

Lower Thames Crossing

9.216 Applicant's comments on Interested Parties' submissions at D9 and D9A

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1 Introduction

1.1 Introduction

1.1.1 National Highways (the Applicant) has reviewed the submissions made by Interested Parties (IPs) at Deadline 9 and Deadline 9A.

1.1.2 The Applicant has provided responses to part of the following submissions with the aim of assisting the Examining Authority (ExA) and the Examination process:

- a. Climate Emergency Policy and Planning (CEPP) [[REP9-301](#)] and [[REP9A-125](#)] (Section 2 of this document)
- b. Environment Agency [[REP9A-120](#)] (Section 3 of this document)
- c. Emergency Services & Safety Partners Steering Group (ESSP SG) [[REP9-303](#)] (Section 4 of this document)
- d. Forestry Commission [[REP9-280](#)] (Section 5 of this document)
- e. Gravesham Borough Council [[REP9-281](#)], [[REP9A-108](#)] and [[REP9A-107](#)] (Section 6 of this document)
- f. Holland Land & Property Ltd [[REP9-304](#)] (Section 7 of this document)
- g. Kent County Council [[REP9A-109](#)] (Section 8 of this document)
- h. Kent Downs AONB Unit [[REP9-286](#)], [[REP9-288](#)], [[REP9-287](#)], [[REP9A-133](#)], and [[REP9A-131](#)] (Section 9 of this document)
- i. Lawson Planning Partnership Ltd on behalf of Mrs J Carver [[REP9A-135](#)] (Section 10 of this document)
- j. Leigh Hughes [[REP9-305](#)] (Section 11 of this document)
- k. London Borough of Havering [[REP9A-111](#)] and [[REP9A-113](#)] (Section 12 of this document)
- l. Natural England [[REP9-291](#)] and [[REP9A-122](#)] (Section 13 of this document)
- m. Northumbrian Water Ltd operating as Essex and Suffolk Water [[REP9-293](#)] (Section 14 of this document)
- n. Port of London Authority [[REP9-295](#)] and [[REP9A-141](#)] (Section 15 of this document)
- o. Port of London Authority (PLA), Port of Tilbury London Limited (PoTLL), and DP World London Gateway (DPWLG) [[REP9-296](#)] (Section 16 of this document)

- p. Port of Tilbury London Limited [[REP9-297](#)] and [[REP9A-142](#)] (Section 17 of this document)
- q. Royal Society for the Protection of Birds [[REP9-298](#)] (Section 18 of this document)
- r. Shorne Parish Council [[REP9-307](#)] (Section 19 of this document)
- s. St John's College [[REP9-308](#)] (Section 20 of this document)
- t. Thames Crossing Action Group [[REP9A-144](#)] (Section 21 of this document)
- u. The Whitecroft Care Home [[REP9-316](#)] (Section 22 of this document)
- v. Thurrock Council [REP9-299] [[REP9A-119](#)] (Section 23 of this document)
- w. Transport Action Network [[REP9A-146](#)] (Section 24 of this document)
- x. Transport for London [[REP9-300](#)] (Section 25 of this document)
- y. Trevor Thacker [[REP9A-154](#)] (Section 26 of this document).

- 1.1.3 The Applicant has not sought to provide a summary of the IPs' submissions, to avoid misrepresenting statements made by others. Instead, the Applicant has provided links to source documents for each response below. Where helpful to provide context for the Applicant's response, extracts of direct quotes are provided within the body of the response.
- 1.1.4 Where considered appropriate, the Applicant has responded to points raised by IPs in more general terms in the Closing Submissions from the Applicant [**Document Reference 9.218**], also submitted at Deadline 10.

