduction measures against the detailed quantification provided in the second iteration of the Carbon and Energy Management Plan. This would allow for early identification of corrective actions if so required. The Contractor would be required to attain annual certification for PAS 2080. Carbon commitment CBN03 ('The Applicant will ensure that formal regular collaborative carbon reduction workshops are held with representatives of all Contractors present.') would facilitate this process.</p> <p>Corrective actions would in the first place comprise the identification of alternative carbon reduction measures or, if not feasible for a specific material or activity, compensation by achieving gains elsewhere. Defects management will 'incentivise' Contractors to not exceed their contractually agreed maximum carbon limits. Financial resources are available through CBN12 to drive carbon emissions further down ('<i>The Applicant will include a contractual mechanism that allows Contractors to be paid the additional costs of implementing agreed carbon reduction technologies, together with an incentive payment to further encourage their identification and adoption.</i>'). As part of its commitment to transparency, CBN16 requires the Applicant to publish an annual carbon report to include information on forecast life cycle carbon emissions, carbon reductions and progress against carbon commitments as well as key actions and targets for the following year.</p> <p>Finally, the carbon quantification has made an allowance, equating to 20% of the total GHG emissions, for unforeseen circumstances that may result in additional GHG emissions.</p> <p>Non-legality of using CEMP based data for EIA assessment</p> <p>There is no valid basis for CEPP's claim that schedule 4, paragraph 6 of the Infrastructure Planning (EIA) Regulations 2017 has been breached by the Applicant. Paragraph 6 of Schedule 4 requires an</p>

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		<p>Environmental Statement to include “... a description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved”. The Applicant has set out in the Carbon and Energy Management Plan submitted at Deadline 8 [REP8-088] how the Project’s revised maximum level of emissions (CBN04) has been derived and the composition of those emissions (which includes a risk allocation). This revised figure then forms the basis of a sensitivity analysis in Appendix E of the ES Addendum [REP8-092], which concludes by confirming that “the conclusions of ES Chapter 15 are based on more conservative assumptions that the changes presented in this appendix and therefore remain valid as a worst case scenario”.</p> <p>It is therefore abundantly clear that the evidence relied upon to identify and assess the significant effects on the environment have been set out in the Environmental Statement and accompanying documentation, for the purposes of the requirement in paragraph 6 of Schedule 4 to the 2017 Regulations.</p> <p>Notification of error in Environmental Statement following revised Carbon and Energy Management Plan</p> <p>In Section 4.6 and 4.7 of REP8-174, CEPP suggests that the Applicant has made an error in Appendix E of the ES Addendum [REP7-154]. The Applicant can confirm that there has been no error in the reporting presented in Appendix E. It is important to clarify that both Appendix D and Appendix E should be viewed as a sensitivity analysis to determine whether the conclusions of likely significant effects reported in ES Chapter 15 [APP-153] remain robust. The Applicant refers CEPP to paragraph D.2.4 of the ES Addendum which clarifies the Applicant’s position in relation to the Ministerial Statement by confirming:</p> <ul style="list-style-type: none"> • That the application documents [and therefore Environmental Statement] are based on a 2030 opening year • That the Environmental Statement provides conclusions that remain robust for the purpose of making a decision on the Project • That no change is required to the draft DCO or other application documents as a result of the Ministerial Statement.

	<p>Table D.2 presents a sensitivity analysis of the effects that the Ministerial Statement would have on the conclusions of ES Chapter 15 [APP-153] and confirms that, overall, it is not anticipated that there would be a material change in the significance of effects on GHG emissions as reported in the ES. This is supported by Annex D1 which presents an analysis of how the Project's contributions to the carbon budgets are affected.</p> <p>Similarly, Appendix E provides an overview of the implications of the reduction in the legally secured carbon limit and the alignment of the carbon quantification with the 2023 PAS 2080 standard. This analysis confirms that the conclusions of ES Chapter 15 are based on more conservative assumptions than the changes presented in Appendix E and therefore remain valid as a worst-case scenario. The ES Chapter 15 has therefore not been updated.</p> <p>The Applicant will not comment on the speculative assessment presented by CEPP but reiterates that, in light of the analysis presented in Appendix D and Appendix E of the ES Addendum, it can be confirmed that the conclusions of ES Chapter 15 are robust for the purpose of making a decision on the Project.</p> <p>Hydrogen</p> <p>In response to CEPP's comments in Section 5 on the use of hydrogen, the Applicant would refer CEPP to its response at Deadline 8 [REP8-119], which clarifies its position. The GHG emissions quantification supporting the DCO application has not accounted for any use of hydrogen. There is no further comment on this matter.</p> <p>Tyndall Centre Budgets</p> <p>In response to Section 6, the Applicant does not see added value in contextualisation against the Tyndall Centre Budgets given it has taken the approach of assessing the carbon intensity reduction against the net zero trajectory.</p> <p>The Applicant has presented a policy compliant assessment which meets the requirements set out in the National Policy Statement for National Networks (NPSNN) (Department for Transport, 2014). The Applicant has considered the impact of the Project against the UK carbon budgets to enable the decision maker to determine whether the Project's GHG emissions would have a material impact on the Government's ability to meet its carbon reduction targets (which are set out in the national carbon budgets under the Climate Change Act 2008). The Climate Change Act 2008 (Amended 2019) states <i>"It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline"</i>.</p> <p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and NPSNN represent current legislation and policy and do not specify a requirement for local and regional carbon assessments. There are currently no net zero statutory targets on local authorities or communities and there is no requirement in national legislation or policy for an assessment against local or regional</p>
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		<p>carbon budgets. For a development the size of the Project, the Applicant considers the national carbon budgets to be the appropriate comparison for the measure of significance.</p> <p>Recent planning decisions provide useful precedents in this regard, including the Bristol Airport extension case (Bristol Airport Action Network Co-ordinating Committee v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 171 (Admin)). Mr Justice Lane confirmed that <i>"... I am in no doubt that the Panel did not act irrationally in giving the issue of local carbon budgets no weight, on the ground that such budgets have no basis in law or in policy"</i>. While that case is related to a local planning application, it nevertheless clarifies the status of local carbon budgets in the planning system. For the Lower Thames Crossing Project, as a Nationally Significant Infrastructure Project, the relevant policy is the NPSNN. The NPSNN refers only to the national budgets made under the Climate Change Act (CCA) 2008.</p>

3 Gateley Hamer on behalf of Tarmac Building Products Limited

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Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7	Gateley Hamer on behalf of Tarmac Building Products Limited	<p>Link to IP's submission: [REP8-190]</p> <p>Applicant's response: With regards to those matters raised in <i>Section 2. Permanent Rights</i> and <i>Section 3. Temporary Rights of Access</i>, the Applicant would refer to its submissions made at Compulsory Acquisition Hearing 3 (CAH3) and Post-event submissions, including written submission of oral comments, for CAH3 [REP6-087]. The Applicant would however reiterate that even in the existence of a voluntary agreement between the parties, should this be achieved, it is standard practice for that land and the associated rights to be contained within the application to serve three primary functions:</p> <ol style="list-style-type: none"> 1. To provide development consent for the works taking place on the land 2. To enable all relevant assessments forming part of the Environmental Assessment of the Project to be completed to the extents of the Project 3. To safeguard the Project, both in interests and in delivery of the Project, in the eventuality that the agreements are not executed in a reasonable manner, or are determined to not be relevant to the works required at the point of delivery. <p>The Applicant strongly refutes the comments made in paragraph 2.5 – the Applicant is not “<i>merely acting as a puppet for UKPN and NGET to achieve powers that are not required for the delivery of the Scheme</i>”. On the contrary, the Applicant is acquiring those powers necessary for the efficient and effective delivery of the Project over existing infrastructure located both within and adjacent to Tarmac's land, including the necessary rights to install additional or different fittings to those that currently exist and/or are permitted. This accords with the requirements of UKPN and NGET as presented to the Applicant – namely that “<i>the utility providers had confirmed their position that, in order to carry out the works, the land and rights must be secured in DCO</i>” which must be acquired in a form consistent with up-to-date standards and requirement. The existing form of rights over the land, for the reasons explained in CAH3, are not sufficient to give confidence that the assets associated with the Project can be delivered.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>With regards to paragraphs 3.4 and 3.5, the Applicant wishes to explain that plot 27-70 (not 27-72 as stated by Tarmac) is the proposed permanent access rights to be granted associated with Work No OH4, namely access to pylon ZJ016, and those spans between ZJ015, ZJ016 and ZJ017 using the existing perimeter road. It is not a temporary access route as per those routes shown through plots 27-40, 27-49, 27-52, 27-55, 27-56, 27-65, 27-72. As such, even with the existence of voluntary agreements, it will remain within the application for those reasons stated previously.</p> <p>For clarity, in response to paragraph 3.8, the acquisition of voluntary agreements between the Applicant and the relevant landowner is the Applicant's preference opposed to exercising those Compulsory Acquisition (CA) and Temporary Possession (TP) powers approved by the granting of the DCO. Those voluntary agreements that would be sought by the Applicant, where relevant to utility companies, would be inclusive of a 'boiler plate' agreement which has been provided by the relevant utility company with the exact details to be worked through at the detailed design stage. In the presence of an agreement between the Parties, being executed in a reasonable manner, the Applicant would not need to rely on those powers granted. As such, the voluntary agreements being progressed, in the Applicant's opinion, carry sufficient weight and adequate safeguarding when entered in to.</p> <p>Nonetheless, the Applicant does not consider the Heads of Terms by Tarmac provided would meet the three objectives above, nor provide assurance to SUs that adequate rights would be in place. Those Heads of Terms do not, in the Applicant's view, offer sufficient rights to ensure the delivery, maintenance and operation of the utility assets but it will continue to engage with Tarmac to reach a suitable agreement.</p>

4 Gateley Legal on behalf of Christopher Scott Padfield, S&J Padfield & Partners LLP and S&J Padfield Estates LLP

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<p>Deadline 8 Submission - Post-event submission, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023</p>	<p>Gateley Legal on behalf of Christopher Scott Padfield, S&J Padfield & Partners LLP and S&J Padfield Estates LLP</p>	<p>Link to IP's submission: [REP8-173]</p> <p>Applicant's response: The Applicant is progressing legal agreements with Mr Padfield in relation to Brentwood Enterprise Park and his other personal interests. It is anticipated that both will be signed in early 2024. Matters raised in the submission were addressed in Comments on WR Appendix F: Landowners [REP2-051] and at CAH5 including Post-event submissions, including written submission of oral comments, for CAH5 [REP8-109]. Further to this the Applicant summarises below matters in relation to the existing occupiers at Codham South and requests of Mr Padfield, his agents and his legal representative over the past several years. Prior to the submission of the DCO application the Applicant met with Mr Padfield and/or his representatives on 24 separate occasions in relation to his interests. On several of those occasions the existing occupiers at Codham South were discussed and the Applicant verbally requested the occupiers contact details and addresses to ensure that the correct parties were written to regarding the Project and were appropriately consulted. In addition to these verbal requests, the Applicant requested the information via email and letter; a non-exhaustive summary of these requests is provided in the table below.</p> <p style="text-align: center;">Table 1 Record of requests for occupier information</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d3d3d3;"> <th style="width: 15%;">Date</th> <th style="width: 15%;">Communication</th> <th style="width: 25%;">Correspondence to</th> <th style="width: 45%;">Summary</th> </tr> </thead> <tbody> <tr> <td>09/07/2018</td> <td>Letter</td> <td>Mr Padfield</td> <td>Land Interest Questionnaire (LIQ) sent</td> </tr> <tr> <td>01/08/2018</td> <td>Email</td> <td>Mr Padfield</td> <td>Follow up email – offer assistance completing LIQ</td> </tr> <tr> <td>29/11/2018</td> <td>Letter</td> <td>Mr Padfield</td> <td>LIQ follow up request</td> </tr> <tr> <td>01/02/2021</td> <td>Email</td> <td>Peter Cole (agent)</td> <td>The Applicant provided a list of Codham Hall South occupiers sourced from its own diligent enquiries, requesting it be reviewed and verified by Mr Padfield for inclusion in consultation</td> </tr> </tbody> </table>	Date	Communication	Correspondence to	Summary	09/07/2018	Letter	Mr Padfield	Land Interest Questionnaire (LIQ) sent	01/08/2018	Email	Mr Padfield	Follow up email – offer assistance completing LIQ	29/11/2018	Letter	Mr Padfield	LIQ follow up request	01/02/2021	Email	Peter Cole (agent)	The Applicant provided a list of Codham Hall South occupiers sourced from its own diligent enquiries, requesting it be reviewed and verified by Mr Padfield for inclusion in consultation
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		06/05/2021	Email	Peter Cole (agent)	Chaser email					
		17/05/2021	Email	Peter Cole (agent)	Chaser email					
		16/06/2021	Email	Peter Cole (agent)	Chaser email					
		16/06/2021	Email	The Applicant from Peter Cole (agent)	Explaining they were struggling to gather the requested tenant information					
		25/06/2021	Email	Peter Cole (agent)	Explaining the Applicant would be writing to the occupiers regarding the Project and the forthcoming consultation based on information it had sourced from by its own diligent enquiries as no response received from Mr Padfield.					
		14/03/2022	Email	Oliver Lukies (agent)	Requesting Codham South occupier information					
		08/04/2022	Email	Oliver Lukies (agent)	Requesting Codham South occupier information					
		15/08/2022	Email	Mr Padfield, Karen Howard (legal representative) and Christopher Monk (agent)	Requesting Codham South occupier information					
<p>Despite these verbal and written requests, the Applicant did not receive any confirmation from Mr Padfield or his representatives regarding the details of the existing occupants until a list was provided within Mr Padfield's witness statement submitted to the Examining Authority at Deadline 8 on 5 December 2023. As such the Applicant made its own diligent enquiries in accordance with the Statement of Reasons Annex C: Land Referencing Methodology [APP-061] and has previously written to the occupiers it identified; these are listed below.</p> <p style="text-align: center;">Table 2 List of interested parties the Applicant has written to at Codham South</p> <table border="1" data-bbox="566 1169 2045 1374"> <tr><td>A & M Services (Essex) Ltd</td></tr> <tr><td>ACones Limited</td></tr> <tr><td>ATC Builders Ltd</td></tr> <tr><td>AW Hire Services Ltd</td></tr> <tr><td>BCA Codham Hall</td></tr> </table>						A & M Services (Essex) Ltd	ACones Limited	ATC Builders Ltd	AW Hire Services Ltd	BCA Codham Hall
A & M Services (Essex) Ltd										
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BCA Codham Hall										

