



Lower Thames Crossing

5.4.5.2 Final Agreed Statement of Common Ground between (1) National Highways and (2) Forestry England (Tracked changes version)

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APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 5

DATE: December 2023
DEADLINE: 9A

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Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.5.2

VERSION: 4.0

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Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	19 September 2023	Deadline 4
3.0	5 December 2023	Deadline 8
4.0	15 December 2023	Deadline 9A

Status of the Statement of Common Ground

This is the ~~Final Agreed~~ Statement of Common Ground ~~between (1) National Highways (the Applicant) and (2) Forestry England.~~

~~Both parties have reached agreement on the position on the status of all 24 matters. Of the 24 matters contained within, 11 are agreed, eight are agreed in principle and five are not agreed.~~

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Deleted: considers that this draft Statement of Common Ground is an accurate description of the matters raised by

Deleted: and the status of each matter, based on the engagement that has taken place to date.

On behalf of the Applicant

Name	
Position	
Organisation	National Highways
Signature	

On behalf of Forestry England

Name	
Position	
Organisation	
Signature	

Lower Thames Crossing

5.4.5.2 Final Agreed Statement of Common Ground between (1) National Highways and (2) Forestry England (Tracked changes version)

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (the Applicant) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Forestry England, and where agreement has not been reached.
- 1.1.3 This final version of the SoCG has been submitted at Examination Deadline 9A.

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1.2 Principal Areas of Disagreement

- 1.2.1 On 19 December 2022 the Examining Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the Application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 Forestry England elected not to produce a PADS Tracker, at pre-examination stage, and conveyed to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

1.3 Terminology

- 1.3.1 In the 'Final Position on Matters' table in Section 2 of this SoCG, "Matter Not Agreed", indicates agreement on the matter could not be reached following significant engagement, "Matter Agreed", indicates where the issue has now been resolved and "Matter Agreed*" indicates where further discussion may need to take place during the detailed design or construction stages of the Project to finalise detail, but the matter is agreed in principle.

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Deleted: Under Discussion' where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. 'Matter Agreed'

2 Matters

2.1 Final position on matters

2.1.1 A summary of engagement undertaken between the Applicant and Forestry England is summarised in Table A.1 in Appendix A.

2.1.2 The outcome of this engagement is presented in Table 2.1 which details and presents the matters that are either agreed or not agreed between the Applicant and Forestry England.

2.1.3 In the column 'Item No' in This is the final Statement of Common Ground between the Applicant and Forestry England.

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Deleted: Following submission of the previous version of this Draft SoCG

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Deleted: in Appendix A and the outcome of these discussions is summarised below.¶
This version of the SoCG includes updated narrative on items 2.1.4 and 2.1.7 to provide clarification on the status regarding open space at Thames Chase (Broadfields Farm) and Folkes Lane Woodland, where Forestry England is the landowner. ¶
The Applicant will continue to work with Forestry England on the remaining matters under discussion and submit a final SoCG at Deadline 9A.¶
Table 2.1

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2.1.4 Table 2.1, 'DLX' indicates a new matter added during Examination at/around that deadline.

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2.1.5 Since version 3 of this SoCG was submitted at Examination Deadline 8 an additional three matters have been added as follows:

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a. 2.1.22 (Land and compulsory acquisition)

b. 2.1.23 (Land and compulsory acquisition)

c. 2.1.24 (Design – Road, Tunnels, Utilities)

2.1.6 The following matters have moved from 'Matter Under Discussion' to 'Matter Agreed/Matter Agreed*':

a. 2.1.6 (Land and compulsory acquisition)

b. 2.1.15 (Terrestrial biodiversity)

c. 2.1.17 (Construction)

d. 2.1.22 (Land and compulsory acquisition)

e. 2.1.23 (Land and compulsory acquisition)

f. 2.1.24 (Design – Road, Tunnels, Utilities)

2.1.7 The following matter has moved from 'Matter Under Discussion' to 'Matter Not Agreed':

g. 2.1.21 (Design – Road, Tunnels, Utilities)

2.1.8 The following matter has moved from 'Matter Agreed' to 'Matter Not Agreed':

h. 2.1.9 (Land and compulsory acquisition)

2.1.9 It is acknowledged there are some matters where further discussion may take place during the detailed design or construction stage of the Project to finalise detail, but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.

2.1.10 At Examination Deadline 9A there are 24 matters, of which 11 are agreed, eight are agreed in principle and five are not agreed.

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2.1.11 This is the final Statement of Common Ground between the Applicant and Forestry England.

Table 2.1 Final position on Matters

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
Need for the Project					
Need for the Project	2.1.1	Forestry England support the need for the Project.	Noted	N/A	Matter Agreed
Route selection, modal alternatives & assessment of reasonable alternatives					
Route selection Route Alignment	2.1.2	Forestry England agrees with the proposed route alignment.	Noted	N/A	Matter Agreed
Consultation and engagement					
Adequacy of Consultation	2.1.3	Forestry England is satisfied with the adequacy of consultation on the Project.	Noted	N/A	Matter Agreed
Land and Compulsory acquisition					
Replacement open space Broadfields (Thames Chase)	2.1.4	Forestry England states that Broadfields is their most important single land holding within Thames Chase, comprising established woodland surrounding the Thames Chase Forest Centre. The holding is already divided by the M25, with the majority of land (including the Forest Centre) to the west, and a further parcel to the east connected by an underpass. Forestry England states that the proposed land take is significant and will reduce publicly accessible	The Applicant recognises the importance of Broadfields and has sought to reduce the impact on this where possible. Replacement land for Broadfields (open space and habitat) has been identified in the DCO Application including the acquisition of (i) Hobbs Hole Field and (ii) land adjacent to Cranham Golf Course. The freehold of this replacement land will be transferred to Forestry England. This matter is agreed on the basis that replacement land will be	Special Category Land Plans Volume C [Document Reference 2.4 (7)] ,	Matter Agreed*

