

Lower Thames Crossing

3.3 Consents and Agreements Position Statement (Clean version)

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1 Executive summary

- 1.1.1 This Consents and Agreements Position Statement (this Statement) outlines National Highways' (the Applicant's) strategy for securing consents and associated agreements needed to implement the proposed A122 Lower Thames Crossing (the Project).
- 1.1.2 The purpose and objective of this Statement is to identify, at a high level, the consents and agreements needed to construct and operate the Project and how the consents and agreements would be obtained.
- 1.1.3 This Statement details the consents that would be included in the Development Consent Order (DCO) and identifies the consents and agreements that would be required for the Project and their timescales.
- 1.1.4 The consents and agreements that will be incorporated within the DCO are defined within paragraph 4.1.2 of this document. While the DCO will be the principal consenting mechanism for the Project, there are some consents and agreements that will need to be acquired outside of the DCO, which are detailed in paragraph 4.1.1 and Appendix A respectively.

2 Introduction

2.1 Purpose of this document

- 2.1.1 National Highways (the Applicant) has submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent for the A122 Lower Thames Crossing (the Project).
- 2.1.2 This Consents and Agreements Position Statement (this Statement), submitted in accordance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, sets out the Applicant's intended strategy for obtaining the consents and associated agreements needed to implement the Project.
- 2.1.3 The purpose and objective of this Statement is to identify what consents and agreements are expected to be needed for the Project, and how these will be obtained.
- 2.1.4 As requested by the Examining Authority in the Rule 8 Letter [[PD-018](#)] and the amended Rule 8 Letter [[PD-020](#)], this document will provide an update on the current status of consents, S106 agreements and other legal agreements needed for the Project.
- 2.1.5 This document will be provided at each Deadline in the Examination, or nil return.
- 2.1.6 A number of consents and agreements will be needed for delivery of the Project, set out as follows:
- a. Land agreements – details of land agreements are set out in the Schedule of Negotiations, which is Annex B to the Statement of Reasons [**Document Reference 4.1 (8)**]
 - b. Consents – Appendix A to this document
 - c. Agreements securing delivery of environmental mitigation and/or compensation requirements – Appendix A to this document
 - d. Section 106 agreements – Appendix B to this document
 - e. Protective Provisions (Statutory Undertakers) – included within the draft Development Consent Order [**Document Reference 3.1 (11)**] – current status update provided in the Status of Negotiations with Statutory Undertakers [[REP6-052](#)].
- 2.1.7 In preparing this Statement, consideration has been given to the former Department for Communities and Local Government's (2013) Planning Act 2008: Application Form Guidance (paragraphs 45 and 46). As required, this Statement summarises the Applicant's understanding on the likelihood of the relevant consents being granted.
- 2.1.8 Any consents required for specific construction activities will be required to be obtained by the Contractor in accordance with Schedule 2 (Requirements) of the draft Development Consent Order (DCO) [**Document Reference 3.1 (11)**].

2.1.9 This Statement is part of a suite of documents which accompanies the application to grant development consent. A full description of all the Application Documents is provided in the Introduction to the Application [[REP4-002](#)] which also accompanies the application.

2.2 The need for the Project

2.2.1 For over 58 years the Dartford Crossing has provided the only significant road crossing of the River Thames to the east of London. It is a critical part of the country's road network, connecting communities and businesses and providing a vital link for the nearby major ports. However, traffic flows on the Dartford Crossing are consistently in excess of the design capacity of the road which results in frequent congestion and poor journey time reliability, making it one of the least reliable sections of the strategic road network. The current operational challenges have significant negative impacts on users and non-users in terms of economic productivity and trade, social and user experience, and environmental impacts. For more information on the need case, refer to the Need for the Project [[APP-494](#)].

2.3 The Project

2.3.1 The Project would provide a connection between the A2 and M2 in Kent and the M25 south of junction 29, crossing under the River Thames through a tunnel. The Project route is presented in Plate 2.1.

2.3.2 The A122 would be approximately 23km long, 4.25km of which would be in tunnel. On the south side of the River Thames, the Project route would link the tunnel to the A2 and M2. On the north side, it would link to the A13, M25 junction 29 and the M25 south of junction 29. The tunnel portals would be located to the east of the village of Chalk on the south of the River Thames and to the west of East Tilbury on the north side.

2.3.3 Junctions are proposed at the following locations:

- a. New junction with the A2 to the south-east of Gravesend
- b. Modified junction with the A13/A1089 in Thurrock
- c. New junction with the M25 between junctions 29 and 30

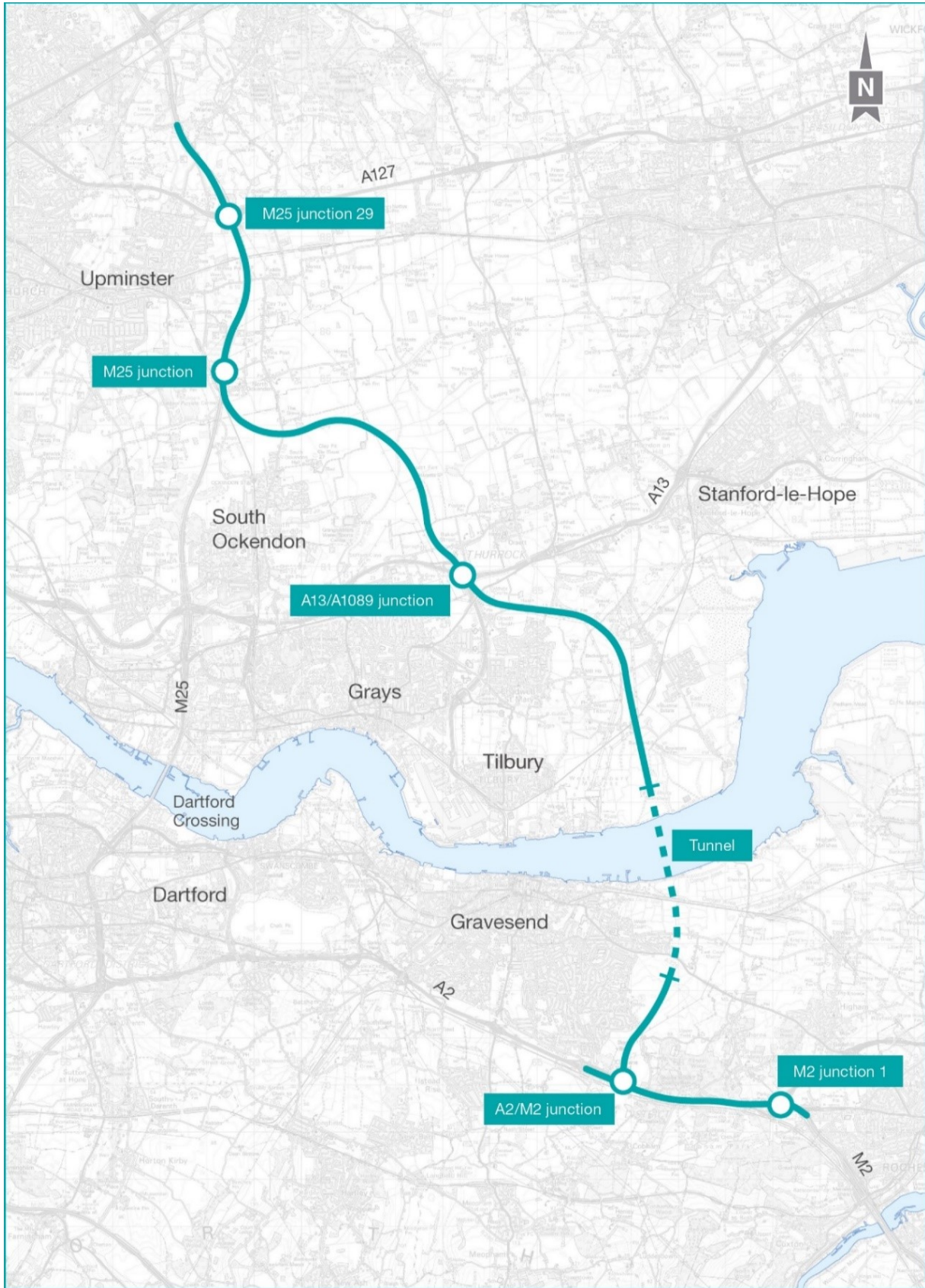
2.3.4 To align with National Policy Statement for National Networks (Department for Transport, 2014) policy and to help the Project meet the Scheme Objectives, it is proposed that road user charges would be levied in line with the Dartford Crossing. Vehicles would be charged for using the new tunnel.