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		Boyle Highways Limited
		Capital Containers Limited
		Carnell Support Services
		CM Construction and Civil Engineering Ltd
		CMCCE Limited
		Comex 2000 (UK) Limited
		GNS Communications Limited
		HLPC UK Limited
		J McCann & Co Limited
		JLX Ltd
		John Henry Group Limited
		KN Group (Transforge Delivery)
		LDN Agency Limited
		Loughton Scaffolding Merchants Limited
		Marlborough Highways Limited
		Minlogist Ltd
		Miracons Ltd
		Montglass Ltd
		My Tree Care Limited
		Nationwide Plant Solutions Limited
		Phoenix Cafe
		PICH Telecoms Ltd
		Progrid Limited
		Sieratrans Ltd
		Taylor Webb Ltd
		Triplex Traffic Management Limited
		UK Line Ltd

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The Applicant notes that the Deadline 8 submissions from Padfield repeat the proposition that the Project draft DCO does not have the legal power to stop up the M25 access which is used by occupiers of Codham South. The Applicant considers this proposition has no legal merit and fundamentally misunderstands the effect of well-precedented powers contained in the DCO, itself a prospective statutory instrument, to stop up a private means of access. The Applicant has already addressed these points in full. In particular, the Applicant responded to legal arguments regarding the existing access from junction 29 of the M25 in Comments on WR Appendix F: Landowners [REP2-051] pages 78-80. These matters were further addressed in CAH5, and the Applicant refers to Post-event submissions, including written submission of oral comments, for CAH5 [REP8-109].</p> <p>No new arguments are raised which fundamentally challenge the well-trodden ground and response provided in this context. However, the Deadline 8 submission proposes a new Requirement. Given the legal basis for the Requirement is not made out, the Applicant rejects its inclusion in the draft DCO but would further highlight:</p> <ol style="list-style-type: none"> 1. The Deadline 8 submission seeks to suggest that no reading could be given to “<i>Article 1(2)(d) provision of a new means of access [in the 1979 Order] mean, [to] mean exclusively, or be confined to only the construction of a means of access such that, once it had been actually constructed, it was a one off event that was ‘spent’ and had no concurrent entitlement to use the means of access</i>”. Except, that is precisely what that 1979 Order sought to do, and indeed, could only do. The 1979 Order is a Compulsory Purchase Order, and article 1(2)(d) explicitly states “<i>the land and rights... are authorised to be be purchased compulsorily...</i>”. It does not purport to do, or give effect, to anything else. 2. It is claimed that “<i>the draft DCO does not expressly authorise the taking of the right of means of access</i>”. This is incorrect for the reasons explained in Comments on WR Appendix F: Landowners [REP2-051]. The general claim that the Applicant “<i>can achieve by the back door what they have chosen to not do by the front door</i>” by using Part 3 is rejected by the Applicant . Article 14, in Part 3, sets out that “<i>all rights of way over or along the street or private means of access so stopped up are extinguished</i>”. There is nothing “back door” about this approach, the effect of the provision is

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		<p>abundantly clear. The Applicant could provide dozens of DCO precedents – transport or otherwise – which support its approach.</p> <p>3. The similarly meritless claim that the Applicant “<i>cannot properly under its Corporate Governance Project Control Framework (November 2018) Award a Contract until after the event of a DCO being determined and after a Notice to Proceed</i>” is addressed in Annex B.15 of Post-event submissions, including written submission of oral comments, for CAH5 [REP8-109].</p> <p>4. The proposed requirement conflicts with the provision of article 14 and, in any event, the Applicant rejects the suggestion the Project should incorporate an access being provided by the BEP vehicular bridge access. As noted at CAH5, the existing access to the current occupiers will be stopped up as part of BEP should it proceed. The Applicant understands that this is because the BEP vehicular bridge is necessary for the BEP in its own right, rather than by reason of the Project.</p>

5 Gateley Legal on behalf of Stuart Mee A P Mee Partnership

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Post-event submissions, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023	Gateley Legal on behalf of Stuart Mee A P Mee Partnership	<p>Link to IP's submission: [REP8-189]</p> <p>Applicant's response: The Applicant notes Gateley Legal's representations on behalf of Stuart Mee et al at D8 [REP8-189] and in particular the Witness Statement therein. The Applicant wishes to highlight that it does not agree with the accuracy of many of the statements made therein, especially as the negotiations have been primarily conducted with Mr Mee's agent rather than directly with Mr Mee himself. It should be noted, that with the exception of the replacement open space land and the voluntary dedication agreement for the WCH route, these matters will now also be covered in five new SACR commitments being SACR-0028 to SACR-032 inclusive to be submitted at Deadline 9 [Document Reference 7.21 (7)].</p> <p>Mr Mee's Deadline 8 representation suggests that the SAC-R commitment is generalised. The Applicant does not agree. The SAC-R commitment is clear that "Where access to a significant area of a landowner's farmland is severed by construction works the Main Works Contractor shall ensure that the farmer is provided with controlled access to their retained land. Time period – throughout the construction as required." The Deadline 8 submission suggests that the reference to "significant" and "required" weakens the commitment. The Applicant considers that this is a proportionate commitment, and it must be read alongside Article 13 and 14 (which provide for diversions), as well as the oTMPfC which specifically provides in Table 2.3 for local residents that "Access and egress to be maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works". The purpose of the SAC-R commitment is provide explicit assurance for farmers. If access is not "required", there is no need for al alternative access to be provided. The Applicant would note that in the event any access is stopped and no diversion is provided, this is a matter which will be addressed in line with the compensation code. On the meritless submission about the PCF and award of contract, the Applicant refers to section B.10, Annex B of 9.186 Post-event submissions, including written submissions of oral comments, for CAH5 [REP8-109]. The suggested Requirement is therefore also rejected as unnecessary, superfluous, and runs the risk of conflicting with extant requirements.</p>

6 Gravesham Borough Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Post-event submissions, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023	Gravesham Borough Council	<p>Link to IP's submission:</p> <p>[REP8-126]</p>
		<p>Applicant's response:</p> <p>Gravesham Borough Council (GBC) has suggested that article 35(5) of the draft DCO [Document Reference 3.1 (11)] should be modified to include a requirement for the relevant local planning authority to be consulted in relation to the restoration of land of which temporary possession has been taken under article 35, where that land is Green Belt land or is in an area of outstanding natural beauty.</p> <p>The Applicant notes that article 35(5) requires reinstatement of land subject to temporary possession. The Applicant considers that provision is sufficient to assure GBC that temporary works will be removed. These clear obligations are further supplemented in the Register of Environmental Actions and Commitments (REAC) [Document Reference 6.3 ES Appendix 2.2 (9)] by further reinstatement requirements in GS012, GS014, CH006, LV002, RDWE009, RDWE021, TB020, TB021. Further measures requiring reinstatement, including in relation to sensitive sites, in the Design Principles (see Design Principles with Clause No. S1.01, S1.12, S3.05, S3.16 and LSP.05) [Document Reference 7.5 (7)]. As noted, the Applicant appreciates that there is an exemption to removing temporary works under article 35(5), but the amendment made at Deadline 8 to ensure this only applies where planning permission is in place, provides comfort that no temporary works will remain in place.</p> <p>Introducing a separate requirement for consultation is therefore unnecessary, disproportionate and may in fact delay the reinstatement of the relevant land. The Applicant notes that no precedent is offered to support this novel suggestion, and should therefore be rejected.</p> <p>GBC's Deadline 8 comments on article 35 are made with specific reference to the removal by the Applicant, at Deadline 7, of the proposed Thong Lane car park. That change was made to address concerns raised by the Interested Parties including GBC. The eastern part of the site formerly proposed as Thong Lane car park (plot 04-277) is retained for permanent works comprising electricity submissions, including a maintenance access track. The western part of the site formerly proposed as Thong Lane car park (plot 04-276) is now subject to temporary possession powers only, and would be instated and returned to the landowner once its temporary use as part of construction compound CA2 has concluded.</p>

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		<p>It is clear from the following revised plans at Deadline 7 that no permanent works are proposed for plot 04-276 and that it will therefore be reinstated to a green and open condition, and further that permanent works on plot 04-277 are limited to substation works with a private means of access:</p> <ul style="list-style-type: none"> - Rights of Way and Access Plans Volume B (Sheets 1 to 20) – sheet 4 [REP7-044] - Environmental Masterplan Section 2 (2 of 10) Masterplan – sheet 19 [REP7-116] - Works Plans Volume B Composite (sheets 1 to 20) – sheet 4, work MU11 [REP7-038] - General Arrangement Plans Volume B (sheets 1 to 20) – sheet 4 [REP7-026] - Engineering Drawings and Sections Volume A (A122 LTC plan and profiles) – sheet 3 [REP7-054] <p>The above plans are secured by Requirements 3 and 5 of the draft DCO [Document Reference 3.1 (11)].</p>
Deadline 8 Submission - Appendix 1a - Response to ISH11 Action Points 4,5 and 14	Gravesham Borough Council	<p>Link to IP's submission: [REP8-127]</p> <p>Applicant's response:</p> <p>In their Deadline 8 submission on Issue Specific Hearing 11 agenda item 3a)i [REP8-127], Gravesham Borough Council are not correct to say that <i>'it is unfortunate that visuals of the proposed A2 junction were not available for the Hearing...'</i> The Applicant notes that it has provided the following visualisations to illustrate the proposed M2/A2/A122 Lower Thames Crossing junction:</p> <ul style="list-style-type: none"> • Photomontage S-22 in ES Figure 7.19 Photomontages Winter Year 1 and Summer Year 15 (1 of 4) [Document Reference 6.2 ES Figure 7.19 1 of 4 (5)] and photomontages S-25 and S-28 in ES Figure 7.19 Photomontages Winter Year 1 and Summer Year 15 (2 of 4) [Document Reference 6.2 ES Figure 7.19 2 of 4 (3)] • Enhanced Cross Sections (Part 1 of 2) [REP2-069] and Enhanced Cross Sections (Part 2 of 2) [REP2-071] <p>In relation to Gravesham Borough Council's Deadline 8 submission on Issue Specific Hearing 11 agenda item 3a)iii [REP8-127] post hearing updates (final paragraph), the Applicant also notes that the following visualisations were provided at Deadline 7:</p> <ul style="list-style-type: none"> • Computer Generated Views from Thong Lane green bridge south [REP7-189] (published on PINS website on 22 November 2023) <p>In their Deadline 8 submission on Issue Specific Hearing 11 agenda item 3a)ii [REP8-127], Gravesham Borough Council state that <i>'The documents [landscape character assessments by Kent County Council,</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Gravesham Borough Council and the Kent Downs AONB] <i>show the boundary between the West Kent Downs (sub-area Cobham) Local Landscape Character Area (LLCA) and WK Downs (sub-area Shorne) LLCA runs along the southern boundary of the east bound A2 carriageway, placing the central reservation woodland in the Cobham sub-area to the south</i>'. However, the Applicant contends that it is not possible to confirm Gravesham Borough Council's interpretation of the character area boundary from the small-scale maps provided in the published landscape character assessments. Furthermore, the statement by Gravesham Borough Council in their Deadline 8 submission appears to contradict the Gravesham Landscape Character Assessment (Gravesham Borough Council, May 2009), which describes the geographical area of 'Shorne Woodlands' (the Gravesham landscape character area corresponding to the Kent Downs AONB Unit Local Landscape Character Area of the West Kent Downs sub-area Shorne) at page 27 as follows:</p> <p><i>'Shorne Woodlands is located to the south east of Gravesend. The combined corridor of the Channel Tunnel Rail Link and the A2 form the southern boundary, with the A289 forming the boundary to the east.'</i> (Applicant's emphasis)</p> <p>The Gravesham Landscape Character Assessment therefore implies that HS1 defines the southern boundary of the character area. Notwithstanding, the Applicant notes the following guidance from Natural England in An Approach to Landscape Character Assessment (Natural England, 2014) in relation to landscape character area boundaries:</p> <p><i>'...boundaries are rarely precise and generally represent zones of transition...Detailed, district and local assessments often link boundaries to specific features in the landscape, e.g. @ 1:25,000 or 1:10,000 scale, but even at this scale the boundary line may mark a zone of transition.</i></p> <p><i>Mapped boundaries may suggest that there is a sharp change from one landscape to another, generally however, on site it can be seen that a boundary line represents a zone of transition from one landscape to another - character rarely changes abruptly</i>'.</p> <p>The Applicant therefore maintains the appropriateness of the landscape character area boundary shown on ES Figure 7.2 [APP-198] for the purposes of the landscape impact assessment in ES Appendix 7.9 [Document Reference 6.3 ES Appendix 7.9 (2)] and for the reasons previously given in responses to ExQ1 and ExQ2.</p> <p>In relation to Gravesham Borough Council's Deadline 8 submission on Issue Specific Hearing 11 agenda item 3a)iii [REP8-127] post hearing update regarding the Deadline 7 update to the Design Principles [REP7-140], the Applicant confirms that it is not the intention of the amended clauses to combine planting on one side of the bridge or the other. The Applicant also confirms that the assumptions for the landscape</p>