Deleted: Special Category Land Plans Volume C [\[REP7-022\]](#)

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		land and sever a number of trails. It will also further separate the two parcels of land. The impact on the site would be further reduced if severance of trails could be minimised, particularly in the western parcel which attracts high numbers of visitors. Forestry England, as owner and operator of Thames Chase, agrees that the replacement land as included in the DCO application, measuring approximately 156,093 sqm (as shown on Special Category Land Plan [Sheets 42, 43 and 44]) is no less advantageous and no less in area, in accordance with s.131 and s.132 of the Planning Act 2008.	provided by the Applicant. The Applicant and Forestry England will continue discussions on the detailed design regarding the suitability of replacement land post DCO-consent. The Applicant will require written confirmation from Forestry England of the transfer of their freehold, once they have agreed to the replacement land proposed by the Applicant.		
Access Hobb's Hole	2.1.5	Forestry England has several concerns about the management and suitability of replacement land with third party ownership - located in the middle (the Hobb's Hole pond). They would like to reiterate these concerns. Forestry England understand Hobb's Hole pond was purposefully omitted from the DCO Order Limits because	The Applicant states that the pond remains outside of the Order Limits as there is no legal justification for its compulsory acquisition; however, the Applicant is aware of the estate management issues that could arise in future and so will progress discussions with the owner of Hobb's Hole pond over its management and possible voluntary agreements.	N/A	Matter Not Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		there is no justification for compulsory acquisition.	The Applicant will continue to engage with Forestry England to explain any progress in estate management.		
Mitigation Folkes Lane	2.1.6	Forestry England would like to draw attention to an area of land within Folkes Lane that is highlighted for permanent acquisition for environmental mitigation. This land is already partially planted with trees and is part of the open space designed into the site masterplan. Forestry England is keen that this area should not limit any flexibility for the future management of the surrounding woodland including future tree felling. <u>Forestry England agree to this matter in principle and we would like National Highways to keep us involved during detailed design to influence the shape and design of ponds.</u>	The Applicant can confirm that the proposed use of the site (Plot Number 46-04 and 47-25) for ecological mitigation will not limit Forestry England from any future management of adjacent woodland. The Applicant proposes to create two wildlife ponds to offset the loss of one pond supporting great crested newts just immediately south of this area. This land would be for temporary possession with permanent right of access for environmental management purposes only. <u>Following a meeting with Forestry England on 30 November, 2023, this matter was moved to agreed. The Applicant acknowledges that Forestry England would like to influence the shape and design of the ponds at detailed design and will continue discussions at an appropriate stage.</u>	<u>Land Plans Volume C [Document Reference 2.2 (8)]</u> <u>Statement of Reasons [Document Reference 4.1 (8)]</u>	Matter Agreed*
Hole Farm Replacement open space (Folkes Lane Woodland)	2.1.7	Forestry England seeks clarification on the status of proposed replacement land at Hole Farm in Brentwood, Essex as compensation land due to impacts on Folkes Lane Woodland located	The inclusion of the Hole Farm site within the Order Limits and the DCO application is to provide compensation for the following aspects: ancient woodland loss, the impacts of nitrogen deposition on	Planning Statement Appendix D: Open Space [REP7-136]	Matter Agreed

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p>in the different local authority area of, the London Borough of Havering.</p> <p>Forestry England, as owner and operator of Folkes Lane Woodland, agrees that the replacement land as included in the DCO application, measuring approximately 29,179 sqm (as shown on Special Category Land Plan Sheet 47) is no less advantageous and no less in area, in accordance with s.131 & s.132 of the Planning Act 2008.</p>	<p>designated habitats and replacement special category land (for loss of open space at Folkes Lane Woodland). The replacement land for open space is described in more detail in Appendix D of the Planning Statement.</p> <p>There are also proposed utility works on the Hole Farm site, which are Works Nos. G10 and MU92 shown on sheet 46 of the Works Plans Volume C Utilities. Work No. G10 involves the diversion of a Cadent high-pressure gas pipeline. Work No. MU92 is the installation of a multi-utility corridor containing an undergrounded electricity network.</p> <p>The Applicant purchased the site on the open market to create a large community woodland in partnership with Forestry England.</p> <p>The Applicant confirmed at the Local Refinement Consultation (May 2022) that part of the site would now be used for compensation for nitrogen deposition, which will be compensatory tree planting.</p> <p>A small part of the site will be classed as replacement open space land for that lost at Folkes Lane.</p>	<p>Works Plans Volume C Utilities [Document Reference 2.6 Volume C (7)]</p>	

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Special Category Land Plans Volume C [\[REP7-022\]](#)