2 Climate Emergency Policy and Planning (CEPP)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8 and</p> <p>Deadline 9A Submission - Comment on Applicant's D9 submissions and summary closing statement</p>	<p>Climate Emergency Policy and Planning (CEPP)</p>	<p>Link to IP's submission: [REP9-301] and [REP9A-125]</p> <p>Applicant's response: CEPP made further submissions at Deadline 9 and Deadline 9A, including extensive commentary on the revised version of the Carbon and Energy Management Plan submitted by the Applicant at Deadline 8 [REP8-088]. The Applicant provides the following responses (in many respects, the CEPP Deadline 9A submission repeats information contained in its Deadline 9 and earlier submissions; therefore, unless otherwise stated, references to section and paragraph numbers below are to those contained in CEPP's Deadline 9 submission).</p> <p>With regards to section 2 of the CEPP response (at both Deadline 9 and Deadline 9A), the Applicant can confirm "nil return" in relation to the Boswell appeal case as requested by the Examining Authority in ExQ3_Q2.1.1.</p> <p>Section 3.1 - Available CEMP versions are neither consistent, nor coherent</p> <p>CEPP state that "<i>it is reasonable for parties to expect that the three versions of the CEMP will be consistent, and coherently so, except for obvious differences such as where a change in the quantum of decarbonisation is being report for a material, a source, or a PAS 2080 module</i>".</p> <p>The Applicant rejects the suggestion that there is a lack of consistency or coherence across the different versions of the Carbon and Energy Management Plan.</p> <p>The version submitted with the application for development consent in October 2022 reflected the Applicant's committed position at that point in time. As was explained in version 2 of the Carbon and Energy Management Plan submitted at Deadline 7 [REP7-150], the Applicant was able to update the Project's forecast construction carbon emissions to reflect the carbon savings achieved by embedding carbon in the procurement of its three design and build contracts and by reallocating land use change emissions to align with PAS 2080:2023 (British Standards Institution, 2023). The purpose of version 2 of the Plan published at Deadline 7 was therefore to present those changes and the revised commitment to a lower maximum level of carbon emissions during construction (CBN04). The relevant substantive changes were set out in the preamble and Appendix F of the Plan, to ensure that Interested Parties and the ExA could clearly identify the updated position.</p>

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		<p>The Applicant submitted a third version of the Carbon and Energy Management Plan at Deadline 8 [REP8-088]. The purpose of that version was to present the Plan, incorporating the changes presented in the version submitted at Deadline 7, in the same way and according to the same structure as the version submitted with the application. This required updates to be made to Appendix D (project emissions) of the Plan to reflect the revised figure for construction carbon emissions presented at Deadline 7, as well as further consequential changes to the Plan arising from those updates. Without these changes, the Plan, and Appendix D in particular, would continue to be based on the position reported in the application version of the Plan, which had been superseded. The Applicant did not consider it would be appropriate for there to be out of date information contained in a Plan which will be a certified document if the Order is made. Having made those changes to Appendix D, the Applicant also considered it would be appropriate to remove the preamble and Appendix F which were included in the Deadline 7 version, as that information can now be found in Appendix D and other sections of the Plan. To retain those sections would have resulted in unnecessary duplication of information.</p> <p>Finally, the Applicant submitted a fourth version of the Plan at Deadline 9 [REP9-239]. This incorporated minor changes to the glossary which did not materially affect the substance of the Plan, namely the deletion of the terms “construction” and “operation” from the glossary. The terms are not employed in other outline plans and are not material to the rest of the Carbon and Energy Management Plan. The Applicant identified that the previously used definition of construction in the glossary could possibly cause confusion because it included an example of the creation of a site access. However, in a few specifically identified advance compound areas (those identified in Table 1.1 of the Preliminary Works Environmental Management Plan) site access might be provided as 'preliminary works' before 'commencement' as defined in the draft DCO. The Applicant simply deleted the description from the glossary to remove this possible confusion, which has no bearing on the information presented in the Carbon and Energy Management Plan. The consistent definition of the terms “construction” and “operation” can be found in the draft DCO [REP9-107].</p> <p>In section 4.3 of its Deadline 9A response, CEPP has sought to attach too much significance to the deletion of the term “construction” from the fourth version of the Carbon and Energy Management Plan submitted at Deadline 9. CEPP seeks to say that by this change “... <i>the applicant is now admitting that contract defects relating to decarbonisation are likely to happen, and therefore the applicant is now considering carbon offsetting from “elsewhere” or in other words outside of the construction project as compensation measures</i>”.</p>