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		<p>and visual impact assessment in ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] (planting on both sides of the bridges) remain valid.</p> <p>The reason for the revised wording of the Design Principles was to allow flexibility at detailed design stage to help meet the design aspirations of key stakeholders, including Kent Downs AONB Unit, for the green bridges. However, to provide greater certainty, a further amendment to the wording of the Design Principles has been made [Document Reference 7.5 (7)].</p>
Deadline 8 Submission - Appendix 1b - Response to ISH11 Action Point 8	Gravesham Borough Council	<p>Link to IP's submission: [REP8-128]</p> <p>Applicant's response: In their Deadline 8 response to Issue Specific Hearing 11 Action Point 8 [REP8-128], Gravesham Borough Council are not correct to say that <i>'the DMRB LA107 guidance referred to by the Applicant does not state that the separate assessments of landscape effects and visual assessment effects should be combined into a single conclusion.'</i> The Applicant notes that Design Manual for Roads and Bridges (DMRB) LA 107 (Highways England, 2020b) clearly states in paragraph 2.7 that: <i>'The effect of a project on the landscape and visual amenity shall be assessed independently and the outcome combined to a single conclusion of the likely significant effect on landscape and visual amenity'.</i> Paragraph 7.9.22 of ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] explains the basis of the Applicant's single conclusion in the context of the range of landscape and visual effects likely to arise from the Project. For the effects on specific landscape and visual receptors, reference should be made to the detailed assessments in ES Appendix 7.9: Schedule of Landscape Effects [Document Reference 6.3 ES Appendix 7.9 (2)] and ES Appendix 7.10: Schedule of Visual Effects [Document Reference 6.3 ES Appendix 7.10 (2)].</p>

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Deadline 8 Submission - Appendix 4 - Comments on REP7-181: National Highways Lower Thames Crossing 9.172 Applicant's response to ExQ2 Q13.1.3 – Green Belt Harm Assessment	Gravesham Borough Council	<p>Link to IP's submission: [REP8-134]</p> <p>Applicant's response: The parties agree on a precautionary basis that the Project as a whole is inappropriate development in the Green Belt. The Applicant has explained the methodology used and stands by its judgement that there are very special circumstances demonstrated by the project application to justify an exception to the Green Belt policy. The Applicant notes its responses to ExQ2_Q13.1.3 – Green Belt Harm Assessment [REP7-181], which specifically addressed the matter of Project elements which by themselves would be appropriate development. The Applicant developed the Assessment taking into account the local authorities' Green Belt assessment including the parcels; however, as the Project is of a significant scale and the approach to the management of impacts is at a landscape scale this is reflected in the Applicant's assessment. The Local Authority Green Belt parcels are identified throughout the openness assessment in the Applicant's response to ExQ2_Q13.1.3 – Green Belt Harm Assessment [REP7-181], including where there would be greater impacts on individual parcels within the assessment groups. The Applicant has submitted a revised Appendix E of the Planning Statement [Document Reference 7.2 (2)] at Deadline 9, which notes that the assessment of 'appropriateness' and 'harm' have been supplemented by the responses to ExQ2_Q13.1.2 and ExQ2_Q13.1.3 respectively.</p>
Deadline 8 Submission - Appendix 1c – Green Bridge Design Principles	Gravesham Borough Council	<p>Link to IP's submission: [REP8-129]</p> <p>Applicant's response: The Applicant notes the proposed amendments to the Design Principles [Document Reference 7.5 (7)] for the following design clauses:</p> <ul style="list-style-type: none"> • STR.08 Green Bridges • S1.04 Brewers Road green bridge (Work No. 1D) and Thong Lane green bridge south (Work No. 1H) • S1.17 Brewers Road green bridge (Work No. 1D) • S2.12 Thong Lane green bridge south (Work No. 1H)

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		<p>The Applicant notes the request to further widen bridges but has provided a response to this in its Post-event submissions, including written submission of oral comments, for ISH11 [REP8-110], the detail of which is provided in Annex A.7: Hearing Action Point 7 – Width of the Green Bridges.</p> <p>In terms of woodland planting provision on the structures, the species planting proposed for the two green bridges is designed to replicate woodland edge planting with a range of height and structure. The species mix proposed, LE 2.5 – Shrubs With Intermittent Trees, which is detailed in Appendix A of the Project's Design Principles v4.0 [REP6-046], comprises the following mix:</p> <ul style="list-style-type: none"> • <i>Acer campestre</i> (Field maple), which can reach 20m in height • <i>Cornus sanguinea</i> (Dogwood), which can reach 10m in height • <i>Corylus avellana</i> (Hazel), which can reach 12m in height • <i>Crataegus monogyna</i> (Common hawthorn), which can reach 10m in height • <i>Ilex aquifolium</i> (Common holly), which can reach 12m in height • <i>Juniperus communis</i> (Common juniper), which can reach 10m in height • <i>Ligustrum vulgare</i> (Wild privet), which can reach 2.5m in height • <i>Prunus avium</i> (Wild cherry), typically 12m but can reach up to 30m in height when mature, • <i>Sambucus nigra</i> (Common elder), which can reach up to 2.5m in height • <i>Viburnum lantana</i> (Common wayfaring tree), which can reach up to 5m in height • <i>Viburnum opulus</i> (Guelder rose), which can reach up to 8m in height <p>Upon maturity the planting on the green bridges would reach a height of ca. 10m to 15m, with understory of ca. 2.5m edged with species rich grassland (LE1.3) boarded by a native species hedge (untrimmed) (LE4.3).</p> <p>The Applicant also wishes to provide clarity regarding the updated design clauses for S1.17 and S2.12. The Applicant confirms that it is not the intention of the amended Clause S1.17 or Clause S2.12 (Thong Lane green bridge south) of the Design Principles [REP7-140] to combine planting on one side of the bridge. The Applicant also confirms that the assumptions for the landscape and visual impact assessment in ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] (planting on both sides of the bridges) remain valid.</p>

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		<p>The reason for the revised wording of the Design Principles was to allow flexibility at detailed design stage to help meet the design aspirations of key stakeholders for the green bridges. However, to provide greater certainty, a further amendment to the wording of the Design Principles has been made [Document Reference 7.5 (7)]:</p> <p>S1.17 Brewers Road green bridge (Work No. 1D) <i>'The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16:</i></p> <ul style="list-style-type: none"> • <i>A total 11.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m planting zone on the east and west sides of the bridge</i> • <i>WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route'</i> <p>S2.12 Thong Lane green bridge south (Work No. 1H) <i>'The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16:</i></p> <ul style="list-style-type: none"> • <i>A total 21.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m wide planting zone on the east and west sides of the bridge</i> • <i>WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route'</i> <p><u>Response to comments made on the outline Traffic Management Plan for Construction</u></p> <p><i>The Applicant is pleased the modifications made to the outline Traffic Management Plan for Construction (oTMPfC) regarding the control of temporary traffic signals at Thong Lane, has addressed concerns raised by Gravesham Borough Council on this matter. Regarding broader comments on the refinement of wording related to minimising road closures, the Applicant responded to these matters, which are detailed in the Applicant's Response to Comments Made on Outline Traffic Management Plan for Construction [REP6-103]. The Applicant is confident that these suggestions are already sufficiently committed to in the oTMPfC. Notably, Section 4.4 and paragraph 4.4.1 explicitly states the commitment to reduce the impact on local road users, the length of traffic management measures would be kept to a minimum and left in situ for the shortest duration as far as is reasonably practicable. This requirement is consistently emphasised throughout the oTMPfC, reflecting the Applicant's approach to minimise impacts on the road network, whilst delivering the project.</i></p>

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		<p><u>Response to comments made on the Code of Construction Practice</u></p> <p>The Applicant has reviewed GBC's comments relating to working hours and the view that similar restrictions to those placed on evening earthworks would not be appropriate for night time working. Night time working has only been proposed where there is a construction need for it to be undertaken. For example the night time closure of the A2 for the construction of the replacement Thong Lane South bridge would result in considerable traffic impacts were it to be undertaken during the day time. The Applicant would like to reassure GBC and the Examining Authority that controls on construction noise and vibration will be in place. These are set out in the Code of Construction practice including Register of Environmental Actions and Commitments (REAC) [REP8-044] Chapter 7. These include NV002, NV004, NV005, NV006, NV007, NV009, NV015 and NV017. Section 6.4.8 of the CoCP explains that for all works an application will be made by the Contractors to the relevant local authority. Any variations to the normal and additional working hours required will be agreed with the relevant local authority and National Highways.</p> <p>Gravesham Borough Council have also requested that the EMP provides construction phasing plans 42 rather than two weeks prior to commencement. The Applicant believes that the provision of up to date information on imminent works activities, as described in Section 5.3 of the CoCP, two weeks in advance, combined with consultation on the discharge of requirements ahead of commencement and the operation of the various working groups and Community engagement would provide the Council with ample detail around the timing and extent of construction activities. No change is therefore necessary in the Applicant's view.</p> <p>GBC's suggested amendment to NV005 is not necessary as the Applicant has already confirmed section 61 would where relevant be utilised. It is not appropriate to include further controls where that established process is used, and where the LPA would have been consulted (separately) as part of the discharge process. The proposed changes to NV015 and NV018 are also not acceptable to the Applicant as they would introduce overly onerous additional controls which go beyond precedent. In the case of the suggested amendments to NV015, the suggested drafting is superfluous (as the commitment already requires immediate action, including seeking agreement with the LPA). The amendments to NV018 are also superfluous and seek to undermine the Secretary of State's discretion in establishing appropriate regulations. It is not appropriate for the REAC to replicate well established controls. In the context of all of these suggestions, the Applicant would note that the suggestions conflict with the desire expressed in Government policy that further processes are avoided in order to ensure the expeditious delivery of NSIPs (see "Getting Great Britain Building Again", DLUHC 2023).</p>

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		<p>With regard to the proposed changes to REAC items MW009 and MW017, the applicant does not believe that the additional controls are appropriate as they are ambiguous. The Applicant has responded to these suggestions in [REP7-190]. In relation to MW009, the Applicant does not consider an amendment necessary because it seeks to introduce a requirement in relation to worksites which is already addressed via MW0017. In addition, it seeks to regulate other excavated material, but it is not clear that this is relevant or what material is being referred to. The primary difference is that GBC's drafting includes 'All other tunnel spoil will be transferred through the tunnel to the North Portal for placement' but this is already secured because MW009 explicitly states that 'Material excavated by the tunnel boring machinery will be generated as a slurry and this will be transferred by pipeline through the tunnel to the North Portal for placement.</p> <p>In relation to MW0017, the council requests a wider commitment which is ambiguous in relation to storage. The Applicant has made clear there are construction compounds south of the river, and the broad commitment could apply to activities which are not related to tunnel machinery, which the applicant understands is the council's primary concern. The Applicant considers that there is sufficient safeguard and security provided by the commitment that 'There will be no storage of concrete tunnel segments on the ground surface at the southern tunnel entrance compound.'</p> <p>In relation to AQ006, it is not agreed that the LPA should be the sole point of agreement for the dust and particulate monitoring as this provision is already provided via consultation with LPAs and agreement with the SoS. The Applicant considers the suggested amendment to be an attempt to alter the appropriate discharging authority by the back door.</p> <p>Similarly the REAC item GS029 is designed to protect groundwater and soils and it is appropriate that the EA be consulted. The Applicant does not consider it necessary to replicate the consultation already carried out with the LPA pursuant to Requirement 4. Other controls on stockpiling are included within the REAC and set heights and intent (LV008-LV013).</p> <p>In relation to GBC's proposed commitment on Compensatory Planting the Applicant is firmly of the view that the oLEMP Advisory Group would fulfil the role envisaged by the proposed commitment. The Applicant has ample experience in discharging and operating such groups, but the novel suggestion from GBC is not, as far as the Applicant aware, been tried nor tested. The Applicant considers its approach is robust, tried and tested, and secures appropriate and robust compensatory planting.</p>

7 Kent County Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 8 Submission - Post-event submissions, including written submissions of oral comments made at the hearings held 20 to 28 November 2023 and Comments on Applicant's submissions at D7</p>	<p>Kent County Council</p>	<p>Link to IP's submission: [REP8-138]</p> <p>Applicant's response: Obligations within the s106 Agreement between National Highways and Kent County Council (KCC) KCC stated that it would not be in a position to sign the s106 Agreement unless the Low Noise Surfacing Schedule was removed, and the Applicant agreed to Index Link the costs outlined within the draft agreement. The Applicant was happy to remove the Low Noise Surfacing Schedule from the draft s106 agreement and has confirmed that the costs outlined in the draft agreement are indexed linked. Additional S106 Agreement Obligations requested by KCC KCC put forward a list of additional obligations to the Applicant which it insisted were required to mitigate the impact of the Project. Some of the additional obligations have been included within the s106 agreement or are proposed to be secured by other means, such as a Side Agreement, but on the whole, the mitigation put forward was not necessary because it is already secured through the DCO and various control plan documents. Deadline 7 Submission – 9.167 Draft Section 106 Agreement – Kent County Council [REP7-176] The Applicant and KCC reached agreement on the officer and severance contributions, the heavy goods vehicle (HGV) restrictions and as indicated above, agreed to remove the low noise surfacing schedule. This means the content of what is in the s106 agreement was agreed; however, KCC have indicated that because the s106 agreement does not provide mitigation or financial contributions to address impacts of the Project on the wider highway network nor contribute to the Outline Business Case for the Blue Bell Hill improvement scheme, they would not be signing the agreement. Response to comments made on Design Principles In response to comments made by KCC regarding the application of the KCC Design Guide, the Applicant's position is set out in section 14 of the Applications comments on IP's comments on the dDCO at Deadline 8, submitted at Deadline 9 alongside this submission (Document Reference</p>