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			<p>The Applicant will transfer the freehold of the replacement land with the remainder of the site leased to Forestry England.</p> <p>The masterplan for the entire site is being developed in partnership with Forestry England and the wider Thames Chase Community Forest partners.</p>		
<p>Compensation</p> <p>Utilities</p>	2.1.8	<p>Following the Local Refinement Consultation, it has been made clear to Forestry England that relocating power underground as initially proposed is not possible and instead two new, taller pylons (replacing the existing two pylons) will be erected on our landholding at Broadfields. National Highways' proposal is for this work to be undertaken ahead of their DCO programme by UKPN who seek to upgrade the line. While the UKPN works are due regardless of the Project, the plans have been aligned to accommodate the future Project requirements.</p> <p>FE has requested support from National Highways in facilitating the relationship with the UKPN works as these would not be covered by agreements made under the DCO</p>	<p>The proposal is for the construction of two new taller pylons that will replace two existing pylons (which will be removed as part of the works), so there will be no additional infrastructure with regards to this network. This requires a smaller working area and is quicker to complete compared to the undergrounding proposal previously proposed. The Applicant has considered alternative options and the overgrounding of this network, on balance, is preferential to both the Project and to UK Power Networks (UKPN) who will undertake the work, own and operate the network. Taller pylons will be required to achieve this.</p> <p>Based on the outline plan provided by Forestry England for the proposed orchard, it is likely the south-eastern</p>	N/A	Matter Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		and would create two periods of disruption on site. As part of the DCO works the proposed land loss in this area (adjacent to the pylon) will impact pathways and the orchard area. We seek to influence detailed design to minimise the negative impacts of this.	corner will be impacted by the alignment of the diverted overhead powerlines and the location of the proposed pylon. The extent of which is unknown until the detailed design stage and will be based on UKPN's planting policies and guidance. It is of note that the eastern edge of the proposed orchard would be impacted by the easement requirement and planting policy associated with the diverted water pipeline that runs north–south through the region adjacent to the highway embankment. If UKPN does not carry out the works ahead of the Project, then the Applicant will continue to engage with UKPN and Forestry England throughout the detailed design process in relation to impacts on the orchard and agree with both parties as to any mitigation and compensation required.		
WCH / Active Travel Design	2.1.9	The LTC proposals for a new designated bridleway and new permanent designated cycle route at Jeskyns Community Woodland are not accepted by Forestry England due to the pressure on	The Applicant is working closely with Forestry England to ensure the walker, cyclist and horse rider (WCH) proposed design is developed in a way that improves connectivity for all users through Jeskyns Community	Rights of Way and Access Plans (Volume B) [Document Reference 2.7 Volume B (5)]	Matter Not Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
Public Rights Of Way (Jeskyns Community Woodland)		<p>busy recreation facilities and potential conflict between users. Jeskyns offers provision for a variety of different users including walkers, dog walkers, horse riders, and cyclists. Our routes and trails have been refined over the last 15 years to ensure the best balance of access across the site for all users. Following discussions with National Highways and their need to divert National Cycle Route (NCR) 177, we have agreed to accommodate a temporary cycle diversion in a new agreed route. Our agreement is subject to further discussion at detailed design stage which will consider the impact on recreation and the environmental impact of the route selected.</p> <p>Forestry England is concerned about whether the Applicant's proposal to divert an existing horse trail on to the busy Broomfield Loop and through the car parking areas can be accommodated safely.</p> <p><u>At a meeting with National Highways on 30 November 2023, Forestry England raised further queries about the NCR 177 diversion through Jeskyns and re-</u></p>	<p>Woodland, whilst ensuring Forestry England's concerns are addressed. Following the Applicant's Local Refinement Consultation in May 2022, further engagement was carried out presenting a refinement of proposals through Jeskyns Community Woodland. The Applicant wrote to Forestry England confirming the proposed design had been revised, in response to concerns raised by Forestry England, to limit interaction between users.</p> <p>As part of the Project, National Cycle Route (NCR) 177 would be permanently diverted to the south of the A2, predominately along a new local road to be constructed north of HS1 and Jeskyns Community Woodland.</p> <p>During the construction of the permanent NCR177 diversion, a temporary diversion route would be created through Jeskyns Community Woodland. As part of this, it is also proposed to make some minor improvements in Jeskyns Community Woodland to improve east-west connectivity (both during and after construction of the Project) for horse riders south of the A2.</p>	<p>Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume A) [REP2-072]</p>	

Deleted: Rights of Way and Access Plans (Volume B) [\[REP7-044\]](#)

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p><u>iterated concerns about the safety of the diversion close to the parking areas. We'll continue to discuss the matter with National Highways but on the basis of our concerns this matter has now moved to Not Agreed.</u></p>	<p>Upon entering Jeskyns, the temporary route would follow a new permissive path for pedestrians and cyclists that would connect Byway NS311/NS195 in the east to the existing footpath NS177 to the west. The new permissive path would run to the south of the existing Horse Trail, which will remain unchanged and continue to be available for horse riders.</p> <p>The route for pedestrians and cyclists would continue north along a section of NS177 and then follow an existing permissive pathway (Broomfield Loop) up to the point where it meets the Horse Trail. From this point to a point immediately north-east of the car park, it is proposed that pedestrians, cyclists and horse riders would share the Broomfield Loop pathway. North-east of the car park, it is proposed to create a permissive bridleway running between the car park and the overflow car park and connecting to Henhurst Road. A pegasus crossing is proposed across Henhurst Road to allow WCH to connect to a proposed bridleway running parallel to Church Road. A section of</p>		

Deleted: Our agreement is subject to further discussion at detailed design stage.

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			<p>footpath NS177 within Jeskyns would be upgraded for use by pedestrians and cyclists, as would the section of the Broomfield Loop between NS177 and the Horse Trail. Between the Horse Trail and a point immediately north-east of the car park, the Broomfield Loop would be upgraded to allow pedestrians, cyclists and horse riders to share it.</p> <p>The proposed temporary routing of NCR177 and minor improvements for horse-riders through Jeskyns are shown in Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume A), submitted as part of the Applicant's Deadline 2 submissions during Examination.</p> <p><u>Following a meeting with Forestry England on 30 November 2023, the Applicant will organise a further meeting with the Project's WCH specialists and Forestry England to discuss the route through Jeskyns, therefore as it stands this matter is not agreed.</u></p>		
<u>Open space and common land</u>	<u>2.1.22</u> <u>DL9A</u>	<u>Forestry England confirmed by email that it accepts the provisions of the replacement land and would continue discussions with Essex</u>	<u>The Applicant provided a verbal update at a meeting on 26 July 2023 about a parcel of land owned by Essex County Council (ECC) and explained that they were currently in</u>	<u>Planning Statement Appendix D: Open Space [REP7-136]</u>	<u>Matter Agreed*</u>

Deleted: The Applicant will continue to engage with Forestry England during detailed design in relation to potential impact of the routes to the woodlands.