2.3.5 The Project route would be three lanes in both directions, except for:

- a. link roads
- b. stretches of the carriageway through junctions
- c. the southbound carriageway from the M25 to the junction with the A13/A1089, which would be two lanes

- 2.3.6 In common with most A-roads, the A122 would operate with no hard shoulder but would feature a 1m hard strip on either side of the carriageway. It would also feature technology including stopped vehicle and incident detection, lane control, variable speed limits and electronic signage and signalling. The A122 design outside the tunnel would include emergency areas. The tunnel would include a range of enhanced systems and response measures instead of emergency areas.
- 2.3.7 The A122 would be classified as an ‘all-purpose trunk road’ with green signs. For safety reasons, walkers, cyclists, horse riders and slow-moving vehicles would be prohibited from using it.
- 2.3.8 The Project would include adjustment to a number of local roads. There would also be changes to a number of Public Rights of Way, used by walkers, cyclists and horse riders. Construction of the Project would also require the installation and diversion of a number of utilities, including gas pipelines, overhead electricity powerlines and underground electricity cables, as well as water supplies and telecommunications assets and associated infrastructure.
- 2.3.9 The Project has been developed to avoid or minimise significant effects on the environment. The measures adopted include landscaping, noise mitigation, green bridges, floodplain compensation, new areas of ecological habitat and two new parks.

Plate 2.1 Lower Thames Crossing route



3 Strategy

3.1 National Highways' consents strategy

Background

- 3.1.1 It is possible for a wide range of matters to be included within the scope of a DCO. Section 33 of the Planning Act 2008 disapplies a number of consents required. In addition, section 120 of the Planning Act 2008 provides that a DCO may make provision for, or relating to, any matters listed in Schedule 5 of the Planning Act 2008, including the application, modification or disapplication of certain relevant statutory provisions where necessary or expedient for the purposes of giving full effect to the DCO. In addition, there are specific sections within the Planning Act 2008, which provide that a DCO may include certain other provisions.
- 3.1.2 There are however some limitations, most notably in section 150 of the Planning Act 2008, which stipulates that certain prescribed non-planning consents may only be disapplied or otherwise modified within a DCO with the agreement of the relevant consenting body.

Strategy

- 3.1.3 A DCO must be sought as the principal consent for the works (under the Planning Act 2008) including provision of the powers required for any necessary land acquisition and temporary land possession.
- 3.1.4 The Project benefits from the intent of the Planning Act 2008 and Government policy to enable development and construction-related consents to be included within the DCO. Therefore, where feasible and practical, additional consents have been included within the DCO. This would reduce the need for any further approvals before the works covered by the DCO can commence, as most of the consents required for construction would be in place at the point at which the DCO is granted.
- 3.1.5 The Project has been, and will continue to be, developed based on strong collaboration between the stakeholders, and any additional consents and agreements will be secured at relevant stages of the Project's development, as necessary. The progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in Appendix A and Appendix B.

4 Consents and agreements

4.1 Consents

- 4.1.1 While the DCO will be the principal consenting mechanism for the Project, as described in paragraph 3.1.3, the DCO application may need to be supplemented by other applications if:
- a. a specific consent cannot be contained in the DCO
 - b. a consenting authority declines to allow a consent to be contained within the DCO under section 150 of the Planning Act 2008
 - c. it is not desirable, or it is inappropriate, to include a consent within a DCO due to the stage of design development meaning the detail required is unavailable
- 4.1.2 At the point of submission, most of the consents and all the powers required will have been included, or addressed, within the DCO as permitted by various provisions of the Planning Act 2008. These fall into the following categories:
- a. Authorisation of all permanent and temporary works and, where necessary, Listed Building Consent and Scheduled Monument Consent (including work in Conservation Areas)
 - b. Consent to carry out works in a Site of Special Scientific Interest
 - c. Compulsory acquisition of land (including subsoil) and/or rights over land such as easements, restrictive covenants and the temporary possession of land
 - d. Consent to construct works on open spaces and other Special Category Land
 - e. Consent to carry out street works
 - f. Highways matters (such as the classification of highways)
 - g. Traffic regulation matters (such as speed limits, clearways and prohibitions on use)
 - h. Powers to permanently stop-up streets and private means of access
 - i. Powers to temporarily close, alter, divert or restrict the use by vehicles, or classes of vehicles, or pedestrians of any street or private means of access
 - j. Consent to use private roads for construction and maintenance
 - k. Consent to carry out tree works, such as felling (including works to trees subject to a Tree Preservation Order, or in a Conservation Area, or subject to a felling licence)