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		<p>The Applicant has made no such admission; as noted, the changes have no substantive impact on the document and were in no way intended to modify the commitments being made by the Applicant in the Carbon and Energy Management Plan.</p> <p>Accordingly, notwithstanding CEPP’s protestations, there is a clear and coherent thread through the updates to the plan made during the course of the Examination. For completeness, the Applicant has addressed further claims made by CEPP in relation to the Carbon and Energy Management Plan below.</p> <p>CEPP states in paragraph 10 “<i>The level of anomalies is such that the claims being made that <u>the CEMP demonstrates secure delivery of decarbonisation from the scheme construction are simply not credible</u>”.</i></p> <p>The Applicant rejects the suggestion that ‘anomalies’ exist between the versions of the Carbon and Energy Management Plan or that there is a lack of security in the delivery of decarbonisation from the Project’s construction. As set out in the Applicant’s submissions at Deadline 9 [REP9-276], the carbon quantification model was reviewed by an independent expert, UKCRIC Limited, a network of leading UK universities. This process confirmed that the approach to calculating carbon represents good practice and that the construction phase emissions level of 1.76 million tCO₂e (now updated to 1.44 million tCO₂e) is within the range of industry good practice. The revised maximum level of construction emissions referenced in commitment CBN04 also reflects the outcome of a transparent procurement process and indicates what industry is prepared to commit to in building the Project. These are not, as CEPP continually implies, figures which the Applicant has put forward without solid evidence to underpin them.</p> <p>Moreover, as the Applicant also clarified in its Deadline 9 submission [REP9-276], the Carbon and Energy Management Plan [REP9-239] is a secured document, hence carbon commitment CBN04 (<i>‘The Applicant will develop and, where appropriate, implement measures to avoid / prevent, reduce and remediate emissions arising from the construction of the Project to ensure that net construction emissions do not exceed 1.44 million tCO₂e’</i>) is a legal commitment backed up by Requirement 16 of the draft Development Consent Order (DCO) [REP9-107], not just a statement, and is therefore credible. The Applicant’s approach in this regard is ground-breaking, indicative of its status as a ‘pathfinder’ project for bringing forward innovative and robust measures to managing carbon impacts. The Applicant has also been clear in its application as to the status of the carbon emission reduction measures included in Appendix D of the Carbon and Energy Management Plan. Reference is made to the wording in Paragraph D.7.1 ‘... because it could only be delivered by incorporating an extensive</p>