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
<p><u>Replacement land at Thames Chase Forest Centre (TCFC)</u></p>		<p><u>County Council about the long-term management of this land.</u></p>	<p><u>discussions with the council and would provide an update once their position was known.</u></p> <p><u>The Applicant emailed Forestry England on 28 September to fully explain that it needs to permanently acquire ~160sqm of land owned by ECC at Thames Chase Forest Centre for the construction of the new road. As this land is open space, the Applicant is required to replace it in accordance with section 131 of the Planning Act 2008 and any replacement land must be vested in the landowner of the 'order land', i.e. in this instance ECC. The Applicant has identified ~824sqm of replacement land to the south of TCFC off Pike Lane, in exchange for the open space needed for the new road. This land forms part of a larger area of replacement land south of the TCFC that would be vested in Forestry England to compensate for public open space they own at Thames Chase affected by the Project.</u></p> <p><u>Following a meeting with Forestry England on 30 November 2023 where this matter was discussed, both parties agreed this could move</u></p>		

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			to agreed* pending further discussions as the Applicant requires further discussions to reflect rights of way for the landowner of Hobbs Hole ponds to be reserved.		
Open space and common land Jeskyns Community Woodland	2.1.23 DL9A	National Highways have presented the proposals for areas where no replacement land is provided for existing areas of open space for our site at Jeskyns Community Woodland. We understand the proposals in relation to the translocation of dormice for areas A and B (as described in the Planning Statement), therefore this matter is agreed.	The Applicant emailed Forestry England on 24 October 2023 in relation to replacement land exemptions for Jeskyns Community Woodland, setting out four areas and the assessment against sections 131 and 132 of the Planning Act 2008. At a meeting on 30 November 2023, the Applicant explained the proposals in this area in relation to the translocation of dormice and this matter was agreed as Forestry England confirmed they have no objections.	Planning Statement Appendix D: Open Space [REP7-136]	Matter Agreed
Design – Road, Tunnels, Utilities					
Utilities Impact of utility diversions (Landscape & Visual)	2.1.10	Part of the land is for the temporary possession and permanent acquisition of rights for the installation of utility networks, as shown on the land plans. Forestry England agree that providing the utilities are located underground and that land subject to temporary use is appropriately	The Applicant considers that the routing of utilities in this area is the best viable option. The Applicant has engaged with Forestry England to explain the constraints to the utility routing and welcomes Forestry England's acceptance of the necessity of rerouting the utilities, without undergrounding.	General Arrangement Plans Volume C [Document Reference 2.5 Volume C (6)] Land Plans Volume C [Document	Matter Not Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		restored then the impact will be reduced.	<p>The Applicant acknowledges that Forestry England's preference remains for all utilities to be underground. The Applicant cannot deliver this under the instruction of the asset owner.</p> <p>At Local Refinement Consultation (2022) an amended proposal for the existing overhead electricity lines was consulted upon, whereby the existing 132kV line on pylons crossing through the site and over the M25 is to be diverted north of its current alignment via the construction of two taller pylons, one each side of the M25.</p> <p>The electricity line currently overhead on poles is proposed to be diverted underground for the spans that cross the M25, via the new footbridge.</p> <p>There is no change to the proposals of the water pipeline that runs north south, west of the M25/A122 embankments.</p> <p>The Land Plans represent the limits of deviation and the associated land for the acquisition of rights. It is envisaged that there will be a further reduction in the extent of the use of the 'blue land' during the operation of the Project, once the pipeline</p>	<p>Reference 2.2 Volume C (8) Draft DCO Document Reference 3.1 (11)</p>	

Deleted: General Arrangement Plans Volume C [\[REP7-028\]](#)
 Land Plans Volume C [\[REP7-010\]](#)
 draft DCO [\[REP7-090\]](#)