- l. Consent to remove hedgerows, including any ‘important hedgerows’ (consent for which is not ordinarily required under The Hedgerows Regulations 1997 as National Highways benefits from the permission in Regulation 6(1)(h) of those regulations)
 - m. Consent to undertake works in respect of flood risk activities
 - n. Consent to undertake activities requiring drainage to ordinary watercourses
 - o. Consents required under Water Resources Act 1991 and Land Drainage Act 1991 byelaws
 - p. Consent to undertake works in and under the River Thames
 - q. Consent to modify and maintain structures in, over or under a main river (subject to Deemed Marine Licence conditions)
 - r. Consent to obstruct ordinary watercourses
 - s. Consent to discharge to sewers
 - t. Consent and powers to install and remove any apparatus belonging to utility undertakers and/or carry out utilities diversions
 - u. Powers to make byelaws relating to the tunnel area
- 4.1.3 The draft DCO [**Document Reference 3.1 (11)**] also proposes the disapplication and modification of local legislation. This is explained in further detail in the Explanatory Memorandum [**Document Reference 3.2 (7)**].
- 4.1.4 A number of the above consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. As a result, under section 150 of the Planning Act 2008, the relevant consenting body must agree to the inclusion (that is, disapplication) of these consents within the DCO.
- 4.1.5 Discussions between the Applicant and consenting bodies are ongoing.
- 4.1.6 The Applicant is confident that the necessary consents and agreements will be obtained before or during the Examination of its DCO application, in exchange for the Applicant including the appropriate Protective Provisions in the DCO.
- 4.1.7 The permits, consents and agreements that have been sought separately from the DCO are identified in Appendix A.
- 4.1.8 The permits and consents included in Appendix A are largely dependent on finalisation of the detailed design, the detailed construction site set-up and methodologies, and discussions with the consenting authorities. These are not sufficiently developed at this stage to confirm the requirements, and therefore it is not practical to include them within the draft DCO.

4.2 Agreements

4.2.1 Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

Statements of Common Ground

4.2.2 A fundamental part of the DCO process has been the preparation and agreement of Statements of Common Ground (SoCGs) with a variety of relevant stakeholders to identify the matters on which parties agree and disagree, to narrow the focus of the Examination and to make the Examination process more efficient.

4.2.3 At the time of DCO application submission, SoCGs were being progressed with a number of parties as set out in the Statements of Common Ground [APP-093]. Since then, a number of additional SoCGs have been submitted with further parties and these are set out at each deadline in the Cover Letter that accompanies each set of deadline submissions [Document Reference 9.185]. At each deadline the Statement of Commonality [Document Reference 5.3 (9)] has also been updated and submitted and this provides a matrix that sets out the broad position of matters under a number of headings to demonstrate where there is commonality in the matters being discussed with parties.

4.2.4 Progress on finalising any new or updated SoCGs has been reported to the Examining Authority at each required deadline throughout Examination phase or confirmation given that there is no update at that time.

Section 106 agreements

4.2.5 The Applicant has been negotiating Section 106 (s106) agreements with six local authorities.

4.2.6 At the time of the DCO application submission, draft Heads of Terms were set out [APP-505] and were subject to further discussion with the local authorities. An updated draft Heads of Terms was submitted at Deadline 4 [REP4-144].

4.2.7 As negotiations with the impacted local authorities progressed on the draft of the section 106 agreements and the obligations therein, it became clear to the Applicant that using planning obligations was not the most appropriate method for securing the Skills, Education and Employment (SEE) Strategy and Community Funds. The Skills Employment & Education Strategy and Community Fund provisions were therefore transferred out of the draft section 106 agreements and put into the Stakeholder Actions and Commitments Register (SACR) [Document Reference 7.21 (7)] as (new) Parts 2 and 3 respectively.

4.2.8 Draft s106 agreements were submitted at Deadline 7 and final versions at Deadline 9.

4.2.9 Where s106 agreement has not been reached between the Applicant and the impacted local authority, a unilateral undertaking has been submitted at Deadline 9.

4.2.10 Further details on the s106 agreements or unilateral undertakings can be found in Appendix B.

Land agreements

- 4.2.11 To deliver the Project, both the temporary possession and permanent acquisition of land is required in accordance with section 120 of the Planning Act 2008. The case for the Project is set out in the Statement of Reasons [**Document Reference 4.1 (8)**].
- 4.2.12 Chapter 4 and Annex B (the Schedule of negotiations) of the Statement of Reasons [**Document Reference 4.1 (8)**] sets out the discussions the Applicant has had with land interest holders to acquire the land by agreement. The Applicant is satisfied that compulsory acquisition and temporary possession powers are required to ensure that the Project can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the land by agreement. The Schedule of Negotiations will be updated and submitted at future deadlines.

Environmental mitigation

- 4.2.13 All the environmental mitigation required and associated with the Project, including any aspects listed above, are secured under the DCO. See the Register of Environmental Actions and Commitments (REAC) within Environmental Statement (ES) Appendix 2.2: Code of Construction Practice [**Document Reference 6.3 ES Appendix 2.2 (9)**], and the outline Landscape and Ecology Management Plan [**Document Reference 6.7 (7)**].
- 4.2.14 Letters of No Impediment (LONIs) are being sought with Natural England regarding the translocation of protected species and for works that may be undertaken in close proximity to protected species. Further detail is provided in Appendix A.
- 4.2.15 Discussions are ongoing on the following items with stakeholders to deliver the following mitigation and compensation (though this does not affect the fact that the mitigation measures themselves are secured by the DCO and the Applicant will be required to deliver such mitigation in the absence of an agreement):
- a. Natural England – five protected species mitigation/development licences would be required during the construction phase of the Project. The licences address contravention of the relevant legislation with respect to bats, badgers, dormice, great crested newts and water voles. Draft licence applications have been submitted to Natural England, the detail of which has been discussed with their Wildlife Management Senior Advisors. Natural England is satisfied the draft applications are sufficiently robust and has now issued formal letters of no impediment (LONI) for all five draft licence applications. These are appended to this document at Appendix C.
 - b. Coalhouse Point habitat creation – the creation of a wetland at Coalhouse Point and construction of an associated water inlet with self-regulating valve or equivalent structure to ensure appropriate water supply to the wetland in accordance with REAC items HR010 and HR011, unless a formal agreement with Thurrock Council to release water on request from the Coalhouse Fort moat system is secured. Further information on REAC items HR010 and HR011 can be found in the REAC within ES Appendix 2.2: Code

of Construction Practice [**Document Reference 6.3 ES Appendix 2.2 (9)**]. Further information on the status of these licences is included in Appendix A.