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		<p><i>range of commercially available, low carbon technologies and approaches such as those shown in Table D.3’.</i> As part of the procurement for the three design and build contracts, the bidders developed their own carbon reduction pathways which allowed the Applicant to bring emissions down further and set a new carbon limit of 1.44 million tCO₂e. The types of measures to be implemented by the tenderers are set out in D.7.2 of the Carbon and Energy Management Plan (v3.0 and v4.0).</p> <p>Hence, the measures mentioned, and the breakdown of emissions included in Appendix D are a possible pathway to how the maximum carbon emissions level committed to in CBN04 could be achieved and are not specifically secured; instead, the critical point which CEPP continues to overlook is that the maximum level of emissions is secured and has been independently verified such that there is a very high degree of confidence that it can be met and the Applicant has accordingly committed to achieving it. Against this backdrop, the Applicant does not consider it would be appropriate to prescribe the means by which the commitment is achieved, as to do so could constrain innovation at the delivery stage of the Project. The detailed approach to reducing emissions, including how the Contractors will comply with the maximum level of emissions secured as part of the first iteration, will be provided by the second iteration of the Carbon and Energy Management Plan (refer to Table 2.1 therein). Where CEPP states in its submissions that the delivery of the Carbon and Energy Management Plan is “<i>being effectively hidden from parties within a black box</i>”, this is simply not the case. What CEPP describes as a “black box” is in fact a transparent process pursuant to which the means by which reductions in emissions will be achieved in line with the legally binding CBN04 will be set out in the second iteration of the Carbon and Energy Management Plan to be submitted to the Secretary of State for approval at the post-consent stage.</p> <p>At section 4.1 of its Deadline 9A submission, CEPP again challenged the security of the Carbon and Energy Management Plan, the Project’s carbon limit and the use of the carbon limit as reasonable worst case for Environmental Impact Assessment (EIA). The Applicant would refer to its comments above in respect of these further submissions.</p> <p>However, the Applicant would provide the following responses to CEPP’s submissions on the Carbon and Energy Management Plan at Deadline 9A.</p> <p>First, in response to the comment at paragraph 14 that “... <i>there is no guarantee that there will be adequate checking of the full decarbonisation being claimed as they do not ensure in any evidence-based that the full decarbonisation being claimed in the CEMP is achieved</i>”, the Applicant would highlight that CBN16 specifically requires the Applicant to publish an annual carbon report which will include information on progress against carbon commitments as well as any key actions and targets</p>

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		<p>for the following year. Furthermore, under CBN17, any carbon data published by the Applicant in the annual carbon performance report will need to be independently reviewed prior to publication. Therefore, the Carbon and Energy Management Plan does ensure there will be adequate disclosure of information against which the Applicant’s compliance with the maximum level of emissions in CBN04 can be verified and that there is similar transparency in relation to any actions required to ensure that CBN04 is complied with.</p> <p>Second, in response to the concerns raised by CEPP about the lack of public consultation in relation to the second iteration of the Carbon and Energy Management Plan, the Applicant does not agree that it would be appropriate for the second iteration of the Plan to be subject to a requirement for public consultation prior to its submission to the Secretary of State for approval. No precedent is cited in support of such an approach; to require the Applicant to engage in a potentially wide ranging public consultation exercise could add significant time and expense to the process of discharging the Requirement. The Applicant considers that the requirement for Secretary of State approval of the Plan ensures there will be robust scrutiny of the proposals. This will, as noted, be supported by the ongoing commitments made in the Carbon and Energy Management Plan to the publication of annual carbon reports and third-party verification of data.</p> <p>Section 3.2 - CEMP V2.0 – a rushed and flawed draft</p> <p>CEPP states that ‘<i>CEMP v2.0 is clearly a draft which was submitted before it was ready, and fully checked: ie: it was a rushed draft for deadline D7</i>’ (paragraph 14) and ‘<i>I appreciate that CEMP v3.0 may be a structural improvement on v2.0, but I also emphasise that this has been highly unclear for the ExA and other parties, and IPs have only had a few working days to respond to the further changes and these potentially baffling rearrangements of the document</i>’ (paragraph 16).</p> <p>The Applicant has noted above that Carbon and Energy Management Plan v2.0 presented the changes that are at the basis of the reduction in the maximum carbon emissions level to 1.44 million tCO₂e principally within Appendix F, leaving the rest of the document unchanged, as explained at the beginning of the document (before the executive summary). This version was issued to enable the reduction in emissions pursuant to the Applicant’s commitment in CBN04 to be communicated to Interested Parties as early as possible. The Applicant rejects the criticism that it was a “<i>rushed and flawed draft</i>” and does not consider the use of alarmist language to be productive, particularly as it will be noted that no other Interested Party has expressed concerns about the way in which changes to the Plan have been communicated during the Examination. In short, the Applicant made every effort to ensure that the updates to the Plan communicated at Deadline 7 were presented in the most</p>