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			alignment is known, which will be developed within the detailed design stage. The Applicant is subject to a legal requirement to restore land of which temporary possession has been taken, as set out in article 35 of the draft DCO.		
Utilities Impact of utility diversions (Jeskyns Community Woodland)	2.1.11	Forestry England states that a 200-space car park, café, accessible surfaced trails and a number of a natural play features within may be required for temporary acquisition for utilities. Diversions of utilities must include restoration to a specification that will enable continued uninterrupted use of the affected land and utilities should be located underground. In addition, the Utility diversion is of crucial importance to the existing and future areas of car parking. Any such diversions of utilities must include restoration to a specification that will enable continued uninterrupted use of the affected land for vehicle access and parking.	The Applicant confirms that Forestry England will have continued uninterrupted use of the affected land for vehicle access and parking. The Applicant will not be diverting any utilities within Jeskyns. The only works within Jeskyns are associated with the existing pylon east of the car park and are required for the restringing of the overhead powerlines north over High Speed 1 (HS1) and the A2 through to Thong Lane. To enable this, cable drums and winches will be located at the base of the pylon within the area contained within the Order Limits currently envisaged to be for a limited construction period. No other utility works are proposed within Jeskyns or the car park, and the car park is only included to provide access to the pylon from Henhurst Road. The bellmouth is	N/A	Matter Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			included to enable any vegetation treatment such as trimming to ensure a safe access and egress for the workforce and the public.		
Access Impact of utility diversions on trails (Access to Broadfields)	2.1.12	Forestry England seeks to ensure uninterrupted public access of Broadfields as much as possible in face on this disruption of utilities work both as part of the DCO and the proposed separate UKPN works. We have been notified the underpass connecting the East and West of the site will be closed for a duration of 12 months or more, and that path loops will be cut off/closed for a similar length of time. In order to manage public safety and this disruption we will require a timeframe and details once available.	The Applicant confirms that the use of the existing underpass to Broadfields (southeast of Cranham Solar Farm passing beneath the M25) will be considered during detailed design. It is envisaged that during the construction phase, some of the trails within the Order Limits and the culvert beneath the M25 will be temporarily restricted for access by users, at differing periods of the construction phase for differing periods of time associated with the type of works that is impeding the use of these. For example, the trail that passes beneath the existing overhead powerlines will be closed whilst works to the overhead powerlines are completed, but will remain open until such point that the construction of the footbridge would then require it closed. During these works the temporary closure will be considered by the Applicant, and if available without having detrimental effect to something else, such as	Outline Traffic Management Plan for Construction [Document Reference 7.14 (9)]	Matter Agreed*

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			<p>requiring the removal of other vegetation, further discussions with Forestry England would take place to find an alternative arrangement.</p> <p>There is no proposed permanent restriction on the use of the trails and the culvert for the users of Thames Chase once the works are completed, with some of those existing affected trails replaced or modified as part of the Project's design. Some of these trails such as the route from the Thames Chase Forest Centre to the culvert will be used as a maintenance route to attend the culvert during routine operation, maintenance and inspection of the culvert and may be subject to restrictions on its use on the grounds of safety during those infrequent periods.</p> <p>The Applicant has signposted Forestry England to an item within the outline Traffic Management Plan for Construction which refers to maintaining access if a closure of the Thames Chase culvert is required.</p> <p>Both parties have agreed this matter on the basis that further discussion will be required during the detailed design stage. The Applicant will work</p>		

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			with Forestry England to develop proposals within the Order Limits and aim to retain as many trails open as possible during the utility works.		
Utilities Impact of utility diversions	2.1.13	<p>Forestry England states that the plans show some of the proposed acquisition is for temporary possession of land and permanent acquisition of rights, for the diversion of utilities (namely water and power). Provided such utilities are located underground, land subject to temporary use is appropriately restored, and substations are not constructed, impact will be reduced.</p> <p>Access for contractors during utility works is proposed via Ockendon Road to the southwest area of the site, which will reduce the impact on the main visitor car park road but will require site security management at the access point. Clarification on whether this access point will be maintained to enable rights of access is required.</p>	<p>The Applicant considers that the routing of utilities in this area is the best viable option. The Applicant has engaged with Forestry England to explain the constraints to the utility routing and welcomes Forestry England's acceptance of the necessity of rerouting the utilities, without undergrounding.</p> <p>The Applicant acknowledges that Forestry England's preference remains for all utilities to be undergrounded. The Applicant cannot deliver this under the instruction of the asset owner.</p> <p>The Applicant would like to clarify that the latest proposals were shown at Local Refinement Consultation (2022); alignments were represented in Map Book 1: General Arrangements, and the associated land use shown in Map Book 2: Land Use Plans. These have not changed for the DCO submission.</p> <p>At the Local Refinement Consultation (2022) an amended proposal for the existing overhead electricity networks</p>	<p>General Arrangement Plans Volume C [Document Reference 2.5 Volume C (6)]</p> <p>Land Plans Volume C [Document Reference 2.2 Volume C (8)]</p> <p>Draft DCO [Document Reference 3.1 (11)]</p>	Matter Not Agreed

Deleted: General Arrangement Plans Volume C [\[REP7-028\]](#)
Land Plans Volume C [\[REP7-010\]](#)
draft DCO [\[REP7-090\]](#)

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			<p>was consulted upon, whereby the existing 132kV network on pylons crossing through the site and over the M25 is to be diverted north of its current alignment via the construction of two taller pylons, one each side of the M25. It is not feasible to underground these.</p> <p>The electricity network currently overhead on poles is proposed to be diverted underground for the spans that cross the M25, via the new footbridge.</p> <p>There is no change to the proposals of the water pipeline that runs north-south, west of the M25/A122 embankments.</p> <p>The Land Plans represent the land required for the Project, the limits of deviation and the associated land for the acquisition of rights.</p> <p>The Applicant is subject to a legal requirement to restore land of which temporary possession has been taken, as set out in article 35 of the draft DCO.</p> <p>The Applicant confirms there are no substations to be constructed in this area.</p> <p>The Applicant welcomes Forestry England's agreement that access for</p>		

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			contractors during utility works via Ockendon Road is appropriate. In relation to permanent access via Ockendon Road, due to the proximity of both the railway bridge and the proposed Project earthworks it may not be viable to maintain access from Ockendon Road in this location on which to develop a proposal of access for UKPN and the other relevant utility owners. However, in the next stage of detailed design this will be considered, along with Forestry England's concerns over the current access arrangements. As grantors of the utility related access rights, Forestry England would be included in the outcome of the access discussions.		
Utilities Impact of utility diversions (Folkes Lane woodland park)	2.1.14	Forestry England has been updated on the proposal for a utility hub on the site of our car park at Folkes Lane. This will close the car park to the public for a significant duration, which is yet to be confirmed. Forestry England has agreed with National Highways that uninterrupted use of Folkes Lane (the road) and our woodland car park must be maintained for at least 2 FE vehicles and for	The Applicant clarifies that access along Folkes Lane, for the purposes of utility works, is only required for two elements of works: the diversion of an overhead electric line under the M25 (Work No. MU92) and the diversion of a high pressure gas pipeline (Work No. G10). Due to the isolated location of the works, and the materials and equipment needed to deliver it, Work No. G10 requires two Utility Logistics	Stakeholder Actions and Commitments Register Document Reference 7.21 (7)	Matter Agreed * -