- c. The Applicant is proposing to improve the pedestrian crossing infrastructure along Elaine Avenue in Strood, Brennan Road in Tilbury, and Valley Drive in Gravesend, following an operational assessment of severance (based on traffic modelling and population data). This infrastructure will be secured by S106 agreements (Appendix B) or side agreements (Appendix A) with local authorities. Please refer to the relevant sections for further updates on progress.
- d. Hole Farm Community Woodland – the creation of a community woodland that includes the early delivery of compensation for the Project. Refer to ES Chapter 2: Project Description [[APP-140](#)] for more information. The site would be managed by Forestry England on behalf of the Applicant. Forestry England in partnership with the Applicant, has submitted a planning application to Brentwood Borough Council under the Town and Country Planning Act 1990 for the hard infrastructure needed for the new community woodland. This application relates to elements of the community woodland which are not part of the Project (i.e. visitor infrastructure and access paths). The elements of the Project which are to be delivered at Hole Farm are ecological compensation and replacement of Special Category Land. The ecological compensation, in the form of tree planting, is being delivered early under Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

4.2.16 In addition to the mitigation that must be delivered as detailed above, the Applicant is engaged in discussions with organisations relating to the delivery of mitigation outside the Order Limits, including the following:

- a. Water vole translocation – an agreement for a translocation site outside of the Order Limits is progressing with Essex Wildlife Trust and is close to being agreed.
- b. Barn owl habitat mitigation – an agreement for the provision of barn owl boxes for essential mitigation, outside the Order Limits, is progressing with Essex Wildlife Trust and is close to being agreed.
- c. Dormice – the Applicant has reached an agreement with Kent County Council and work has already begun within Shorne Woods Country Park to supplement dormouse mitigation, and to enhance habitat at the park.
- d. Reptile translocation – the Applicant has reached an agreement with Enover over the use of their Mucking Landfill site as a receptor site for reptiles displaced during construction works. Other translocation sites outside of the Order Limits are also being discussed with private landowners.

Highway Side Agreements

- 4.2.17 The Project has been engaged in discussions with local highway authorities on draft highway agreements covering matters such as the handover of assets upon their completion however, these draft highway agreements were superseded by the provision of Protective Provisions for local highway authorities in the dDCO.
- 4.2.18 The Protective Provisions require the undertaker to use reasonable endeavours to agree a local operating agreement with the relevant local authority in relation to maintenance and operational matters during construction. Further information on this is provided in the outline Traffic Management Plan for Construction [**Document Reference 6.7 (7)**].

References

Department for Communities and Local Government (2013). Planning Act 2008: Application Form Guidance. Accessed September 2022.
<https://www.gov.uk/government/publications/planning-act-2008-application-form>.

Department for Transport (2014). National Policy Statement for National Networks.

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.
Application Document		In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
Department for Communities and Local Government	DCLG	The former name of the Ministry of Housing, Communities and Local Government, now the Department for Levelling Up, Housing and Communities.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the ‘DCO application’.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Habitats Regulations Assessment	HRA	A tool developed by the European Commission to help competent authorities (as defined in the Habitats Regulations) to carry out assessment to ensure that a project, plan or policy will not have an adverse effect on the integrity of any Natura 2000 or European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites), (either in isolation or in combination with other plans and projects), and to begin to identify appropriate mitigation strategies where such effects were identified.
Health and Safety Executive	HSE	The government body responsible for health and safety regulation in Great Britain.
Letter of No Impediment	LONI	This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of the proposals.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
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.

Term	Abbreviation	Explanation
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.
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.
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project and would form part of the Code of Construction Practice if the Development Consent Order is granted.
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.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Statutory Undertaker	SU	Bodies carrying out functions of a public character under a statutory power. They may either be in public or private ownership, for example the Post Office, Civil Aviation Authority, the Environment Agency, or any water undertaker, public gas transporter or supplier of electricity.
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.

Appendices

Appendix A Permits and consents that may be required

Table A.1 Consents and permits

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
Installation/operation/plant operation/solvent emissions activities	Regulation 12 of the Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 (as amended)	Environment Agency	Multiple permits are likely to be required for construction activities, e.g., storage and treatment activities such as materials crushing, concrete/bitumen plants, remediation plant, transfer stations, short-term (less than three years) material storage. Locations where such permits would be required are primarily construction compounds across the Project. During construction, construction compounds would be located along the Project route. Larger compounds would be required at the North and South Portals to allow for tunnelling operations and materials management.	The requirement for this consent is not disapplied under the DCO. These environmental permits will be sought following detailed design when more specific information regarding construction operations and activity locations will be available. The Environment Agency has been consulted on the likely nature of permits.
Water abstraction and impoundment	Water Abstraction: Licence under sections 24 and 25 of the Water Resources Act 1991	Environment Agency	Permits are likely to be required for construction activities, e.g., water abstraction for concrete processing; impoundment requiring changes to existing assets and de-watering. Locations where such permits would be required are primarily construction compounds across the Project. During construction, construction compounds would be	The requirement for this consent is not disapplied under the DCO. These environmental permits will be sought following detailed design when more specific information regarding construction operations and activity locations will be available. The Environment Agency has been consulted on additional water abstraction licensing

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
			located along the Project route. Larger compounds would be required at the North and South Portals to allow for tunnelling operations and materials management.	requirements in relation to abstraction licences including the Coalhouse Point Wetland Habitats Regulation Assessment (HRA) mitigation area.
Environmental permits (water discharge and/or groundwater activity)	Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended)	Environment Agency	Permits will be required for dewatering, discharges to surface or groundwater from construction. At the northern tunnel entrance compound, a permit will be required for dewatering and discharge of groundwater, as well as for discharging other construction effluents, e.g. those generated by operation of the tunnel boring machine. At the southern tunnel entrance compound, a permit will be required for discharge of surface water runoff from the construction compound due to the potential for entrainment of chalk fines. The discharge would be received by a ditch that would convey flows to the River Thames. Additional permits may also be required for discharge of foul water to the sewage network under consent of the relevant utilities company. The Environment Agency will be consulted by the relevant Delivery Partners if other methods of foul water discharge are required.	These environmental permits will be sought following detailed design when more specific information regarding construction operations and activity locations will be available. Following the pre-application advice discussions with the Environment Agency, the Project will seek to re-engage in more detail with the Environment Agency when the main delivery partners are in place to progress the permit applications.