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		<p>9.213). In short, the Applicant considers its design principles are robust, ambitious and already reference best practice guidance and standards. This is supplemented by robust protective provisions – which allows for further design input – for local highways and multi-disciplinary workshops in the Design Principles (see clause PRO.07). It is considered those mechanisms provide further assurance that any aspects of the Kent Design Guide which KCC considers relevant can be raised and considered.</p> <p>Response to comments made on the outline Traffic Management Plan</p> <p>The Applicant acknowledges the positive feedback received regarding the procedural aspects associated with securing and updating the outline Traffic Management Plan for Construction (oTMPfC) [REP8-086]. Notably, Kent County Council (KCC) has made specific comments concerning the oTMPfC content, to which the Applicant has already issued a response. This response is summarised below:</p> <p>Monitoring: Statement of Common Ground with KCC [REP6-018] matter 2.1.187 (DL-6) sets out, the parties position relating to construction phase monitoring. There is an agreement in principle but the Applicant considers that a flexible approach to settling on the technology to be used is appropriate at this stage of the project.</p> <p>Peak hours: KCC previously raised the issue of preventing construction related vehicles being on the network during peak times as much as possible within Relevant Representations, and this is reflected in Matters 2.1.13 and 2.1.98 (relating to construction workforce) and 2.1.102 (relating to access and egress from construction compounds and use of the SRN). KCC then raised the issue again specifically related to a request that HGV movements should not be permitted (where reasonably practical) to occur within the local highway network peak hours of 0800-0900 and 1700-1800 under Transport Impact H within the Local Impact Report, which is reflected in the SoCG at Matter 2.1.167 (at Deadline 6). At each stage the Applicant has responded to explain reasoned positions for not including blanket bans on use of the network during peak times and as a result this matter is not agreed.</p> <p>Additional responses made by the Applicant on this matter regarding monitoring of construction traffic and avoidance of peak hours can also be found in: Applicant's Response to Comments Made on Outline Traffic Management Plan For Construction [REP6-103], Pages 20-24 of 9.54 Comments on LIRs Appendix E – Kent County Council [REP2-059]</p> <p>Financial Contributions: The Applicant notes that KCC has repeatedly requested financial contributions related to the implementation of measures through the oTMPfC and subsequent TMPs including</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>through Relevant Representations, Local Impact Report, and most recently in requests for S 106 measures (submitted at Deadline 8). The Applicant has responded at each stage and will set out within a Unilateral Undertaking at Deadline 9 the reasons for not including these items within the S 106 Agreement, and that they are already secured by the oTMPfC. Positions on these and related matters are also set out within the SoCG at matters 2.1.10 and 2.1.108.</p> <p>In addition to the above KCC has introduced additional comments on oTMPfC content, addressing aspects that were not previously brought up during prior engagements with KCC or throughout the examination process, when the oTMPfC has been a focal point during hearings and examination questions. The Applicant expresses disappointment at the emergence of these new matters at this stage, viewing them as points requiring clarification. The Applicant response to these newly introduced considerations are:</p> <p>Section 4.5 of the oTMPfC of the Applicant has stated that the traffic management would be designed in accordance to the requirements of the Department for Transport Traffic Signs Manual and National Highways' 'Roadworks – A Customer View' and Chapter 8 of the Traffic Signs Manual (DfT) 2018. Many of the basic principles contained in these documents are also covered in the Safety at Street Works and Road Works: A Code of Practice which KCC has referenced and hence don't see the need to reference. Furthermore, Part 3, Requirement 4 of the draft DCO [REP8-006] ensures compliance with any code of practice issued under the New Roads and Street Works Act 1991. This provision guarantees adherence to the guidelines outlined in the Safety at Street Works and Road Works: A Code of Practice.</p> <p>In regards to reference to guidance documents, notably "Pink Book – ARTSM- Guidance on the use of Portable Traffic Signals", the Applicant has chosen not to provide an exhaustive list of guidance documents and would emphasise that National Highways, with its extensive experience in road network management, and competent contractors would ensure compliance with industry standards and promote best practices, ensuring the safe and effective delivery of construction works.</p> <p>Regarding comments on terminology, specifically concerning the use of the term "contraflow," the Applicant has provided a clear definition in paragraph 1.1.7 of the outline Traffic Management Plan for Construction (oTMPfC) to avoid any potential confusion.</p> <p>The Applicant has taken a proportionate approach to setting the traffic management physical length at this stage, balancing the requirements of the works achievable and safety consideration. The default length is a starting point, whereby the exact length would be determined in the Traffic Management</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Plan taking into consideration local accessibility, traffic volumes, pedestrian movements and local safety considerations, as stated in paragraph 4.4.4 of the oTMPfC.</p> <p>KCC have requested a dedicated Customer Care lead is present at the Traffic Management Forum. As part of EMP2 the contractor is required to develop an Engagement and Communication Plan (ECP). Community helplines to deal with enquiries and complaints from the public and establishment of Community Liaison Group to which the Traffic Manager is required to attend is committed to in Section 5 of the Code Of Construction Practice [REP8-044].</p> <p>KCC has made a specific request for the presence of a dedicated Customer Care lead at the Traffic Management Forum. As part of the EMP2, the contractor is required to develop an Engagement and Communication Plan (ECP). This plan includes the establishment of community helplines designed to handle public inquiries and complaints. Additionally, the commitment to establishing a Community Liaison Group, requiring the Traffic Manager's attendance, is explicitly stipulated in Section 5 and Plate 5.1 of the Code of Construction Practice [REP8-044].</p> <p>In regards comments on the use of KCC permit system and lead times to road booking applications, the Applicant has committed to using the relevant highway authority booking or permitting systems. A minimum 3 months period to provisionally applying for road space is committed to in Section 3.1 of the oTMPfC.</p> <p>KCC has expressed concerns regarding decision making on matters discussed at the TMF to form or modify the TMP. This is a matter the Applicant responded to at ISH14 and detailed in the post event submission para 5.1.4 [REP8-114]. To summarise, in the event the measures implemented during TMP implementation prove ineffective, necessitating additional measures beyond the scope of the approved TMP, an update to the TMP would be carried out. This stipulation is detailed in paragraph 3.3.23 of the oTMPfC [REP6-048]. The ultimate decision-making authority lies with the Secretary of State (SoS), and any points of contention or disagreement will be presented in the submission of the Traffic Management Plan (TMP) for thorough review and consideration by the SoS.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 8 Submission - Post-event submissions, including written submissions of oral comments made at the hearings held 20 to 28 November 2023 and Comments on Applicant's submissions at D7</p>	<p>Kent County Council</p>	<p>Link to IP's submission: [REP8-138]</p> <p>Applicant's response: Deadline 8 Submission – ISH11 Action Point 14 – Nitrogen Deposition The Applicant has reviewed KCCs post hearing submission in relation to ISH11 Action Point 14 which have asked KCC to consider if the Applicant's D7 submissions and responses to during the ISH11 hearing had resolved their concerns. The Applicant would like to highlight the response provided in Annex C of the Deadline 8 post hearing submission [REP8-110]. This sets out the application of the approach taken to the identification of compensation sites and the methodology which underpins it (which is detailed in the Project Air Quality Action Plan [APP-350]. As specifically detailed by the Applicant in paragraph 5.1.9 of [REP8-110] and in line with the principles comparability and connectivity: <i>"...that just because the affected area is in a particular cluster, it does not mean that the compensation area is in the same cluster. The reason for this is that the distribution of woodland on the north side of the river compared to the south side is not equal; there is much more woodland on the south side of the river and these are larger blocks of woodland. To achieve new connectivity between two existing woodlands for example, a larger area would be needed on the north side of the river to connect to more widely distributed areas. A smaller area on the south side provides more connectivity using less additional woodland."</i> This is the fundamental principle which was applied by the Applicant in preparing the application and which was and is agreed by Natural England as stated in their response to ISH11 Action Point 17 [REP8-153]: <i>"Natural England remains supportive of the Applicant providing mitigation and compensation measures for air quality impacts resulting from the scheme to areas of conservation importance including Sites of Special Scientific Interest, Local Wildlife Sites and ancient woodland habitats. Given that the consideration of air quality impacts (and mitigation/compensation measures) to these sites is a complex, evolving area Natural England welcomes the precautionary approach adopted by the Applicant."</i> <i>We have, and continue to support the high-level principles, including the site selection criteria and landscape scale approach for the compensation measures proposed by the Applicant."</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Deadline 8 Submission - ISH12 Agenda Item 4j) Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (AMS-oWSI) – Kent County Council [REP8-138]</p> <p>The Applicant welcomes the positive comments from Kent County Council on the draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (dAMS-OWSI) [Document Reference 6.3 ES Appendix 6.9 (6)] and believes that the specific comments on the content have been resolved in discussions with their Heritage Team.</p> <p>Kent County Council states that the dAMS-OWSI will be secured through “<i>the control document CoCP</i>”. This statement does not recognise that the dAMS-OWSI is a control document in its own right as set out in Plate 1.2 of the Code of Construction Practice (CoCP) [Document Reference 6.3 ES Appendix 2.2 (9)]. Kent County Council goes on to say that the wording of Requirement 9 should clarify that the Secretary of State would approve documents in consultation with the Local Planning Authority, and gives the second iteration of the Environmental Management Plan (EMP2), the AMS-OWSI and the Site Specific Written Schemes of Investigation as examples.</p> <p>Requirement 9 covers the Historic Environment, Requirement 4 sub paragraph 2 covers the EMP (Second Iteration) and states it will be approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authorities [Document Reference 3.1 (11)]. It would not be appropriate to repeat this information within Requirement 9.</p> <p>Requirement 9 sub paragraph 1 states that Site Specific Written Schemes of Investigation will be approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authorities. The dAMS-OWSI is a certified document of the DCO. The Applicant believes this already addresses the points raised by Kent County Council.</p>

8 Kent Downs AONB Unit

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Post-event submission, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023 - Response to Action Points 8 and 15 in respect of Issue Specific Hearing 11	Kent Downs AONB Unit	<p>Link to IP's submission:</p> <p>[REP8-144]</p>
		<p>Applicant's response:</p> <p>In their Deadline 8 response to Issue Specific Hearing 11 Action Point 8 [REP8-144], the Kent Downs AONB Unit state '<i>when combining scores in Environmental Assessment, it is general practice that the worst scores weigh more heavily in formulating any combined assessment. Given this, the reported 'combined moderate adverse significance of overall landscape and visual effect on the existing landscape and visual amenity' is considered by the AONB Unit to be an under representation of the overall significance of effects, given the number of large and very large adverse effects predicted for both landscape and visual receptors in the ES...</i></p> <p>The combined conclusion of landscape and visual effects associated with the Project is a requirement of paragraph 2.7 of Design Manual for Roads and Bridges (DMRB) LA 107 Landscape and Visual Effects (Highways England, 2020b). The reasoning for the moderate adverse combined conclusion stated in paragraph 7.9.22 of ES Chapter 7 [Document Reference 6.1 ES Chapter 7 (2)] was provided during Issue Specific Hearing 11, as noted in the Applicant's Deadline 8 post-hearing submission [REP8-110].</p> <p>The Applicant notes that the full range of landscape and visual effects of the Project are reported in the ES Chapter 7 summary tables, Table 7.33, 7.34 and 7.35, including all effects above moderate adverse. As stated in Table 3.7 of DMRB LA104 Environmental Assessment and Monitoring (Highways England, 2020a), all significant landscape and visual effects (moderate and above) are material to decision-making.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Post-event submission, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023 - Response to Action Points 8 and 15 in respect of Issue Specific Hearing 11	Kent Downs AONB Unit	<p>Link to IP's submission: [REP8-144]</p> <p>In their Deadline 8 response to Issue Specific Hearing 11 Action Point 15 [REP8-144], Kent Downs AONB Unit state in relation to planting areas at the Blue Bell Hill nitrogen deposition compensation site:</p> <p><i>'The section of land that has been removed from providing compensation provided significant opportunity for enhancement to the landscape character of the AONB, currently comprising large scale open 'prairie' fields on a relatively flat section of land that would benefit from more varied and enclosed vegetation cover. In comparison, the retained land provides less opportunities for landscape enhancement, being a more generally enclosed landscape with a smaller and more irregular field pattern'.</i></p> <p>The arable fields where the nitrogen deposition compensation site is proposed at Blue Bell Hill are similar in character to those south of Bell Lane that previously formed part of the nitrogen deposition compensation site. This can be seen in the photographs at Representative Viewpoints N-Dep-RV-07 and 08 in ES Figure 7.17: Representative Viewpoints – Winter and Summer Views (8 of 8) [APP-242]. Both sets of arable fields comprise flat to gently sloping landform with strong wooded edges. It is accepted that the fields north of Bell Lane are slightly smaller in size than those south of Bell Lane; however, the wooded escarpment forms an irregular southern or south-western boundary to both sets of fields. Furthermore, the photographs at Representative Viewpoints N-Dep-RV-07 and 08 demonstrate prominent existing communications masts within the fields north of Bell Lane that would be softened by proposed woodland planting. As a result, the woodland planting would result in a moderate beneficial effect on views at design year (summer) from Representative Viewpoint N-Dep-RV-07, as stated in ES Appendix 7.10: Schedule of Visual Effects [Document Reference 6.3 ES Appendix 7.10 (2)].</p> <p>The Applicant agrees with the Kent Downs AONB Unit in relation to their response at Item 15 that its assessment of impacts from changes in air quality, specifically nitrogen deposition, focuses on impacts to designated sites rather than the AONB designation. It also acknowledges that there would be significant residual effects to specific sites, as identified in the Designated Sites Air Quality Assessment [APP-403; APP-404; APP-405; APP-406], and summarised in ES Chapter 8: Terrestrial Biodiversity [Document Reference 6.1 ES Chapter 8 (2)].</p>