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p>emergency vehicles 24/7. Pedestrian access to Folkes Lane from public footpaths and Hole Farm needs to be maintained. While the Folkes Lane car park could be accessible to pedestrians with the utility hub in situ, we would not promote this due to the risk of crossing the busy A127. Therefore we understand this means public access to Folkes Lane Woodland via the A127 and Folkes Lane will be closed for the duration of works.</p>	<p>Hubs (ULHs) to support the works: Beredens Lane ULH, which would be the larger one, proposed on the eastern side of the M25 and the point from which most of the works will be managed and constructed; and Folkes Lane ULH, on the western side of the M25, which will support the construction of the pipeline west of the M25 and receive the machinery required to install the pipeline beneath the M25. Folkes Lane ULH is proposed to be constructed, operated and demobilised over a 12-month period. Due to the nature of the works, it is likely that this will be one whole calendar year, and that year is to be programmed in accordance with the utility network's own considerations and the Project's construction programme, once that is developed. Folkes Lane ULH is very limited in its options for location in the region – it needs to be accessible by Heavy Goods Vehicles from the highway, in proximity to the works, but is constrained by the surrounding ecological and environmental features, all of which need to be considered in the construction of the</p>		

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			<p>ULH. The car park location, and existing hard standing, provides the best location on which to locate the ULH, taking all factors into consideration. The car park would be restored to its original condition after the ULH is demobilised. Folkes Lane and the car park is not envisaged to be impeded by the utility works beyond the 12-month construction period in accordance with the current gas industry standards so continued vehicle access and parking would be permissible.</p> <p>Following Forestry England's requests and feedback, the Applicant has had further conversations with the relevant utility company and both parties believe the requests of Forestry England (i.e. (1) parking for two maintenance vehicles at the site of the existing car park, (2) 24/7 access for emergency vehicles either via the ULH or around the ULH, and (3) the development of proposals regarding use of the site for pedestrians from Folkes Lane to the area north of the works) are achievable and will be considered and developed as part of the detailed design, for further consultation with</p>		

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			Forestry England. The Applicant has included a commitment for the Contractor to adhere to these requirements within the Stakeholder Actions and Commitments Register under reference number SACR-009.		
Utilities	2.1.16	Clarification From National Highways is required to Forestry England on this modification and the proposed duration and extent of the temporary utility hub at the Folkes Lane Woodland car park in the Local Refinement consultation it was mentioned " <i>Following discussions with UK Power Networks regarding the diversion of part of its network, National Highway have made a minor modification to the Order Limits at Folkes Lane. This would reduce the impact on existing vegetation within Folkes Lane woodland.</i> "	<p>The minor modification to the Order Limits at Folkes Lane is due to a diversion of the existing electricity network that crosses the M25 north of the M25 junction 29 (Work No. MU92). The design and its associated construction requirements have been developed by UKPN in the time since Community Impacts Consultation, and as such, this enabled the proposals to be considered in the context of the Order Limits. This has resulted in an extension in some areas and a reduction in others to reflect the proposals.</p> <p>The Applicant clarifies that the Folkes Lane ULH is unrelated to Work No. MU92. It is associated with the gas works (Work No. G10) within the area further north. The western ULH, known as Folkes Lane ULH (Work No. ULH2) is proposed to be constructed, operated and demobilised over a 12-month period.</p>	N/A	Matter Agreed

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			Due to the nature of the works, it is likely that this will be one whole calendar year, and that year is to be programmed in accordance with the utility networks own considerations and the Project's construction programme, once that is developed.		
WCH / Active Travel Design Public Rights Of Way (Folkes Lane Woodland)	2.1.21 DL4	<p>Forestry England notes the proposals for new crossings over the A127 and would welcome improved access to Folkes Lane. Concerns remain about safety of access via Folkes Lane to the woodland footpaths.</p> <p>Forestry England would not accept a new designated bridleway through Folkes but seek to influence the connection to existing horse trails.</p> <p><u>Following the update from National Highways on 30 November, this matter is not agreed as no proposal to improve access to Folkes Lane is currently being taken forward. If a future scheme is developed, Forestry England would like to be involved in discussions.</u></p>	<p>The Applicant welcomes Forestry England's acceptance of the new crossings over the A127 which will provide safe access for WCH, connecting to the existing shared-use route for pedestrians and cyclists, and to Moor Lane and Folkes Lane. It is noted that improvements to Moor Lane and Folkes Lane may be requested to upgrade the existing WCH provision on the approach to the crossing. However, although improvements may be practicable on Moor Lane, this may not necessarily be the case for Folkes Lane, due to the narrow road and overlapping properties.</p> <p>The Applicant is currently investigating the opportunity to include these as part of a designated funding scheme, whereby a feasibility study would be needed to assess potential improvements to these existing WCH routes leading to</p>	N/A	Matter Not Agreed