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		<p>straightforward manner for Interested Parties to understand. The Applicant took the reasonable view that the best way to do this was through the inclusion of a preamble and a new Appendix F.</p> <p>As for CEPP's criticism of the timing of the submission, the Applicant recognises that the updates were communicated at Deadline 7. However, this is simply a reflection of when the Applicant itself became aware of the reductions achieved in the procurement of the three design and build contracts. Rather than retain that information and proceed on the basis of the commitment in the application as submitted, the Applicant has presented it and reduced the maximum level of construction emissions it is committed to achieving accordingly. As opposed to giving credit for that approach, CEPP seeks to undermine it, instead choosing to focus on technical points which miss the bigger picture and are, in any event, without basis.</p> <p>As noted, the third iteration of the Carbon and Energy Management Plan submitted at Deadline 8 then proceeded to incorporate the changes into the rest of the document and was in fact a full update of the first iteration submitted with the application. The data contained in the second and third versions of the Plan are fully consistent as evidenced by the Applicant's responses to the detailed challenges from CEPP below.</p> <p>As regards CEPP's request at paragraph 19 of its Deadline 9 submissions, the Applicant can confirm that PAS 2080:2023 is subject to copyright and licence use restrictions. The Applicant is therefore not in a position to share it as requested by CEPP.</p> <p>Section 3.3 Inconsistencies and anomalies between CEMP versions</p> <p>CEPP states in paragraph 25 <i>'The related question for the ExA and the Secretary of State is "How can it be legitimate to take an enumeration of claimed decarbonisation, which is just the unsecured, theoretical output from a procurement process which has not been completed, and for which delivery details, and any risk assessment of them, are deliberately withheld, and transfer it into the Environmental Impact Assessment which is the key formal and legal planning process for climate change impacts, and controlled by regulations?"'</i></p> <p>The Applicant has explained in its response to Section 3.1 above how the maximum carbon emissions level of 1.44 million CO₂e is a legal commitment that is therefore appropriately transferred into the EIA. It is entirely legitimate for the Examining Authority and Secretary of State to place significant weight on the existence of that legal commitment.</p>

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		<p>Section 3.4 - Presentation of inconsistencies and anomalies between CEMP versions</p> <p>The Applicant has no comment to make on the table presented in Section 3.4 of the CEPP's Deadline 9 submission, which does not appear to call for a response.</p> <p>Section 3.5 - Notes on Table 2.1</p> <p>The Applicant will not comment on CEPP's speculative assessment of the information presented in the Carbon and Energy Management Plan; however, would address the comments made in relation to the omission of aggregate, asphalt and plastic inversion 1 and 2.</p> <p>The Applicant can confirm that these material sources were included within the version 1 and version 2 quantifications and were included within the "other" category. Minor emission sources were included within the "other" category and include building materials such as aluminium, bentonite, clay, glass-fibre reinforced polymer and resins. As set out in the Applicant's submissions at Deadline 9 [REP9-276], the carbon quantification model was reviewed by an independent expert, UKCRIC Limited, a network of leading UK universities. This process confirmed that the approach to calculating carbon represents good practice and that the construction phase emissions level of 1.76 million tCO₂e (now updated to 1.44 million tCO₂e) within the range of industry good practice. The quantification presented in the Carbon and Energy Management Plan is therefore robust.</p> <p>Section 3.6 - False reason given for the reallocation of LUC emissions</p> <p>CEPP states '<i>The applicant claims that the reallocation of the land use emissions has been done to align with PAS 2080:2023 [CEMP v2.0, REP7-150, 1.1.1(b)]. I submit that this reason is wrong, and a false claim. The sequestration of land use emissions through the project lifecycle is consistently specified under module B1 ("Use") in both PAS 2080:2016 and PAS 2080:2023: the guidance has not changed.</i>' The Applicant rejects this challenge and is disappointed that CEPP has chosen to use language – "false" at paragraph 34 and "the trustworthiness of the CEMP" at paragraph 37 – which appears to call into question the motives and integrity of those engaged on the Project.</p> <p>Based on PAS 2080:2016 (British Standards Institution, 2016), the Applicant considered the appropriate place to allocate sequestration gains was open to interpretation. The decision made in the DCO application to allocate these to the construction phase was principally based on the fact that sequestration was a result of capital cost and therefore more likely to be covered by capital carbon than operational carbon (as defined in sections A2 and A3 of the PAS 2080:2016 standard).</p>