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
Environmental Permit (using, treating, storing and disposing of waste)	Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended)	Environment Agency	Permits will be required where treatment or storage of waste is proposed during construction or operation where it exceeds the provisions/requirements of an appropriate waste exemption. At the northern tunnel entrance compound, a permit(s) will be required where construction activities interact with the extant and currently permitted waste activities (operated by others).	The requirement for this consent is not disapplied under the DCO. Due to the complexity of interactions between construction activities and existing waste operations at the North Portal, these consents are likely to be sought as a priority. Permit workshops have been undertaken between the Applicant and the Environment Agency permitting technical specialists. An outline Environmental Permitting Strategy has been prepared in consultation with the Environment Agency to outline the permit options and scenarios which can be further developed during the detailed design phase.
Interfaces with third-party Environmental Permits (using, treating, storing and disposing of waste)	Regulations 12, 20, 25 and 31 of the Environmental Permitting (England and Wales) Regulations 2016 (as amended)	Environment Agency	Existing third-party environmental permits may require variation or surrender where inconsistencies or conflicts are identified between the authorised work and the third-party permit.	A provision (Article 68 of the DCO) has been agreed with the Environment Agency securing a mechanism for varying and surrendering existing third-party permits where necessary and in accordance with amended requirements of EPR 2016.
European Protected Species licensing	Conservation of Habitats and Species Regulations 2017	Natural England	Required for the translocation of species in the Order Limits prior to the commencement of construction.	Ecology surveys have identified that the Project may have an impact upon bats, great crested newts and dormice. The Project has engaged with Natural England to provide regular updates on any amendments made

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
				to the submissions. Following these discussions, the Project has now received Letters of No Impediment from Natural England for the draft protected species licences in relation to great crested newts, dormice, and bats. These are appended to this document at Appendix C
Water voles	Schedule 5 of the Wildlife and Countryside Act 1981 (as amended)	Natural England	Required for the translocation of species in the Order Limits prior to the commencement of construction.	Ecology surveys have identified that the Project may have an impact upon water voles. The Project continues to be actively engaged with Natural England in providing regular updates on any amendments made to the submissions. The Project has submitted the draft water vole mitigation licence application to Natural England following a request for further information. Following review by Natural England the Project has now received the Letter of No Impediment in relation to the draft protected species licence for water voles. This is appended to this document at Appendix C.
Badger licence	Protection of Badgers Act 1992 (section 10(1)(d))	Natural England	Badger setts have been identified within the Order Limits and it may be necessary to undertake the closure and removal of confirmed badger setts during construction. This	Ecology surveys have identified that the Project may have an impact upon badgers. A Letter of No Impediment relating to this draft licence application was received

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
			consent is therefore likely to be required prior to commencement of construction activities.	from Natural England in March 2023. This is appended to this document at Appendix C.
Delivery of mitigation outside the Order Limits	Conservation of Habitats and Species Regulations 2017 Wildlife and Countryside Act 1981 (as amended) A Highways Act 1980 Section 253 Agreement is proposed to secure the mitigation at both sites.	Natural England	Mitigation provision for various protected species where specific measures are being secured on land outwith the Order Limits	Water Vole Translocation: <ul style="list-style-type: none"> • Negotiations are ongoing and completion is expected within the next few weeks. Barn Owl habitat mitigation: <ul style="list-style-type: none"> • Negotiations are ongoing and completion is expected within the next few weeks. Dormice: <ul style="list-style-type: none"> • Agreement completed. Reptile Translocation: <ul style="list-style-type: none"> • Mucking Landfill, Enover (Adjacent to Thames Estuary, north bank) – Agreement completed. • Little Belhus, Rural arisings Ltd (Adjacent to M25 / Thames Chase) – Positive discussions ongoing.
Coalhouse Point habitat creation – water inlet with self-regulating valve	Water resource licence (abstraction licence) under the Water Resource Act 1991	Environment Agency	Secure water to deliver proposed wetland mitigation at Coalhouse Point	The water inlet secures the necessary water to ensure the ecological objectives of the mitigation will be achieved. Based on current water demand estimates, the Applicant will require a water resource licence (abstraction licence) under the Water Resource Act 1991 to achieve the wetland water demand via a supply directly from the River

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
				<p>Thames through the new water inlet. The applicant may also require an impoundment licence for the ditch and pond network where flow restrictions are put in place to maintain water levels. The agreed licensing routes for the water supply and maintaining water levels would be determined as part of the detailed design.</p>
<p>Planning Obligations with Medway Council</p>	<p>Side Agreement with Medway Council</p>	<p>n/a</p>	<p>The Applicant has identified a small number of locations where there is a potential adverse severance effect on pedestrians during the operation of the Project as a result of changes to traffic flows on the surrounding road network. Where the Applicant holds appropriate land interests, opportunities to reduce severance will be secured by the applicable s106 agreement (see Appendix B) however, the Applicant does not have the appropriate land interests in Medway with respect of Elaine Avenue, Strood (between Watling Street and Galahad Avenue) to enter into a S106 agreement and therefore a separate side agreement will be entered into to ensure the provision of these improvements. The side agreement scope will not include Community Funding and Skills, Education and Employment</p>	<p>In principle agreement (via a side agreement) has been reached between the Applicant and Medway Council with regards to the provision of a financial contribution to mitigate severance effects on Elaine Avenue.</p>

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
			Strategy as set out in the S106 Agreements – Heads of Terms [REP4-144] . This scope is included in the Kent County Council s106 Agreement (See Appendix B)	
Planning Obligations with Tonbridge and Malling Borough Council	Side Agreement with Tonbridge and Malling Borough Council	n/a	The Applicant has identified an adverse operational impact on walkers and cyclists due to predicted increases in Heavy Goods Vehicle (HGV) movements on the A228 and a need to support the provision of active travel between Snodland station and Peters Village. Where the Applicant holds appropriate land interests, opportunities to reduce residual impacts will be secured by the applicable s106 agreement (see Appendix B). However, the Applicant does not have the appropriate land interests in Tonbridge and Malling Borough Council to enter into an S106 agreement and therefore a separate agreement will be entered into to facilitate funding for walking and cycling improvements.	In principal agreement has been reached between the Applicant and Tonbridge and Malling Borough Council, with respect to a financial contribution towards a proposed public right of way improvement scheme linking the A228 at Holborough with Snodland Station. The scheme will be of benefit to vulnerable road users including cyclists, to help mitigate the effects of the Project.
Shorne Woods Country Park	Side Agreement with Kent County Council	n/a	The Applicant has identified a need to reduce the potential financial impacts of the Project while compensating for business losses on Shorne Woods Country Park by streamlining any compensation claims for business loss made by the Council via a side agreement with the Applicant.	Discussions are still progressing on how benchmarking data and variance will be assessed and the duration that the compensation claims can be made. However, in the event that an agreement is not reached, it is noted that Kent County Council still have the right to

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
				claim compensation business losses caused by the Project under Section 10 of the Compulsory Purchase Act 1965
Noise, vibration and environmental impact of construction works	Section 61 consent under the Control of Pollution Act 1974	Local authority	For construction works and associated operations to approve further controls for potential disruption and impacts.	This consent is usually gained (where appropriate) immediately prior to or during construction when a detailed description of the construction programme is available. The requirement for this consent is not disapplied under the DCO, but its application has been modified and an appeals mechanism is included within Schedule 2 (Requirements) of the draft DCO [Document Reference 3.1 (11)] , relating to the Control of Pollution Act 1974 in the event an approval under section 61 is refused, or granted subject to conditions.
Permits for road works and street works	Schemes made under the Traffic Management Act 2004	Local authority	To book road space, enable the coordination of works and put in place temporary traffic management on local roads.	The DCO proposes to apply local authority permit schemes subject to modifications that are compatible with the precedented approach to disapplying provisions of the New Roads and Street Works Act 1991, and which would ensure that conditions which may conflict with an Order (if granted) could not be imposed on National Highways.