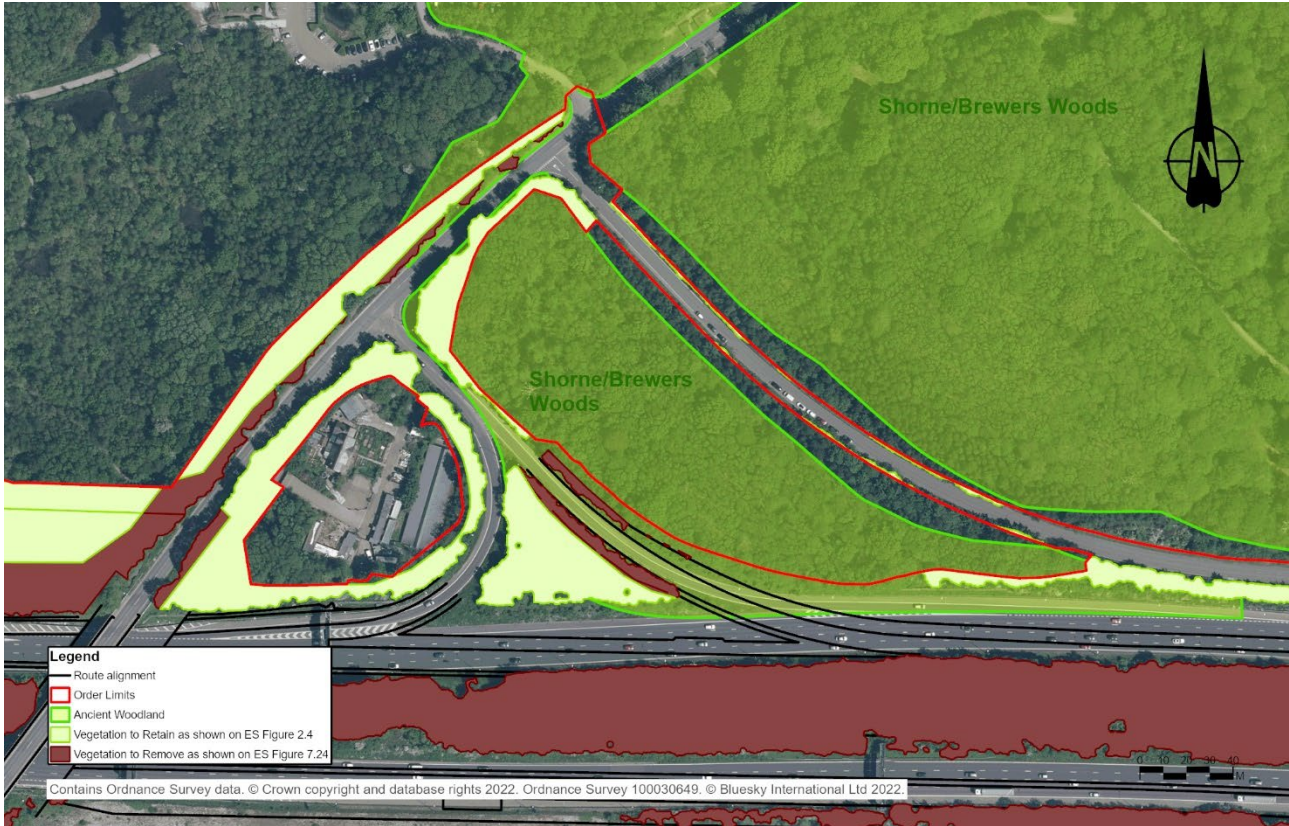
Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The Applicant's approach to mitigating and compensating the adverse effects of nitrogen deposition is clearly set out in the Project Air Quality Action Plan [APP-350] and summarised in Post-event submissions, including written submission of oral comments, for ISH11 [REP8-110], in Section 5 and Annex C. Annex C specifically addresses the concern raised by Kent Downs AONB Unit regarding the spatial relationship between impact and compensation.</p> <p>The Applicant would like to reiterate that it is, in no way, using a third-party Countryside Stewardship Scheme to compensate for the adverse effects of the Project on designated sites, or for any other impacts. In this regard the comments of the Kent Downs AONB are completed misplaced and misleading. The engagement with the Countryside Stewardship Scheme by the landowner at Blue Bell Hill informed the Applicant's decision to reduce land within the Project's Order Limits at Reservoir Field and Burham as it was considered that, once under a Stewardship agreement, the Project would no longer be able to add to the ecological value of the boundary features included within the Countryside Stewardship Scheme.</p> <p>It is the Applicant's view that the strategy proposed for nitrogen deposition mitigation and compensation detailed in the Project Air Quality Action Plan [APP-350], as refined through the reduction in extent at Blue Bell Hill, is appropriate and proportionate to address the significant residual adverse effects on designated sites reported in ES Chapter 8. Further detail on this position is provided in the Applicant's response to Natural England's Deadline 8 submission below. The Applicant notes that the Kent Downs AONB Unit identifies that "<i>The section of land that has been removed from providing compensation provided significant opportunity for enhancement to the landscape character of the AONB, currently comprising large scale open 'prairie' fields on a relatively flat section of land that would benefit from more varied and enclosed vegetation cover</i>". Whilst the Applicant acknowledges this view, landscape character enhancement is a secondary benefit and does not form the basis of the Applicant's "compelling case" for acquiring land for nitrogen deposition compensation.</p> <p>Given the section of land removed has been concluded as not essential to meet the key principles of the nitrogen deposition compensation strategy, the Applicant's view is that it cannot be included within the scope of the Project's compulsory acquisition powers for the purposes of landscape enhancement.</p> <p>Further to this point the Applicant would like to highlight that it disagrees with the Kent Down AONB's assertion that the Applicant was confused in the response to Kent Downs AONB representations at ISH6. The point the Applicant was making is that the development of compensation for impacts caused by nitrogen deposition have taken into account designated sites of wildlife interest, not the AONB designation. This adheres with the high level principles which were developed alongside</p>

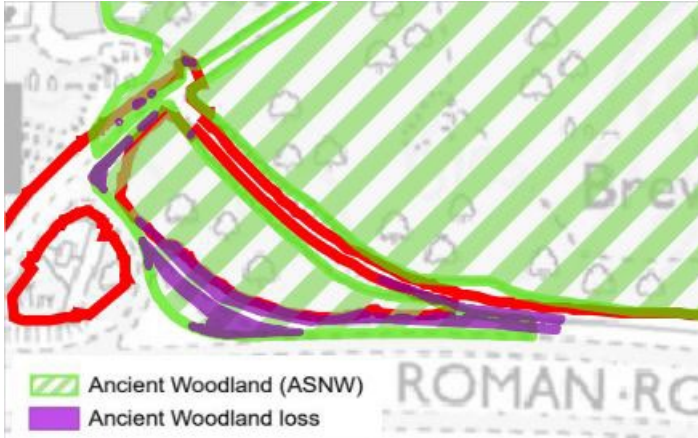
Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Natural England, see NE Deadline 8 response Action Point 17 [REP8-154] which includes the following statement:</p> <p><i>“Natural England supports the Applicant’s landscape scale approach to build resilience across the network of affected sites and habitats both north and south of the Thames. ... as we discussed and agreed with the Applicant during the pre-application period, we would expect at least the same area of habitat compensation being provided across the scheme to that being impacted.” (Applicant’s emphasis)</i></p> <p>and</p> <p><i>“We have, and continue to support the high-level principles, including the site selection criteria and landscape scale approach for the compensation measures proposed by the Applicant.”</i></p> <p>The Applicant’s point on this is that nitrogen deposition impacts do not have a landscape impact and the compensation developed is not intended to mitigate or compensate for landscape impacts. When considering the Applicant’s case for the provision of compensation for nitrogen deposition effects, including the justification for land acquisition, it is important that this is not conflated with any secondary landscape benefits that might accrue as a result of that compensation. The latter is not a justification for the former.</p> <p>In addition the level of compensation is of an appropriate scale and location and in line with the oral submissions given at ISH11 (in paragraph 5.1.9 of [REP8-110]) by the Applicant:</p> <p><i>“...that just because the affected area is in a particular cluster, it does not mean that the compensation area is in the same cluster. The reason for this is that the distribution of woodland on the north side of the river compared to the south side is not equal; there is much more woodland on the south side of the river and these are larger blocks of woodland. To <u>achieve new connectivity between two existing woodlands for example, a larger area would be needed on the north side of the river to connect to more widely distributed areas. A smaller area on the south side provides more connectivity using less additional woodland.</u>” (emphasis added)</i></p> <p>As noted above, Natural England is supportive of the Applicant’s cross-project approach.</p> <p>On the basis that the Applicant is confident that the effects of nitrogen deposition have been fully compensated for, through the compensation proposals as they now stand, there is no basis for an additional fund as it would not meet the tests for a planning obligation (i.e. would not meet the Regulation 122 test under the Community Infrastructure Levy Regulations 2010).</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Post-event submission, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023 - Issue Specific Hearing 11	Kent Downs AONB Unit	<p>Link to IP's submission: [REP8-145]</p> <p>Applicant's response: With regard to the Kent Downs AONB Unit's comments on Issue Specific Hearing 11 agenda item 3a)i that they <i>'do not consider that adverse landscape impacts arising from the Project would be localised, but would extend across a wider geographical area of the AONB and its immediate setting,</i> the Applicant's position on this was provided during Issue Specific Hearing 11, as noted in the Applicant's Deadline 8 post-hearing submission [REP8-110].</p> <p>With regard to the Kent Downs AONB Unit's comments on Issue Specific Hearing 11 agenda item 3a)iii on green bridges and 3a)iv on compensation, the Applicant has provided responses on the design of green bridges in the Deadline 4 post-Issue Specific Hearing 6 submission [REP4-182] and Deadline 8 post-Issue Specific Hearing 11 submission [REP8-110].</p> <p>With regard to the Kent Downs AONB Unit's comments on Issue Specific Hearing 11 agenda item 3a)iv on compensation, additional clauses (LST.04 and S1.24) have been included in the Design Principles [REP8-082] at Deadline 8 related to the finish of street furniture in the Kent Downs AONB and proposed lighting on Brewers Road green bridge and Thong Lane green bridge south.</p>
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7 - Computer Generated Views from Thong Lane Green bridge south [REP7-189]	Kent Downs AONB Unit	<p>Link to IP's submission: [REP8-141]</p> <p>Applicant's response: In response to Kent Downs AONB Unit's comment that a baseline image would have been helpful to serve as a before and after for the Computer Generated Views from Thong Lane green bridge south [REP7-189], the Applicant notes that it was not practical to provide existing photography from the proposed structure.</p> <p>In response to the comment on the certainty of screening provided by proposed planting, the Applicant confirms that the assumptions made for proposed planting on the west side of the green bridge, remain valid. However, to provide greater certainty on this point, a further amendment to the wording of the Design Principles has been made [Document Reference 7.5 (7)]:</p> <p>S1.17 Brewers Road green bridge (Work No. 1D) <i>'The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16:</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<ul style="list-style-type: none"> • A total 11.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m planting zone on the east and west sides of the bridge • WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route' <p>S2.12 Thong Lane green bridge south (Work No. 1H)</p> <p>'The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16:</p> <ul style="list-style-type: none"> • A total 21.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m wide planting zone on the east and west sides of the bridge • WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route' <p>In terms of the visual impact of the proposed M2/A2/A122 Lower Thames Crossing junction, the Applicant notes that the view from Thong Lane green bridge south lies just outside the Kent Downs AONB, is not typical of the locality and there would be few views of the proposed junction from the Kent Downs AONB.</p>
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7 - 7.5 Design Principles v5.0	Kent Downs AONB Unit	<p>Link to IP's submission: [REP8-143]</p> <p>Applicant's response:</p> <p>In response to Kent Downs AONB Unit's concerns that the amended wording of Clause S1.17 (Brewers Road green bridge) and Clause S2.12 (Thong Lane green bridge south) of the Design Principles [REP7-140] provides uncertainty about which side of the bridge the planting should be provided, the Applicant confirms that it is not the intention of the amended clauses to combine planting on one side of the bridge or the other. The Applicant also confirms that the assumptions for the landscape and visual impact assessment in ES Chapter 7: Landscape and Visual (which has been updated for Deadline 9) [Document Reference 6.1 ES Chapter 7 (2)] (planting on both sides of the bridges) remain valid.</p> <p>The reason for the revised wording of the Design Principles was to allow flexibility at detailed design stage to help meet the design aspirations of key stakeholders, including Kent Downs AONB Unit, for the green bridges. However, to provide greater certainty, a further amendment to the wording of the Design Principles has been made in the Deadline 9 version [Document Reference 7.5 Design Principles (7)], as noted above.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7 - 9.177</p> <p>Applicant's responses to Interested Parties' post-event submissions at Deadline 6 [REP7-188] in respect of Issue</p>	<p>Kent Downs AONB Unit</p>	<p>Link to IP's submission: [REP8-142]</p> <p>Applicant's response: In response to Kent Downs AONB Unit's concerns about the loss of ancient woodland east of The Nook Pet Hotel and the Applicant's assertion that '<i>only a small amount of woodland is currently shown as lost</i>', Plate 1 below has been compiled to show existing trees to be retained within ancient woodland (Shorne/Brewers Woods) to the east of The Nook Pet Hotel (pale green area in Plate 1 based on ES Figure 2.4: Environmental Masterplan Sections 1 and 1A (which have been updated for Deadline 9) [Document Reference 6.2 ES Figure 2.4 Sections 1 and 1 A 2.4 (4)]) and trees to be removed (brown area based on ES Figure 7.24: Tree Removal and Retention Plan [REP1-151]), overlaid on an aerial photograph.</p> <p>The extent of trees shown on ES Figures 2.4 and 7.24 (based on National Tree Map data, which records trees 3m and above in height) aligns with the existing tree canopies on the aerial photograph.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Specific Hearing 9		<p>Plate 1 Tree removal within Shorne/Brewers Woods east of The Nook Pet Hotel</p> 

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>ES Figure 8.33: Ancient Woodland Impacts [APP-294] shows a precautionary assumption on ancient woodland impacts on the basis that all areas, other than those specifically identified for retention in the image above, would be lost as a result of the Project (refer to extract from ES Figure 8.33 in Plate 2 below, where the pale green hatch indicates the ancient woodland designation and the purple hatch indicates ancient woodland impacts). The Applicant also notes that the ancient woodland inventory mapping in this area extends across some hard surface areas of the A2 and the A2 slip road from Brewers Road.</p> <p>Plate 2 Extract from ES Figure 8.33: Ancient Woodland Impacts [APP-294]</p> 

9 London Borough of Havering

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7	London Borough of Havering	Link to IP's submission: [REP8-147]
		Applicant's response: London Borough of Havering (20035775) - Comments on the Applicant's Deadline 7 Submissions Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation v4.0 (Tracked Changes) [REP7-129] <p>The Applicant welcomes the positive comments made by the London Borough of Havering on the updates to the dAMS-OWSI. The Applicant has revised the document to ensure that the role of the Historic England Regional Science Advisor and the local planning authority is referenced at appropriate places throughout the document. A revised version will be issued at Deadline 9 [Document Reference 6.3 ES Appendix 6.9 (6)].</p> <p>A Palaeolithic Outline Written Scheme of Investigation was included as Annex C of the Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation v5.0 submitted at Deadline 8 [REP8-048].</p>

10 Natural England

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission	Natural England	<p>Link to IP's submission: [REP8-154]</p> <p>Applicant's response:</p> <ul style="list-style-type: none"> • Inclusion of species as a measure of success within the oLEMP (Paragraph 3.20) – The Applicant acknowledges Natural England's view that wording relating to species and species group monitoring as an outline measure of success to habitat establishment should be revised and included in Section 4.1.14¹ of the oLEMP which addresses the remit of the advisory group. The Applicant considers the current wording presented in Section 4.2.3 which commits to consideration of key species groups, where necessary, to target ecosystem functionality, is sufficient to secure this commitment. The Applicant also considers this commitment should form part of the measures of success when considering habitat establishment and is therefore appropriately located within this document. • Habitat typologies (Paragraph 3.12) – Natural England states that the provision of deadwood within the outline measures of success section under 8.7 Wet Woodland has been removed. The Applicant believes this is a mistake as the latest version of the oLEMP pre-deadline 8 is [REP7-132] which includes reference to deadwood under paragraph 8.7.7 bullet point k. • Design Principle clarity regarding amendments to the green bridge clauses S1.17 and S2.12 (paragraph 3.27) – In response to Natural England's suggestion in paragraph 3.23 of their Deadline 8 submission [REP8-154], that '<i>the amendments proposed to Clause S1.17 (Brewers Road Green Bridge) brigading [brigade] the green elements into a single 11.5 metre wide planting zone</i>', the Applicant confirms that it is not the intention of the amended Clause S1.17 or Clause S2.12 (Thong Lane green bridge south) of the Design Principles [Document Reference 7.5 (7)] to combine planting on one side of the bridge. The Applicant also confirms that the assumptions for the landscape and visual impact assessment in ES Chapter 7: Landscape and Visual [Document Reference 6.1 ES Chapter 7 (2)] (planting on both sides of the bridges) remain valid.