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
			Folkes Lane Wood. The Applicant does not have any proposals to use Forestry England land within Folkes Lane Wood. The Applicant also notes Forestry England's position regarding horse-riding provision. <u>At a meeting on 30 November 2023, the Applicant updated Forestry England on discussions with London Borough of Havering regarding the study and potential options. The Applicant and London Borough of Havering have concluded that the matter cannot be agreed due to differing positions taken.</u>		
<u>WCH / Active Travel Design</u> <u>Acquisition of land for WCH routes (Thames Chase Forest Centre)</u>	<u>2.1.24</u> <u>DL9A</u>	<u>Forestry England objects to the permanent acquisition of freehold land for the WCH routes.</u>	<u>The Applicant has offered an alternative approach through a voluntary dedication agreement such that compulsory acquisition powers would not be required.</u>	<u>N/A</u>	<u>Matter Agreed*</u>
Construction					
Construction	2.1.17	Forestry England notes that a new maintenance access track is proposed which extends from the visitor centre complex and follows a route north across the site, adjacent to the M25 towards the existing culvert and beyond. Forestry England request	The Applicant would like to clarify that the track in question is for the purpose of accessing the culvert structure once the Project construction works are complete. Vehicular access to the track would be required on an infrequent basis for the purposes of surveying and	<u>Design Principles [Document Reference 7.5 (7)]</u>	<u>Matter Agreed*</u>

Deleted: The Applicant will continue to engage with Forestry England in relation to impact of the routes to the woodlands.

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p>clarification on the access rights, responsibility, and maintenance of this track.</p> <p><u>Following a meeting on 30 November 2023, this matter is agreed*, noting that further discussions are required during construction about the maintenance of the track.</u></p>	<p>maintenance. The track can be used as part of the publicly accessible path network, but on the grounds of safety, the track may be closed to the public during infrequent maintenance and/or inspection works for specific periods.</p> <p><u>The land associated with the track is identified as 'blue' on the Land Plans therefore the Applicant would permanently acquire rights but the land would remain in ownership of the existing landowners. The Applicant would manage and maintain the land during construction. After construction, the land would be transferred back to Forestry England when maintenance would be funded based on user.</u></p>	<p><u>Land Plans Volume C [Document Reference 2.2 Volume C (8)].</u></p>	
Landscape and visual					
<p>Infrastructure/Landscape Integration</p> <p>Acoustic bund</p>	2.1.18	<p>Forestry England requests that acoustic bund earthworks should extend and be positioned along the entire length of the eastern edge of the western land parcel, adjacent to the M25, to reduce noise and visual impact.</p>	<p>The Applicant has agreed with Forestry England that the acoustic bund earthworks are located along the eastern edge of the Thames Chase Forest Centre to provide visual and noise screening and transition south until the adjacent carriageways are in cutting at the depth equivalent to the acoustic bund. The acoustic bund extends north to the culvert beneath the M25.</p>	N/A	Matter Agreed

Deleted: The new maintenance track will remain within the permanent boundary of the Project, but the Applicant shall be looking to enter into agreement with local authorities and other partners to ensure the management and maintenance of the track. ...

Deleted: Design Principles [REP7-140]

Deleted: The Applicant notes that Forestry England would like further information about who would be responsible for the management and maintenance of this track. This matter will remain under discussion until the detailed design stage (post examination). Discussions with Forestry England will progress at the detailed design phase, when the Applicant expects this matter to be agreed.

Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
Population and human health					
Bridges & Structures Walkers, Cyclists and Horse riders (WCH) - Bridge design	2.1.19	Broadfields: Forestry England states that public access needs to be retained between the two parcels of land east and west of the M25.	The Applicant confirms that public access will be retained between the two parcels of land. The culvert that is used as an underpass between the two parts of Thames Chase Forest Centre is retained in the proposal, although this will need to be closed during works to widen the M25. In the proposal a new bridge is provided across the M25 and slip roads to improve connectivity between the two land parcels. A temporary route that crosses the M25 at St Mary's Lane will ensure connectivity while neither the underpass nor new bridge are available, so connectivity will remain at all times.	N/A	Matter Agreed
Bridges & Structures WCH - Bridge design	2.1.20	Forestry England supports the proposed new pedestrian footbridge suitable for bridle users connecting the eastern and western land parcels. It is of strategic importance to link Broadfields with longer distance pedestrian routes and public rights of way. Following discussions, we understand that due to technical limitations of creating a crossing at	The Applicant states that the bridge at Thames Chase Forest Centre has been designed to meet the Design Manual for Roads and Bridges standards for width of a cycle-equestrian bridge. Although in the context of the relatively large span it may appear narrow, the bridge would have a width of 4.5m. The bridge will also meet the higher equestrian design standard relating to solid parapets as secured in the	Design Principles Document Reference 7.5 (7)	Matter Agreed

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p>this point on the M25, the Applicant is unable to accommodate vehicular access. For our emergency planning purposes alternative on road options will be considered to ensure response times are as required for the emergency services and our staff. FE requested operational vehicle access for its land parcel to the east of the LTC route and Thames Chase Trust (TCT) would support this. FE has a preference for a vehicular bridge due to concerns for public safety if the site east of M25 is opened to more public access. Emergency vehicles, FE vehicles and contractor vehicles currently access eastern site via third party access route, any injured person would remain stranded in the event of an injury. Equally given the height of the bridge measurers would need to be taken to prevent suicide attempts.</p>	<p>Design Principles. This increased height will protect WCH from falling onto the road below and will also act as a deterrent for those contemplating suicide.</p> <p>Regarding vehicular access to the land parcel on the eastern side of Thames Chase Forest Centre, the existing track from Ockendon Road to the south-east corner of this land parcel shall provide emergency vehicular access, as it does at present.</p> <p>The Applicant recognises the strategic importance of Thames Chase Forest Centre in developing the Public Right of Way network in this area and improving access to the countryside east of the M25, principally by forming connections between Thames Chase Forest Centre and South Ockendon via Footpath 135 and Footpath 232.</p>		
Terrestrial biodiversity					
Mitigation	2.1.15	A small area of land at Broadfields adjacent to the Forest Centre buildings is highlighted for environmental mitigation.	The Applicant states the area of land (Plot Number 43-19) is in the Order Limits as part of its great crested newt (GCN) mitigation work. GCN are present in this area and would	Land Plans Volume C Document	Matter Agreed*
Environmental mitigation					