Issue	Consent/licence/ agreement and legislation	Consenting authority	Requirement	Deadline 9- Final Position
Hyperbaric working	The Work in Compressed Air Regulations 1996. Regulation 21 of the 1996 Regulation grants the Health and Safety Executive (HSE) the power to <i>'exempt any person or class of persons from all or any of the requirements or prohibitions imposed by these [1996] Regulations'</i> .	HSE	HSE to sign off a derogation from the regulations to authorise work above 3.45 bar.	The requirement for this consent is not disapplied under the DCO. Outline requirements agreed with HSE and incorporated into Project specifications and scope. This is recorded in the Statement of Common Ground between National Highways and the Health and Safety Executive [REP1-070] .
Material assets and waste	The Control of Asbestos Regulations 2012	HSE	Required for any work with asbestos.	The requirement for this consent is not disapplied under the DCO. Given the age of some of the buildings to be demolished, it is possible that asbestos will be encountered. As such, a licence may be needed. If required, a licence will be sought by the Contractor prior to work taking place.
Discharging waste	Trade Effluent Consent under the Water Industry Act 1991	Local water undertaker	For the purposes of discharging trade effluent from welfare facilities.	The requirement for this consent is not disapplied under the DCO. The requirement for a Trade Effluent Consent will be discussed with the relevant local water undertaker should it be required during the construction phase.

Appendix B Update on s106 Agreements

- B.1.1 At Deadline 7 the Applicant submitted draft section 106 agreements with the following local authorities:
- a. Brentwood Borough Council [[REP7-173](#)]
 - b. Essex County Council [[REP7-174](#)]
 - c. Gravesham Borough Council [[REP7-175](#)]
 - d. Kent County Council [[REP7-176](#)]
 - e. London Borough of Havering [[REP7-177](#)]
 - f. Thurrock Council [[REP7-178](#)]
- B.1.2 An agreement signed by both parties has been submitted at Deadline 9 for the following local authority:
- a. Gravesham Borough Council [**Document Reference 9.166 (2)**]
- B.1.3 The following local planning authorities have confirmed that they agree the wording in the 106 agreement and are currently undertaking the formal execution process and that it is planned that the signed and dated s106 agreement will be submitted to the Examining Authority at Deadline 10 by the Applicant. At Deadline 9, final agreed versions have been included (but are unsigned and undated):
- a. Brentwood Borough Council [**Document Reference 9.164 (2)**]
 - b. Essex County Council [**Document Reference 9.165 (2)**]
 - c. London Borough of Havering [**Document Reference 9.168 (2)**]
 - d. Thurrock Council [**Document Reference 9.169 (2)**]
- B.1.4 Agreement could not be reached with the following local authority and so the planning obligations take the form of a unilateral undertaking and is submitted as final at Deadline 9:
- a. Kent County Council [**Document Reference 9.167 (2)**]

Appendix C Letters of No Impediment

C.1.1 Letter of No Impediment for Badgers

Date: 31 March 2023
Our ref: 2020-49539-SPM-NSIP2
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Highways England
Sent by e-mail only

Wildlife licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: [REDACTED]

Dear [REDACTED]

CC [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE PROTECTION OF BADGERS ACT 1992 (as amended)
NSIP: Lower Thames Crossing - Southern extent: tie in with the A2/M2 in Kent, Northern extent: tie in with junction 29 of the M25 in Essex
SPECIES: Badger (*Meles meles*).

Thank you for your subsequent draft badger mitigation licence application in association with the above NSIP site, received in this office on the 23 November 2022 and subsequent additional documents received on 17 and 28 February and 2, 22 and 30 March 2023. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our [REDACTED] discussed this matter with [REDACTED] Lower Thames Crossing via e-mail correspondence on the 31 March where it was confirmed that the necessary amendments would be made. Please ensure that the method statement is revised to include these changes prior to formal submission. For clarity these include:

- The named ecologist will be required to have the full range of skills and experience for all methods and activities included within the application. This should include exclusion of large main setts, construction of artificial setts and working on large scale projects.

- The Pre-construction surveys should include monitoring of any artificial setts already constructed. A final walkover survey should be carried out immediately prior to the application submission i.e. in April 2025.
- If preconstruction surveys identify a change in status of setts which result in the loss of further main sett e.g. Setts 2, 3, 137, 139 and 251 noted a possible historic main sett, additional artificial sett provision will be required.
- The same baiting techniques used on the artificial sett must be used on existing sett 246 and evidence gathered to ensure badgers have found it prior to exclusion of main sett 2
- Ground penetrating radar can be used as a helpful guide to assist in identifying presence of tunnels but must not be relied upon to determine absence of tunnels.
- Where possible works should be carried out in a manner that does not disturb badgers whilst they occupy setts.
- The schedule of works should be amended to remove the statement that sett destruction may include live badger digs. Exclusion of the setts, particularly the main setts should commence as soon as possible after 1 July. At this time of year badgers are less determined to get back into the setts. Furthermore, this will allow plenty of time (before 30 November) to re start the monitoring of the one-way gates should it be found that badgers have regained access to the sett.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'NSIP: Formal LICENCE APPLICATION '2020-49539-SPM-NSIP2- Badger – Lower Thames Crossing. FOR THE ATTENTION OF [REDACTED]

Submitting Documents.

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Customer Feedback – Wildlife Licensing

To help us improve our service please complete the following questionnaire and return to:

Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

or email to wildlife@naturalengland.org.uk

<http://www.gov.uk/guidance/wildlife-licences>



Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

OK (2)

Easy (3)

Very Easy (4)

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

Very Limited Awareness (2)

Partially Aware (3)

Fully Aware (4)

3. How would you rate the service provided by Natural England?

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

Partially

Unresolved

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

No reaction

Negative reaction

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

Possibly

Unlikely

No

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). *If you are happy to be contacted at a later date to explore possible improvement options, please tick this box and ensure your Natural England reference number is at the top of this page.*

C.1.2 Letter of No Impediment for Bats

Date: 17 November 2023
Our ref: 2020-49967-EPS-NSIP3
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Highways England
Sent by e-mail only

Wildlife licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: [REDACTED]

Dear [REDACTED]

CC [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended)/THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)
NSIP: Lower Thames Crossing (A122) - A2/M2 in the south to junction 29 of M25 in the north Kent and Essex.
SPECIES: Bats (*Chiroptera*)

Thank you for your subsequent draft bat mitigation licence application in association with the above NSIP site, received in this office on the 13 November 2023. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our [REDACTED] discussed this matter with [REDACTED] [REDACTED] Lower Thames Crossing by telephone and via e-mail correspondence on 15 and 17 November 2023 where it was confirmed that the necessary amendments would be made. Please ensure that the method statement is revised to include these changes prior to formal submission. For clarity these include:

Ecologist Experience

The named ecologist on the formal application will be required to have the full range of skills and experience for all methods and activities included within the application. This should include

all bat species included in the application, destruction of hibernation roosts and working on large scale projects.