¹ The Applicant considers that the Section 4.1.4 reference provided by Natural England in their Deadline 8 submission is incorrect and that this should be Section 4.1.14, which addresses the remit of the advisory group. It is also considered that the reference to Section 4.2.1 provided by Natural England should refer to Section 4.2.3.

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The reason for the revised wording of the Design Principles was to allow flexibility at detailed design stage to help meet the design aspirations of key stakeholders, including Natural England and Kent Downs AONB Unit, for the green bridges. However, to provide greater certainty, a further amendment to the wording of the Design Principles has been made [Document Reference 7.5 (7)]:</p> <p>'S1.17 Brewers Road green bridge (Work No. 1D)</p> <ul style="list-style-type: none"> • The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16: • A total 11.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m planting zone on the east and west sides of the bridge • WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route <p>S2.12 Thong Lane green bridge south (Work No. 1H)</p> <ul style="list-style-type: none"> • The following minimum widths shall apply in accordance with S1.04, STR.08 and STR.16: • A total 21.5m planting zone (this may be arranged around the WCH and carriageway provision), with a minimum of 1.5m wide planting zone on the east and west sides of the bridge • WCH provision, comprising a 3m shared pedestrian/cycle route and a 3.5m horse riding route' <p>The Applicant notes Natural England's aspirations are set out in item 2.1.35 of their Statement of Common Ground [REP8-012].</p> <p>Natural England are not correct to state that there is no 'commitment for the walkers, cyclists and horse riders route to be within the 'green elements' and separated from the local roads to provide a high-quality user experience'. Indeed, in the same paragraph of their Deadline 8 response [REP8-154], Natural England refers to clause S1.04 of the Design Principles which states that Thong Lane green bridge south and Brewers Road green bridge shall '...provide a high-quality experience for users crossing the bridge through vegetation and woodland planting. The green bridge shall improve recreation access across the A2/M2/Lower Thames Crossing corridor'.</p> <p>In Natural England's Annex 3: Comments on the Applicant's submissions at Deadline 7 [REP8-154], they state that an update has not been provided to the Landscape and Visual Impact Assessment at Representative Viewpoint S-03 since the production of the photomontage at Deadline 5 [REP5-046]. The Applicant did provide a review of their Landscape and Visual Impact Assessment in their Deadline 7 response [REP7-187]. Additional information has also been provided at Deadline 8 in response to ExQ3 12.2.1 [REP8-154].</p>

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		<p>In Natural England's Annex 3: Comments on the Applicant's submissions at Deadline 7 [REP8-154], they state that panoramic images have not been provided for the photomontage at Representative Viewpoint S-03 submitted at Deadline 5 [REP5-046]. The photomontages shown on Sheets 1 to 4 are panoramic images formed from combined individual photographs. As stated in their Deadline 7 response [REP7-187], the presentation of these panoramic images has been undertaken in accordance with best practice guidance.</p> <p>In Natural England's Annex 3: Comments on the Applicant's submissions at Deadline 7 [REP8-154], they state that the growth of existing vegetation has not been modelled in the photomontages at design year (summer) on Sheets 3 and 4 [REP5-046]. The growth of existing vegetation has not been modelled on any of the photomontages in ES Figure 7.19 [Document Reference 6.2 ES Figure 7.19], as it is usual best practice to illustrate proposed development against a baseline photograph. Calculating the height of existing vegetation on photographs and then subsequent growth over a number of years cannot be undertaken accurately.</p> <p>Applicant's response to Natural England's Annex 13 Summary of outstanding matters [REP8-154]</p> <ul style="list-style-type: none"> • Green Bridges (Paragraphs 13.7 to 13.10) – The Applicant acknowledges that in the Statement of Common Ground with Natural England [REP8-012] item number 2.1.34 that Natural England supports the creation of green bridges and that this is a Matter Agreed, whilst item number 2.1.35 regarding the design of the green bridges remains a 'Matter Not Agreed'. The Applicant has engaged extensively with Natural England regarding the particular constraints associated with providing green bridges over the existing A2 transport corridor, which is located within and immediately adjacent to designated sites and habitats and other major infrastructure (HS1, nationally important utility infrastructure) and the limits this has placed on the design of green bridges in this location. To meet the Project's objectives, it is essential that the A2 corridor remains open during the construction phase of the Project and that, so far as reasonably practicable, local road closures during construction are minimised. Nevertheless, Thong Lane South Green Bridge (42m wide, with 21.5m of green planting) was widened in response to stakeholder requests to review the width of planting for the A2 corridor green bridges. Further widening of the Brewers Road Green Bridge (31.95m wide, with 11.5m of green planting) was not considered feasible, but this was further reviewed, as detailed in The Applicant's Deadline 8 response to post-event submissions for ISH11 [REP8-110] A.7 Hearing Action Point 7: Width of the Green Bridges. The Applicant maintains that due to the previously identified constraints, this cannot be meaningfully widened without significantly extending local road closures and impacting on designated sites and third party

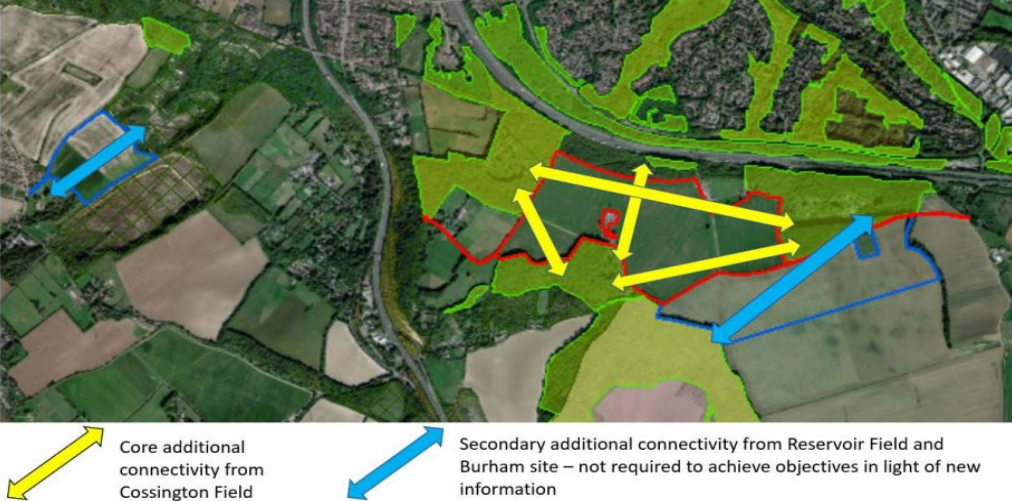
Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>infrastructure, due to construction impacts associated with any further widening, which could introduce materially new effects as a result.</p> <ul style="list-style-type: none"> Securing Mechanisms (paragraphs 13.11. to 13.14) – The Applicant notes that the wording of the securing mechanisms have been subject to ongoing engagement and that the Applicant's final position can be found in the Statement of Common Ground with Natural England [REP8-012] at item number 2.1.102. Throughout the extensive engagement on this matter The Applicant has maintained that the use of the term 'reasonably practicable' is a well precedented term in Development Consent Orders and associated Control Documents which sets a high bar which ensures commitments are met subject to practical limitations which could not reasonably be overcome. National Landscape (Kent Downs AONB) mitigation (Paragraph 13.15) – The Applicant notes that this matter is included in the SoCG with Natural England at item number 2.1.20 which is 'under discussion' pending Natural England's review of the compensatory funding that has been agreed with the Kent Downs AONB. As noted in response to this item, the Applicant has taken steps to continually reduce impacts within the AONB where practicable during the design development stage, but in acknowledgement that the Project impacts cannot be fully mitigated the Applicant has provided the compensatory enhancement fund (£4.24m) which it considers to appropriately address any unmitigated effects. Mitigation Road Map (Paragraphs 13.16 to 13.17) – In the Statement of Common Ground with Natural England [REP8-012] item number 2.1.65 the Applicant provided further clarity to Natural England regarding impacts to designated sites and habitats in a technical note which forms Appendix C.9 of the SoCG, which is now a 'Matter Agreed'. Furthermore, in a response to the Examining Authority's ExQ2_11.3.2, the Applicant provided detailed mapping at Deadline 6 [REP6-113 and REP6-114] (part 1 of 2 and 2 of 2 respectively) and Deadline 7 [REP7-182] (part 1 of 3) to further clarify where impacts were arising and where they were mitigated. Pulverised Fuel Ash (PFA) supply (Paragraph 13.18) – As part of its standard due diligence process, the Applicant ensured there was a sufficient supply of PFA through its supply chain prior to committing to, and then enhancing at Deadline 3, the provision of PFA specified in Design Principle Clause LSP.22 [Document Reference 7.5 (7)] and within the outline Landscape and Ecology Management Plan [Document Reference 6.7 (7)] in Section 8.22. Sensitive breeding bird species (Paragraph 13.19) – Whilst the Applicant recognises the concern raised by Natural England regarding specific sensitivities of bird species recorded breeding within

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		<p>scrub habitat adjacent to the existing Footpath 200, it considers that commitments already secured within the Code of Construction Practice [Document Reference 6.3 ES Appendix 2.2 (9)] address these concerns. REAC Ref. TB006 commits to the <i>'employment of suitably qualified and experienced Environmental Clerk of Works throughout the construction phase of the Project to supervise implementation of environmental mitigation and protection commitments'</i>. This supervision would include ensuring legislative compliance regarding protected and notable species, including the provisions for breeding birds.</p> <p>REAC Ref TB004 states: <i>'Disturbance, and incidental mortality, of breeding birds would be avoided by timing vegetation clearance and structure removal outside of the bird nesting season (March to August inclusive) wherever possible. Where this is not possible, appropriate measures would be taken to avoid harming birds or their nests (such as temporary fencing around nesting sites where they are immediately adjacent to construction works), under supervision by a suitably experienced Environmental Clerk of Works.'</i> Although this commitment references the generally accepted breeding bird period of March to August, the involvement of the Environmental Clerk of Works in their full capacity (detailed in TB006) provides for more detailed guidance on sensitive periods for key species across the Project.</p> <ul style="list-style-type: none"> Annex 8 ISH11 3b.ii Lighting – Proposed lighting is shown on the General Arrangement Plans Volume B (sheets 1 to 20) [Document Reference 2.5 Volume B (5)] and the General Arrangement Plans Volume C (sheets 21 to 49) [Document Reference 2.5 Volume C (6)]. The Project route south of the River Thames would be fully lit, whereas only the North Portal, A13/A1089/A122 Lower Thames Crossing junction and M25/A122 Lower Thames Crossing junction would be lit north of the River Thames. <p>Clauses LST.02 and LST.03 of the Design Principles [Document Reference 7.5 (7)] require the detailed design to preserve nocturnal character through minimising lighting wherever it is reasonably practicable and safe to do so. Paragraph 2.4.26 of ES Chapter 2: Project Description [APP-140] details the measures included in the lighting design to reduce environmental impact, including using luminaires that would not emit light above the horizontal, keeping column heights to a minimum and, wherever practicable, projecting light towards where it is needed rather than into adjacent areas.</p> <p>The indicative lighting design is worst case and recent changes in National Highways standards (Design Manual for Roads and Bridges TD 501 Road Lighting Design (Highways England, 2020c)) could result in a reduction in the lit extent of the Project at detailed design. In addition, further developments in light emitting diode and optics technology could result in a reduction in the number of lighting columns required across the Project at detailed design.</p>

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		<p>Operational lighting and vehicle lights have been considered as part of the overall assessment on landscape character and views in ES Appendix 7.9: Schedule of Landscape Effects [Document Reference 6.3 ES Appendix 7.9 (2)] and ES Appendix 7.10: Schedule of Visual Effects [Document Reference 6.3 ES Appendix 7.10 (2)]. Generally, as shown on ES Figure 7.3: Environmental Lighting Zones [APP-199], most of the Project route is located within Environmental Lighting Zones 2 or 3, which are areas of low and medium district brightness respectively. Away from the existing A2 corridor, the Kent Downs AONB is predominantly shown in Environmental Lighting Zone 1, which is an intrinsically dark landscape. Page 6 of ES Figure 7.3: Environmental Lighting Zones also indicates an area of Environmental Lighting Zone 1 and an intrinsically dark landscape at Orsett Fen.</p> <p>The presence of vehicle lights along the Project route would notably alter the landscape character of the Thurrock Reclaimed Fen (sub area Mardyke) Local Landscape Character Area (LLCA), part of which is typically unlit and intrinsically dark in nature. The presence of vehicle lights within this intrinsically dark landscape contribute to the large adverse residual effects assessed at design year (summer) in ES Appendix 7.9. Acoustic barriers along the Orsett Fen and Mardyke Viaducts and the approach embankments would help to reduce the perception of some vehicle lights, as would false cutting slopes along the Project route.</p> <p>Operational lighting and/or vehicle lights along other parts of the Project route would contribute to adverse effects on landscape character assessed in ES Appendix 7.9. However, the changes would not be as notable as within the Thurrock Reclaimed Fen (sub area Mardyke) LLCA (although there is no operational lighting through the Mardyke section of the route). For example, along the existing A2, A13 and M25 corridors and in areas close to existing settlements, new or replacement lighting would be perceived in the context of existing lighting. Where existing vegetation, false cuttings and/or landscape mounds border the Project route, vehicle lights would be largely screened from the surrounding landscape, resulting in a lower perception of change in the night-time environment. Where mitigation planting is proposed along the edges of the Project route, this would help to reduce the perception of proposed lighting at design year (summer).</p> <p>Proposed lighting along the A2 corridor would comprise new and replacement LED lighting columns at a lower height than existing, emitting reduced light spill compared with the existing luminaires. However, there would be additional lighting columns proposed and vegetation loss within the central reserve would reduce the amount of screening. There would be a perceived increase in night-time lighting within the West Kent Downs (sub area Shorne) LLCA in the Kent Downs AONB due to the new and replacement lighting along the A2 corridor, with a greater perceivable increase associated</p>