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Topic	Item No.	Forestry England Comment	The Applicant's Response	Application Document Reference	Status
		<p>FE require clarification on exactly what type of mitigation is proposed. This area should not limit FE's flexibility for the future management of the surrounding woodland including future tree felling.</p> <p><u>We agree to this matter acknowledging the constraints in the area, however we have concerns about animals being released to an area of high public footfall. We'd like to continue discussions during detailed design to ensure this mitigation works in practice.</u></p>	<p>need to be moved from the construction zone. Any animals trapped will need to be released into suitable habitat close to the breeding ponds in that area. That is what this area of land provides. The Applicant is not planning to change the habitat in that area, but only to secure it to enable the release of animals there. This will not affect future management as the constraint of GCN presence already exists.</p> <p><u>Following a meeting</u> with Forestry England <u>on 30 November, 2023</u>, this matter <u>was moved to matter agreed*</u>. The Applicant <u>acknowledges that</u> Forestry England <u>would like to be included in discussions during detailed design</u>.</p>	<u>Reference 2.2 Volume C (8)</u>	

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Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Forestry England since the DCO Application was submitted on the 31 October 2022

Date	Overview of Engagement Activities
12 January 2023	The Applicant emailed Forestry England about PADS Tracker request.
1 February 2023	The Applicant emailed Forestry England about PADS Tracker request asking whether they wanted to discuss. Forestry England responded confirming that they do not see the need for PADS Tracker.
8 February 2023	The Applicant emailed to suggest whether a meeting to discuss Matters Under Discussion would be helpful. Forestry England responded with two dates of availability that were not possible for the Applicant. Forestry England also felt that a meeting was not immediately required. The Applicant agreed to share information electronically and following that both parties could decide whether a meeting could be helpful.
March 2023 (various)	The Applicant shared updates on Matters Under Discussion, including information about temporary surfacing for paths to seek feedback from Forestry England. Forestry England provided responses to matters, broadly requesting more information or for signposts to be provided.
19 April 2023 and 25 April 2023	The Applicant shared further updates on matters following communication in March and requested a meeting to discuss the next iteration of the SoCG and governance. Forestry England provided availability and meeting arranged for 19 May 2023.
19 May 2023	Meeting to catch up since the Planning Inspectorate accepted the DCO application for examination, including an update on construction re-phase and the draft Examination Timetable. The remaining part of the meeting was used to discuss five of the remaining Matters Under Discussion.
16 June 2023	Meeting to discuss further Matters Under Discussion, specifically items 2.1.15, 2.1.16, 2.1.17 and 2.1.4. Following this meeting the Applicant and Forestry England agreed to work towards Examination Deadline 4 to submit an updated SoCG. It was also agreed to hold the next meeting with the Applicant's ecology specialist and Forestry England's ecology specialist present on the 26 July 2023.
26 July 2023	Meeting to discuss items 2.1.6, 2.1.15 and Hobbs Hole with both parties' ecology specialists to understand the Project proposals. The Applicant also provided some informal updates relating to other SoCG matters. Forestry England shared an updated SoCG with commentary for the Applicant to update. The Applicant followed up with the timescales and dates for production of the SoCG.
24 August 2023	Meeting to review SoCG following the Applicant's internal governance and to finalise the document prior to submission for Deadline 4.

Date	Overview of Engagement Activities
28 September 2023	The Applicant wrote to Forestry England to ask for agreement to include updated narrative in items 2.1.4 and 2.1.7 to clarify agreement regarding replacement open space land in the SoCG document.
9 October 2023	Forestry England confirms acceptance of updated narrative to items 2.1.4 and 2.1.7.
30 November 2023	The Applicant and Forestry England met virtually to discuss outstanding matters, new matters in relation to replacement land and agree changes to the SoCG for the final version.

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Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains 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 the 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.
Forestry England	FE	A division of the Forestry Commission, responsible for managing and promoting publicly owned forests in England.
Great Crested Newts	GCN	Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law.
Heavy Vehicle goods	HGV	A large, heavy motor vehicle used for transporting cargo.
High Speed 1	HS1	A 109km high-speed railway between London and the UK end of the Channel Tunnel. The line carries international passenger traffic between the UK and continental Europe; it also carries domestic passenger traffic to and from stations in Kent and east London, as well as Berne gauge freight traffic.
National Highways		A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Public Right of Way	PRoW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.
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.
Thames Chase Forest Centre	-	The Forest Centre is at the heart of the Community Forest and includes a visitor centre, café and the surrounding woodlands. The Forest Centre lies south of M25 junction 29, in Upminster.

Term	Abbreviation	Explanation
Thames Chase Trust	TCT	The Thames Chase Trust is an environmental charity managing and promoting the Thames Chase Community Forest.
United Kingdom Power Networks	UKPN	An energy network operator. Owns and maintains the electricity cables in South East England, the East of England and London.
Utility Logistics Hub	ULH	Temporary compounds required for specific utility works. They would receive, store and distribute the plant machinery and materials for specific utility works. They may include offices, welfare facilities, refuelling stations, security hubs, vehicle/wheel washing sites and parking areas similar in size to the main works satellite compounds.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders.

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