Winter crossing point surveys

The additional proposals to conduct pre/post hibernation surveys at Stanford Road bridge, the pedestrian culvert and the pedestrian footbridge to assess the levels of activity of each of these crossings, and therefore their importance to the bat population within Hangman's Wood and Deneholes SSSI, has been accepted. However, these surveys are to be carried out in **2024** and are to **include crossing points 6.5, 7 and 7.5** to determine their importance for dispersal over the wider landscape.

Post construction surveys

Post construction pre/post hibernation surveys to be conducted at all locations identified during the pre-construction pre/post hibernation surveys as being of importance to the bat populations within Hangman's Wood and Deneholes SSSI to ensure the functionality of the roost is maintained.

Post construction crossing point monitoring surveys are to include the new structures at crossing points 6.5 (Brentwood Road), 7 (footpath 79) and 12 (Farm track bridge).

Figures

Figure C6 Survey results - additional figures illustrating the individual structures to be impacted are required. Although these have been provided as inserts, they do not include all the detail required, therefore larger, separate figures required at the licensing stage. These should be of an appropriate scale, to illustrate the location of droppings, roost locations, access points, flight lines etc. Surveyor locations should also be clearly marked on these figures.

Figure D Impacts plan - additional larger scale figures of each of the structures to be impacted are required. Although these have been provided as inserts, they do not include all the detail required, therefore larger, separate figures required at the licensing stage. These should be D(i), D(ii) etc. should be easily comparable with the survey results figures illustrating the roost locations/access points. It may also be necessary to identify areas where winter clearance of trees is proposed.

Next Steps

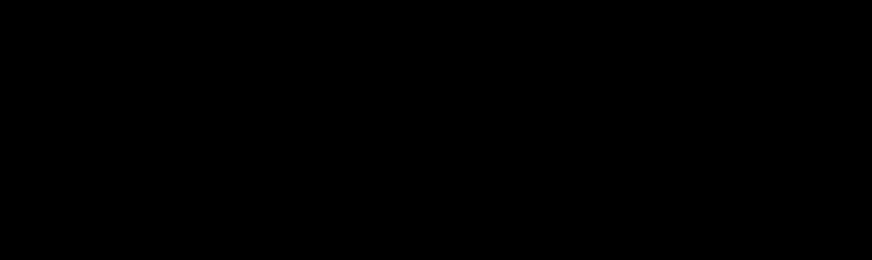
Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence NSIP: Formal LICENCE APPLICATION '2020-49967-EPS-NSIP3 – Bats – Lower Thames Crossing FOR THE ATTENTION OF [REDACTED]

Submitting Documents.

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

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Customer Feedback – Wildlife Licensing

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Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

or email to wildlife@naturalengland.org.uk

<http://www.gov.uk/guidance/wildlife-licences>



Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

OK (2)

Easy (3)

Very Easy (4)

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

Very Limited Awareness (2)

Partially Aware (3)

Fully Aware (4)

3. How would you rate the service provided by Natural England?

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

Partially

Unresolved

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

No reaction

Negative reaction

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

Possibly

Unlikely

No

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). *If you are happy to be contacted at a later date to explore possible improvement options, please tick this box and ensure your Natural England reference number is at the top of this page.*

C.1.3 Letter of No Impediment for Dormouse

Date: 10 November 2023
Our ref: 2020-49555-EPS-NSIP3
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Highways England
Sent by e-mail only

Wildlife licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: [REDACTED]

Dear [REDACTED]

CC [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended) / THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)
NSIP Lower Thames Crossing (A122)- A2/M2 in the south to junction 29 of M25 in the north Kent and Essex.
SPECIES: Hazel dormouse (*Muscardinus avellanarius*)

Thank you for your subsequent draft dormouse mitigation licence application in association with the above NSIP site and updated method statement, received in this office on the 31 October 2023. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our [REDACTED] discussed this matter with [REDACTED] [REDACTED] Lower Thames Crossing via e-mail correspondence on the 3 November 2023 where it was confirmed that the necessary amendments would be made. Please ensure that the method statement and application documents are revised to include these changes prior to formal submission. For clarity this includes:

Ecologist Experience

The named ecologist on the formal application will be required to have the full range of skills and experience for all methods and activities included within the application. This should include capture and translocation of dormouse and working on large scale projects.

NSIP-LICTEMP-LONI Caveats-101023-PV
NSIP LONI (10/2022)

Next Steps

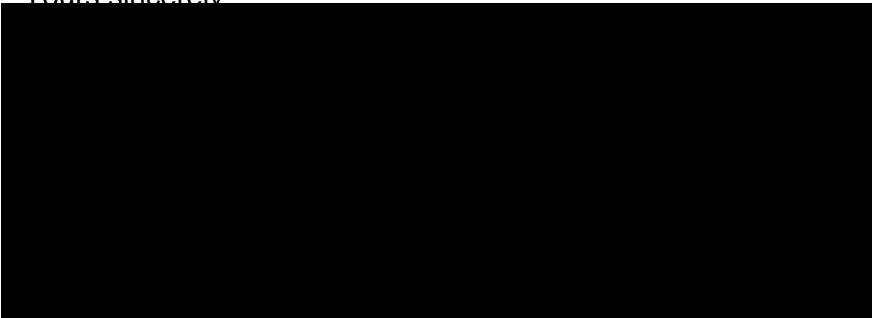
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I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence NSIP: Formal LICENCE APPLICATION '2020-49555-EPS-NSIP3 – Dormouse – Lower Thames Crossing FOR THE ATTENTION OF [REDACTED]

Submitting Documents.