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		<p>with proposed lighting at the M2/A2/A122 Lower Thames Crossing junction to the west. However, new lighting would only be perceived in localised areas along the A2 corridor and at the western edge of the AONB and in the context of existing lighting along the A2 corridor and within Gravesend. Existing parts of the AONB that are largely dark in character would be unaffected.</p> <ul style="list-style-type: none"> On the subject of ISH11 agenda item 5, with respect to nitrogen deposition compensation, Natural England's post-hearing submission suggests it would be helpful for the Applicant to provides clarity that there is still sufficient habitat creation for the impacts, and how the scheme delivers the ecological resilience for the habitats impacted as part of a wider nature recovery network approach, following the removal of Reservoir Field and Burham from the Order Limits. <p>It is the Applicant's position that the nitrogen deposition compensation strategy (as amended during the examination) provides sufficient habitat creation for the significant adverse effects on designated sites and delivers ecological resilience for the habitats impacted as part of a wider nature recovery network approach. The core principles of the nitrogen deposition compensation strategy are to create new wildlife-rich habitats, predominantly woodland and grassland, to provide an area comparable to that of the adversely affected designated sites, and to use this habitat creation to link into and connect existing, retained high quality habitats within the wider landscape, strengthening and building resilience in the network of habitats at a landscape-scale. The Applicant welcomes Natural England's continued support of this approach as set out in their response to ISH11 Action Point 17 where they state <i>"We have, and continue to support the high-level principles, including the site selection criteria and landscape scale approach for the compensation measures proposed by the Applicant"</i> [REP8-154].</p> <p>The area of designated sites potentially significantly affected by increased nitrogen deposition as a result of the Project is assessed as being 176.4ha. The original proposal for nitrogen deposition compensation planting involved five individual sites south of the River Thames and three north of the River Thames, and covered an area of approximately 240ha. With the reduction in compensation provision at Blue Bell Hill, the total area of nitrogen deposition compensation planting reduced to approximately 205ha.</p> <p>In terms of the reduction in overall area of habitat provision, the principle of the strategy is to provide an area comparable to that which is significantly affected. With Reservoir Field and Burham, the proposal delivered 7ha of habitat creation for every 5ha significantly affected. The removal of those two areas means the proposal now delivers 6ha for every 5ha affected. The provision of 205ha of habitat creation is still considered to be a comparable area to that significantly adversely affected by</p>

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		<p>nitrogen deposition. This is in line with the Natural England's statement in their ISH 11 Action Point 17 response "...as we discussed and agreed with the Applicant during the preapplication period, we would expect at least the same area of habitat compensation being provided across the scheme to that being impacted." [REP8-154]</p> <p>In terms of how the removal of Reservoir Field and Burham affects the connectivity provided by the habitat created at Blue Bell Hill, Plate D.1 presented in Post-event submissions, including written submission of oral comments, for ISH6 [REP4-182], and reproduced below, illustrates how the removal of Reservoir Field and Burham does not significantly reduce the degree of connectivity the remaining habitat creation provides into adjacent habitat. Habitat creation at the Cossington Field site would provide new links into currently poorly connected woodland habitat to the north, south, east and west of that site, building resilience into the network of habitats which support the designated sites significantly affected in this area. Whilst the Burham site and Reservoir Field did provide secondary connectivity into adjacent habitats, the core connectivity is delivered through habitat creation at Cossington Field, and the removal of Burham and Reservoir Field does not weaken this provision. This reduction is therefore not considered to affect the robustness or proportionality of the overall compensation strategy. The Applicant welcomes Natural England's statement in their ISH 11 Action Point 17 response "<i>Based upon the compensation measures proposed by the Applicant and their location in Kent, Natural England advise that the measures are likely to be effective in building resilience around these sites.</i>" [REP8-154]</p>

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		<p>Plate 3 Core and secondary additional connectivity at Blue Bell Hill (taken from Applicant's ISH6 Post-event submission [REP4-182])</p>  <p>Core additional connectivity from Cossington Field</p> <p>Secondary additional connectivity from Reservoir Field and Burham site – not required to achieve objectives in light of new information</p>
<p>Deadline 8 Submission - Annex 6 - Response to ExQ3</p>	<p>Natural England</p>	<p>Link to IP's submission: [REP8-155]</p> <p>Applicant's response:</p> <ul style="list-style-type: none"> • Q11.1.2 HS1 mitigation planting – The Applicant has provided a response to this matter in Responses to the Examining Authority's Third Written Questions (ExQ3) [REP8-115]. The Applicant considers that its assessment fully addresses impacts to and mitigation/compensation for third party projects. • Q11.1.4 Wildlife ponds for non-GCN – The Applicant considers the provisions of the Design Principles [Document Reference 7.5 (7)] and outline Landscape and Ecology Management Plan [Document Reference 6.7 (7)] allow for the consideration of factors proposed by Natural England as part of the detailed design process.

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		<ul style="list-style-type: none"> • Q11.1.5 mammal culverts for green bridges – No response required. Please see the Applicant's Deadline 8 submission in relation to this query [REP8-115]. • Q11.1.7 Thong Lane south and Brewers Road Green bridge efficacy – No response required. Please see the Applicant's Deadline 8 submission in relation to this query [REP8-115]. • Q11.1.10 oLEMP ToR regarding request to include species groups as well as habitats – The Applicant acknowledges Natural England's view that wording relating to species and species group monitoring as an outline measure of success to habitat establishment should be revised and included in Section 4.1.14² of the oLEMP which addresses the remit of the advisory group. The Applicant considers the current wording presented in Section 4.2.3 which commits to consideration of key species groups, where necessary, to target ecosystem functionality, is sufficient to secure this commitment. The Applicant also considers this commitment should form part of the measures of success when considering habitat establishment and is therefore appropriately located within this document. • Q16.1.3 Green Bridge design clause clarity and new Design Principles proposed by NE • The Applicant notes that clarity regarding amendments to the green bridge clauses S1.17 and S2.12 is provided above in response to Natural England's' Deadline 8 submission [REP8-154]. The Applicant has considered the minimum recommended widths for species/habitat in line with recommended guidance from the Landscape Institute. The Applicant has provided Design Principles to ensure that the guidance is considered during detailed design. Clause STR.08 of the Design Principles [Document Reference 7.5 (7)] states that "<i>Subject always to the constraints set out in the DCO, the design of green bridges shall be developed to support the successful establishment of the planting typologies as shown on the Environmental Masterplan (Application Document 6.2, Figure 2.4) and as defined in the outline Landscape and Ecology Management Plan (oLEMP) (Application Document 6.7), and shall consider the guidance set out in the Summary of Findings within the Natural England (2015) report, Green Bridges: A Literature Review (NECR181).</i>" Noise attenuation has been provided through the use of low noise pavement surfacing (road surface influence of -3.5dB(A)) for the A2/M2 mainlines, local connector roads, and the new sections of Thong Lane and Brewers Roads that form part of the green bridges over the A2 corridor. The

² The Applicant considers that the Section 4.1.4 reference provided by Natural England in their Deadline 8 submission is an error and that this reference should be Section 4.1.14, which addresses the remit of the advisory group. It is also considered that the reference to Section 4.2.1 provided by Natural England should refer to Section 4.2.3.

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		<p>proposed planting for the green bridges will help to reduce the perception of noise when crossing these structures, noting that planting is not an effective noise barrier in and of itself. The Applicant has deliberately sought to reduce the amount of fencing (beyond that required for road safety) and acoustic barriers on the bridges and along the A2 corridor in general to minimise urbanising effects that these structures impose and has instead provided for the use of low noise road surfacing to reduce road noise at source. This approach has been shown to provide a betterment in terms of noise effects on the Kent Downs AONB – particularly in relation to the A2 corridor – during operational year 2030 (opening year) and 2045 (design year) as discussed in Section 6.2 paragraphs 6.6.2 and 6.2.3 in ES Appendix 7.11 [REP1-162] and as illustrated in ES Figure 7.21.2 [APP-256].</p>

11 Port of London Authority

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission – Response to ExQ3	Port of London Authority	<p>Link to IP's submission: [REP8-163]</p> <p>Applicant's response:</p> <p>QR1 – The Applicant has previously provided extensive submissions on the age of the survey data. The Applicant notes Natural England's answer to the same question, QR2 from the ExA, does not share the same concerns as the PLA and aligns with the Applicant's view that the age of the survey data is recognised and it is appropriate to update as required at a later stage.</p> <p>QR4 – The Applicant welcomes the response provided and it is these features that are assessed within the Applicant's HRA [APP-487].</p> <p>QR6 – The Applicant welcomes the response provided as this reflects the assessment as presented within the Applicant's HRA [APP-487].</p> <p>QR7 – The Applicant presents the assessment of the effects of nitrogen deposition on the Thames Estuary and Marshes Ramsar site within the updated Assessment of air quality effects on European Sites [REP8-122]. As the areas of construction and operation of the tunnel are not within 200m of the Ramsar site these are not included within the updated air quality assessment as there is no pathway to an effect identified.</p> <p>QR14 - The Applicant welcomes the response provided.</p>

12 Thurrock Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 6A and Deadline 7	Thurrock Council	<p>Link to IP's submission: [REP8-166]</p> <p>Applicant's response: The Applicant notes that at paragraph 5.2.11 (within the "Localised Traffic Modelling v4" section) Thurrock Council states: <i>"The Council remains perplexed and astonished by the unwillingness of the applicant to engage on this and other modelling matters and its dogmatic and unreasonable stance. The applicant has consistently displayed a serious lack of professional integrity on these matters and prefers instead to engage in technical trickery and distraction through use of non-relevant case precedents and misrepresentation of its case."</i></p> <p>The Applicant is disappointed to receive these comments, which are categorically rejected. Following an extensive pre-application period and rigorous examination process, involving many years of regular technical engagement, it is apparent that the Applicant and the Council have been unable to reach agreement on the approach to traffic modelling. That is a potential outcome of any DCO examination. But that difference of opinion is in no way a reflection of the Applicant's approach to engagement with the Council, nor on the Applicant's technical approach to modelling. Generalised comments to the effect that the Applicant's team is "dogmatic", "unreasonable", "lacking in professional integrity" and using "technical trickery and distraction" are unproductive, unfair and a complete mischaracterisation of the Applicant's approach.</p> <p>The Applicant notes it is has engaged proactively and effectively with its many stakeholders, and has made amendments to control documents, provided further assessments, and managed to resolve a significant number of issues with local authorities. This is evident from the very substantial body of SoCGs submitted into the examination.</p> <p>The Applicant's engagement with Thurrock has been extensive. As recorded in B.6.2 of the Statement of Engagement [APP-091], there have been 420 engagement meetings with Thurrock Council, 270 of which were held between October 2020 and October 2022. This engagement has been supported by extensive sharing of information, as set out in Appendix V (Adequacy of Consultation Representations) of the Consultation Report [APP090]. The Applicant has also specifically responded to the financial circumstances of the Council to enable it to respond and</p>

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		participate further in the development of the Project (see paragraph 4.11 of the Applicant's summary of Oral Submissions). It is acknowledged, as recorded in the SoCG with Thurrock Council, that there are a number of areas of disagreement. The Applicant's view is that this should not be conflated with the Applicant's efforts to engage with the Council, nor should such disagreements be used as the basis for casting aspersions on the Applicant's team.
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 6A and Deadline 7	Thurrock Council	<p>Link to IP's submission: [REP8-166]</p> <p>Applicant's response: Within Section 5.4, the Council have provided commentary relating to the Applicant's submission Asda roundabout construction impact assessment, at Deadline 6A [REP6A-008]. Primarily these comments relate to the use of Arcady as opposed to other software packages. The Applicant set out its rationale for using Arcady at paragraph 5.2.8 of Applicant's submissions on construction impacts and management at Asda roundabout [REP6-123]. The Council has stated that the performance of the A1089 southbound approach into the Asda roundabout in the 07:00 – 08:00 hour in all construction phases (and indeed the Do Minimum) are implausible. The performance of this arm is affected by the Amazon site staff shift changeover, as is noted within the Applicant's Deadline 6A submission. Irrespective of whether the Council, or other parties, consider the results to be plausible, the Applicant has set out a number of controls within Chapter 4 of the Asda roundabout construction impact assessment [REP6A-008], and the Applicant maintains that these controls developed during the detailed design stage would be sufficient to appropriately manage construction impacts and maintain functional operation of the Asda roundabout</p>