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

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When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Customer Feedback – Wildlife Licensing

To help us improve our service please complete the following questionnaire and return to:

Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

or email to wildlife@naturalengland.org.uk

<http://www.gov.uk/guidance/wildlife-licences>



Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

OK (2)

Easy (3)

Very Easy (4)

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

Very Limited Awareness (2)

Partially Aware (3)

Fully Aware (4)

3. How would you rate the service provided by Natural England?

	<i>Poor</i> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

Partially

Unresolved

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

No reaction

Negative reaction

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

Possibly

Unlikely

No

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). *If you are happy to be contacted at a later date to explore possible improvement options, please tick this box and ensure your Natural England reference number is at the top of this page.*

C.1.4 Letter of No Impediment for Great Crested Newts

Date: 30 June 2023
Our ref: 2020-49904-EPS-NSIP3
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Highways England
Sent by e-mail only

Wildlife Licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: [REDACTED]

Dear [REDACTED]

CC [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017
NSIP: Lower Thames Crossing - Southern extent: tie in with the A2/M2 in Kent, Northern extent: tie in with junction 29 of the M25 in Essex
SPECIES: Great Crested Newt (*Triturus cristatus*)

Thank you for your subsequent draft great crested newt mitigation licence application in association with the above NSIP site, received in this office on the 2 June 2023 and subsequent additional documents received on 29 and 30 June 2023. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our [REDACTED] discussed this matter with [REDACTED] [REDACTED] Lower Thames Crossing via video call on the 30 June where it was confirmed that the necessary amendments would be made. Please ensure that the method statement is revised to include these changes prior to formal submission. For clarity these include:

- The named ecologist on the formal application will be required to have the full range of skills and experience for all methods and activities included within the

application. This should include capture, translocation and release of great crested newts and working on large scale linear projects.

- Pre-construction surveys will be required and should include monitoring of any artificial refuge or hibernacula already constructed. A final walkover survey should be carried out immediately prior to the application submission i.e. in April 2025. Should preconstruction survey results identify any significant differences to previous survey results the formal licence application will need to be reassessed by Natural England.
- Add refugia to Figure E3 (Habitat Measures) for metapopulations S01 and N07.

Next Steps

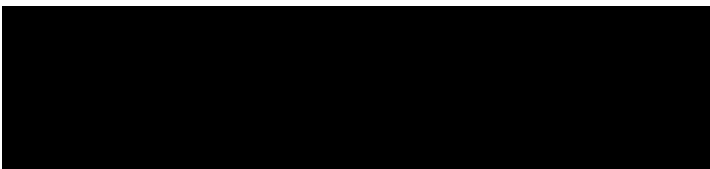
Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF [REDACTED]

Submitting Documents.

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Reasoned Statement

When submitting a revised Reasoned Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively one paper copy of the complete, revised document. Please do not send the amended sections in isolation.

Customer Feedback – Wildlife Licensing

To help us improve our service please complete the following questionnaire and return to:

Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH

or email to wildlife@naturalengland.org.uk

<http://www.gov.uk/guidance/wildlife-licences>



Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

 OK (2)

 Easy (3)

 Very Easy (4)

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

 Very Limited Awareness (2)

 Partially Aware (3)

 Fully Aware (4)

3. How would you rate the service provided by Natural England?

	<i>Poor</i>	<i>Fair</i>	<i>Good</i>	<i>Excellent</i>	<i>Not applicable</i>
	1	2	3	4	
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

 Partially

 Unresolved

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

 No reaction

 Negative reaction

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

 Possibly

 Unlikely

 No

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box and ensure your Natural England reference number is at the top of this page.

C.1.5 Letter of No Impediment for Water Vole

Date: 10 November 2023
Our ref: 2023-63901-SPM-AD2
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Highways England
Sent by e-mail only

Wildlife licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: [REDACTED]

Dear [REDACTED]

CC [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)
NSIP Lower Thames Crossing (A122)- A2/M2 in the south to junction 29 of M25 in the north Kent and Essex.
SPECIES: Water vole (*Arvicola terrestris*)

Thank you for your subsequent draft water vole mitigation licence application in association with the above NSIP site and updated method statement (version 4), received in this office on the 20 October 2023. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Our [REDACTED] discussed this matter with [REDACTED] Lower Thames Crossing via e-mail correspondence on the 3 November 2023 where it was confirmed that the necessary amendments would be made. Please ensure that the application documents are revised to include these changes prior to formal submission. For clarity these include:

Application Form

A new water vole licence application form (A11) is now available on Gov.uk, this should be used for all future (draft or formal) applications. <https://www.gov.uk/government/publications/water-voles-apply-for-a-mitigation-licence-a11>

Section 10 Ecologist Experience

The named ecologist on the formal application will be required to have the full range of skills and experience for all methods and activities included within the application. This should include displacement, trapping and translocation and working on large scale linear projects.

Figures

The following will be required at the formal application stage (and with any future draft PSS applications):

A figure titled: 'Locations and habitats where all capture and exclusion activities will be undertaken'. This should be **a dated plan sent as a separate document** (i.e. not imbedded in the method statement)

This plan must:

- show capture sites and clearance of water vole habitat
- indicate which areas will be subject to the different methodologies
- include direction of displacement with arrows where applicable
- show the location of any water vole fencing or bunds

A figure titled: 'Specifications for mitigation or compensation. This should be **a dated plan sent as a separate document** (i.e. not imbedded in the method statement)

This plan must:

- show all habitat creation, restoration or enhancement for water voles
- clearly identify the location of release sites for captured water voles, where applicable
- the design and dimensions for any mammal ledges under culverts, bridges or other linking structures
- for development schemes, include the final development layout.

It may be necessary to submit more than one figure.

Method Statement

The method statement template was updated on Gov.uk in January 2023 and must be used when submitting the formal application.

Site Information and Survey

Confirmation that the named ecologist has visited the site will be required in the method statement submitted with the formal application.

Receptor Sites

Confirmation of landowner consent to release water voles will be required with the formal application.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

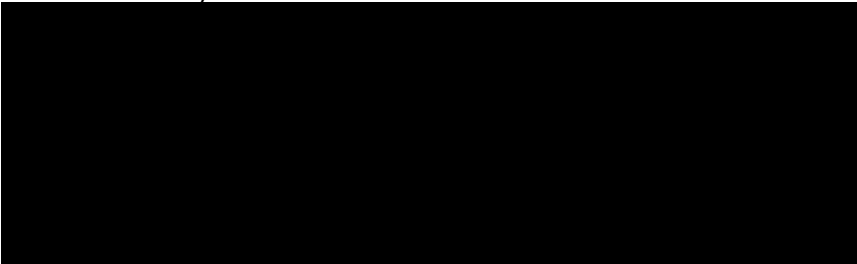
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Yours sincerely



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Important note: when submitting your formal application please mark all correspondence NSIP: Formal LICENCE APPLICATION '2023-63901-SPM-AD2- Water vole – Lower Thames Crossing 'FOR THE ATTENTION O [REDACTED]

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Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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No

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