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Comments on Applicant's submissions at Deadline 6A and Deadline 7	Thurrock Council	<p>Link to IP's submission: [REP8-166]</p> <p>Applicant's response: Within Section 6.7, the Council has commented on the changes made to Transport Assessment Appendix D Scale of Impact Maps [REP7-142] at Deadline 7. As noted by the Council, the Applicant updated Plates 1.1, 1.3, 1.15 and 1.22. The Council has stated that the Applicant has "<i>re-run its assessment of impact significance</i>". This is incorrect, and the plates were updated to correct minor errata in the application version of this document. This is reported in the Errata Report [REP8-004], which sets out that the plates were amended as they incorrectly showed the outputs from the core scenario (Plates 1.1 and 1.3), the high growth scenario instead of the low growth scenario (Plate 1.15) or showed the map for the north of the River Thames instead of south of the River Thames (Plate 1.22). It is important to note that none of the changes affect the core scenario upon which the assessments in the Environmental Statement are undertaken.</p>
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 6A and Deadline 7	Thurrock Council (Green Belt)	<p>Link to IP's submission: [REP8-166]</p> <p>Applicant's response: The parties agree that the Project, on a precautionary basis, as a whole is inappropriate development in the Green Belt; the Applicant has explained the methodology used and stands by its judgement that there are very special circumstances demonstrated by the Project application to justify an exception to the Green Belt Policy. The Applicant developed the Assessment taking into account the local authorities' Green Belt assessment including the parcels; however, as the Project is of a significant scale and the approach to the management of impacts is at a landscape scale this is reflected in the Applicant's assessment. The Local Authority Green Belt parcels are identified throughout the openness assessment in the Applicant's response to ExQ2 Q13.1.3 – Green Belt Harm Assessment [REP7-181], including where there would be greater impacts on individual parcels within the assessment groups. The Applicant has submitted a revised Appendix E of the Planning Statement [Document Reference 7.2 (2)] at Deadline 9, which notes that the assessment of 'appropriateness' and 'harm' have been supplemented by the responses to ExQ2_Q13.1.2 and ExQ2_Q13.1.3 respectively.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 8 Submission - Post-event submissions, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023</p>	<p>Thurrock Council</p>	<p>Link to IP's submission: [REP8-167]</p> <p>Applicant's response: Within Section A.2 of Appendix A, Table A.1 details network parameter changes made by the Applicant in V3.6 that influence driver behaviour. In addition to the areas relating to driver behaviour that the Applicant addressed in Annex A.10 Post-event submissions, including written submission of oral comments for ISH13 [REP8-113], the Applicant's response to the other matters are set out below:</p> <p><u>Lane change distances:</u> The Applicant considers it unlikely that the lane change distance would have a material impact on the model as the actual lane change distance is controlled by the upstream connectors assigned in the relevant edges which have the same lane change distance in the Do Minimum (DM) and Do Something (DS) models.</p> <p>At the A13 EB on-slip, the Applicant has made the lane change behaviour more conservative in the DS rather than more aggressive as alleged by Thurrock Council. The lane change distance was increased from 60m in the DM to 150m in the DS. However, as explained above, the change would not have any actual impact on this movement as vehicles would already be in the correct lane at the traffic signals at the A128 and on the circulatory.</p> <p>At the Brentwood Road exit, reducing the lane change distance to 100m was made to allow vehicles wishing to undertake that movement to use the offside lane on the circulatory at the traffic signals by the A128. Those vehicles would change lane soon after the traffic signals as the "Applies per lane change" parameter has been set active which gives a distance of 200m for vehicles on the circulatory offside lane to change lanes.</p> <p><u>Conflict Area parameters:</u> The "MinGapBlockDef" parameter has no impact on this model. It has been greyed out and is not used.</p> <p>The attribute in this parameter is used only if the "Avoid blocking the major flow" parameter is not active. The "Avoid block Major" parameter has been set to active in all conflict areas.</p> <p><u>Priority Rules:</u> The use of more conservative parameters in the PM peak is adopted from the base model that has been accepted by the Council. The base model has slightly longer gap times and max speeds on Brentwood Road in the PM peak compared to the AM peak. Given the change in layout between the base and DM models the exact parameters from the base model cannot be applied to the DM model. The parameters were fine-tuned in the DM model through observing vehicle behaviour during the simulation to achieve realistic gap acceptance behaviour with the new layout and similar</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>differences between the AM and PM peak parameters from the base model have been applied in the DM.</p> <p>Within Section A.5 of Appendix A, the Council has referenced the Transport for London modelling guidance, and has quoted from a single paragraph of that guidance. The Applicant does not consider that it has implemented changes “to make it work better” but has simply applied appropriate driver behaviour parameters to reflect realistic driver behaviour in a scenario where there would be an increased volume of traffic through the junction and as a result of the introduction of a third circulatory lane and increased signal control. As the Applicant has set out in Annex A.10 of Post-event submissions, including written submission of oral comments for ISH13 [REP8-113], use of the urban merge driver behaviour on the circulatory at Orsett Cock is considered appropriate and aligns with industry best practice and accepted by authorities, including for made DCOs.</p>
<p>Deadline 8 Submission - Post-event submissions, including written submission of oral comments made at the hearings held 20 to 28 Nov 2023</p>	<p>Thurrock Council</p>	<p>Link to IP's submission: [REP8-167]</p> <p>Applicant's response:</p> <p>Within Appendix B the Council has referenced a video produced from the Applicant's V3.6 model of the Orsett Cock junction [REP8-168]. The Council has not provided specific details of the video (other than stating it is for the 2030 PM peak), but the Applicant has been able to determine that the video shows the final five minutes of the peak hour from the busiest seed (seed = model run). Modelling results, are, in line with industry best practice, reported as the average of 20 seeds with each seed recording the maximum queue every five minutes and then averaged for that seed, and then averaged again for the 20 seeds, to provide reasonably expected delays and queues across the entire peak hour for the road network. The Applicant has followed this approach in the Localised Traffic Modelling Appendix C: Orsett Cock Forecasting report [REP6A-006] and has clearly set out that delays and queues are forecast to increase in the Do Something scenario (with the Project), as indicated by the v3.6 modelling.</p> <p>Within paragraph B.1.3 the Council reports that the video demonstrates that there would be significant queuing and delay on the A13 (point d). The Applicant refutes this – it is clear from the results reported in Localised Traffic Modelling Appendix C - Orsett Cock Forecasting report, and as verbally stated at numerous hearings, that none of the Applicant's modelling, in either forecast year, shows there to be mainline queuing on the A13 or on the A122. In addition, the Applicant has analysed the Council's video and this shows the back of the queue is still on the slip road.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		The Applicant does not agree with the Council's assertion that the video of the Applicant's model demonstrates " <i>aggressive driver behaviour</i> "; instead the video shows traffic behaving in a cooperative manner, enabling lane changes to occur in a timely and appropriate fashion, as would be reasonably expected.

13 Thurrock Flexible Generation Limited (formerly Thurrock Power Limited)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Position statement maintaining the objection and seeking protecting provisions	Thurrock Flexible Generation Limited (formerly Thurrock Power Limited)	<p>Link to IP's submission: [REP8-169]</p> <p>Applicant's response: The Applicant understands that Thurrock Flexible Generation Limited's (TFG) submission objecting to the Order at Deadline 8 stems from the absence of a completed agreement between the parties, to ensure it has sufficient protections against any detrimental effects to its own undertaking. The Applicant agrees with the current position between the parties as stated at paragraph 1.5 of TFG's submission and reciprocates the desire to resolve the remaining issue between them via the conclusion of an Interface Agreement before the end of the Examination period. Positive progress has been made since Deadline 8 on resolving the small number of outstanding points between the parties. With respect to paragraph 2.9 and requirement 4(8) of the TFG DCO, '<i>that TFG cannot construct the gas pipeline within 200m of Network Rail's railway line</i>', the Applicant and TFG have been actively engaged since 2020, including reviews of the Lower Thames Crossing proposals in November 2022, as communicated in the Statement of Common Ground between the parties [REP6-020], at which point TFG have not notified the Applicant of this requirement nor the implications of it on its own proposals until October 2023, at which point the Applicant had no reasonable ability to modify its Works Plans to the satisfaction of TFG, undertake an associated Environmental Assessment and notify the relevant landowner without detriment to its own DCO Examination timeline. The Applicant refutes that this was challenging to establish until this point owing to the ability to share electronic files, which had been undertaken since May 2020.</p> <p>The Applicant does not intend for its proposals to cause detrimental effect to the undertaking of TFG, which TFG claims at paragraph 1.7. Pursuant to s127 and s138 of the Planning Act 2008, and as communicated within [REP7-171] and [REP6-083] respectively, the Applicant has made sufficient provisions within the application to protect those interests of TFG.</p> <p>The Applicant believes that those Protective Provisions contained within Schedule 14, Part 1 of the draft Development Consent Order [REP8-006], Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers, suffice in the absence of an Interface Agreement.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		To conclude, the Applicant is confident that an agreement between the Parties, satisfactorily addressing those concerns of TFG, can be reached prior to the end of the Examination period, 20 December 2023.

14 Transport for London

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Comments on Applicant's submissions at Deadline 7	Transport for London	Link to IP's submission: [REP8-171]
		Applicant's response: At Section 3 of their submission, TfL identify three junctions that they consider should be monitored during construction. The outline Traffic Management Plan for Construction, Section 2.4 [REP8-086] , sets out how the co-ordinated monitoring proposals will be developed in the Traffic Management Plan which will be subject to consultation with Transport for London. Where additional locations are appropriate, they will be included into the Traffic Management Plan which will be subject to approval by the Secretary of State.

15 Warley Green Limited

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 8 Submission - Response to the Examining Authority's Commentary on the draft Development Consent Order	Warley Green Limited	<p>Link to IP's submission:</p> <p>[REP8-193]</p>
		<p>Applicant's response:</p> <p>The Applicant does not accept that there would be an adverse impact on solar farm arrays due to the Project. The closest panels of the Bulphan Fen Solar Farm would be over approximately 300m from the main alignment of the road, with the majority of the farm significantly further away. In any case ES Chapter 5: Air Quality [APP-143], specifically the methodology at paragraph 5.3.54, Table 5.3 and paragraphs 5.6.3 to 5.6.5, describes how, with mitigation in place, dust impacts are not expected to trigger a significant effect.</p> <p>Additionally the Design Manual for Roads and Bridges (DMRB) LA 105 – Air Quality (Highways England, 2019) at paragraph 2.56 to 2.59 on page 23 of LA 105 describes the receptor sensitivity to dust is low beyond 100m from the construction activities.</p> <p>The Applicant does not agree with Warley Green Limited's suggestion that solar farms should be identified as a potential receptor for dust within the REAC.</p> <p>It should also be noted that Bulphan Fen Solar Farm was promoted, and a planning application submitted in January 2021, after the announcement of the preferred route for the Lower Thames Crossing, in April 2017. From this point onwards the route and Order Limits of the Lower Thames Crossing Project are protected by the 'notification of development procedure (TR111 Notice)' under Article 15 of the Town & Country Planning General Development Order.</p> <p>This protects the land within the Order Limits from potential development and local authorities are requested to inform the Applicant of any planning applications they receive that may conflict with the Project so appropriate representations to applications can be made. Although the Applicant was already aware of the Bulphan Fen Solar proposals, it was informed of the planning application when it was received by the local authority and submitted a consultee comment³, extract below:</p> <p><i>'it is assumed that the applicant [Bulphan Fen Solar] is fully aware of the proximity of the Lower Thames Crossing route to the site as will be any future investor, developer, purchaser or occupant and that any party will make any decision in full knowledge of the potential consequences of that proximity'</i></p>

³ https://regs.thurrock.gov.uk/online-applications/files/30117608461E3C27F6F873B7B2BACABF/pdf/21_00077_FUL-HIGHWAYS_ENGLAND-718222.pdf

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- Highways England (2020b). Design Manual for Roads and Bridges LA 107 – Landscape and visual effects.
- Highways England (2020c). Design Manual for Roads and Bridges TD 501 – Road Lighting Design.
- Natural England (2014). An Approach to Landscape Character Assessment.

Glossary

Term	Abbreviation	Explanation
A122		The new A122 trunk road to be constructed as part of the Lower Thames Crossing project, including links, as defined in Part 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1)
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.
A122 Lower Thames Crossing/M25 junction		New junction with north-facing slip roads on the M25 between M25 junctions 29 and 30, near North Ockendon.
A13/A1089/A122 Lower Thames Crossing junction		Alteration of the existing junction between the A13 and the A1089, and construction of a new junction between the A122 Lower Thames Crossing and the A13 and A1089, comprising the following link roads: <ul style="list-style-type: none"> • Improved A13 westbound to A122 Lower Thames Crossing southbound • Improved A13 westbound to A122 Lower Thames Crossing northbound • Improved A13 westbound to A1089 southbound • A122 Lower Thames Crossing southbound to improved A13 eastbound and Orsett Cock roundabout • A122 Lower Thames Crossing northbound to improved A13 eastbound and Orsett Cock roundabout • Orsett Cock roundabout to the improved A13 westbound • Improved A13 eastbound to Orsett Cock roundabout • Improved A1089 northbound to A122 Lower Thames Crossing northbound • Improved A1089 northbound to A122 Lower Thames Crossing southbound
A2		A major road in south-east England, connecting London with the English Channel port of Dover in Kent.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Construction		Activity on and/or offsite required to implement the Project. The construction phase is considered to commence with the first activity on site (e.g. creation of site access), and ends with demobilisation.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual containing requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is highway authority. For the A122 Lower Thames Crossing the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.

Term	Abbreviation	Explanation
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.
Highways England		Former name of National Highways.
M2 junction 1		The M2 will be widened from three lanes to four in both directions through M2 junction 1.
M2/A2/Lower Thames Crossing junction		New junction proposed as part of the Project to the east of Gravesend between the A2 and the new A122 Lower Thames Crossing with connections to the M2.
M25 junction 29		Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
National Planning Policy Framework	NPPF	A framework published in March 2012 by the UK's Department of Communities and Local Government, consolidating previously issued documents called Planning Policy Statements (PPS) and Planning Practice Guidance Notes (PPG) for use in England. The NPPF was updated in February 2019, July 2021 and September 2023 by the Department for Levelling Up, Housing and Communities, formerly the Ministry for Housing, Communities, and Local Government.
National Policy Statement	NPS	Set out UK government policy on different types of national infrastructure development, including energy, transport, water and waste. There are 12 NPS, providing the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	Sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
North Portal		The North Portal (northern tunnel entrance) would be located to the west of East Tilbury. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
Operation		Describes the operational phase of a completed development and is considered to commence at the end of the construction phase, after demobilisation.

Term	Abbreviation	Explanation
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.
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.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363