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		<p>The Applicant has been transparent about the matter in its application and refers to:</p> <ul style="list-style-type: none"> Footnote 6 on page 23 of the C&EMP version 1 'PAS 2080 defines capital carbon as GHG emissions that can be associated with the creation, refurbishment and end of life treatment of an asset. This includes the emission or sequestration of carbon that occurs due to land use change' and footnote 7 'PAS 2080 defines operational carbon as GHG emissions associated with the operation of an asset'. Carbon and Energy Management Plan version 1, Table C.1, B1: Use – 'Carbon sequestration from planting of trees and vegetation is included in land use change (A5)' Environmental Statement (ES) Chapter 15 [APP-153], Table 15.14, caption * below the table contains the following clarification 'The net emissions from land use change have been included in the construction stage as all the works to create the landscaping occur during this phase. Allocating the sequestration benefit to the operational phase would not materially change the conclusions of the assessment of significance'. <p>The PAS 2080 update from April 2023 includes Table A.1 that requires land use changes to be taken into account in each of the life cycle stages of the asset ('before use', 'use' and 'end-of-life'). The 2016 version of PAS 2080 did not include land use change in Table A.1.</p> <p>The Applicant therefore considers that it has been transparent on this matter in the application documents and that PAS 2080:2023 does contain additional information as compared to the 2016 version which justifies the change in approach presented in the Carbon and Energy Management Plan submitted at Deadline 7.</p> <p>The Applicant has accounted for the reallocation of these emissions to the operational phase in calculating the revised commitment to a maximum level of emissions in CBN04. This was the logical and correct approach. However, it is important to stress that the land use changes have no impact on the conclusions of Chapter 15 of the ES, the issue being one of where the emissions are placed rather than the quantum of emissions reported. While CEPP describe the development as "very concerning", therefore, it is once again an example of alarmist language being used to embellish points which have no substantive impact on the Project's assessment conclusions. In doing so, CEPP seeks to divert focus from the significant efforts – unparalleled for a road scheme – which the Applicant has made to reduce emissions and to bring forward binding commitments which ensure that the Project will be a driver for change in the construction industry. The Examining Authority should be in no doubt about these matters, despite CEPP's attempts to say otherwise.</p>

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		<p>Section 3.7 - Details and implications of inconsistencies and anomalies for LUC emissions</p> <p>In Section 3.7, CEPP incorrectly portrays the reallocation of the Land Use Change emissions in version 3 of the Carbon and Energy Management Plan. For clarity, the -133,955 tCO₂e quoted by CEPP represented the net sequestration resulting from LUC over the 60-year appraisal. To assist CEPP in understanding the figures, the Applicant has set out a table below of the relevant figures included in versions 1, 2, 3 and 4 of the Carbon and Energy Management Plan.</p> <p style="text-align: center;">Table 1 Presentation and quantification of land use change emissions across version 1, version 2 and version 3 of the Carbon and Energy Management Plan</p> <table border="1" data-bbox="707 587 2033 1278"> <thead> <tr> <th colspan="2" data-bbox="707 587 2033 647">Carbon and Energy Management Plan Version 1</th> </tr> </thead> <tbody> <tr> <td data-bbox="707 647 1697 740">Carbon and Energy Management Plan Version 1 land use change emissions in construction</td> <td data-bbox="1697 647 2033 740">-133,955 tCO₂e</td> </tr> <tr> <td data-bbox="707 740 1697 833">Carbon and Energy Management Plan Version 1 land use change emissions in operation</td> <td data-bbox="1697 740 2033 833">0 tCO₂e</td> </tr> <tr> <td data-bbox="707 833 1697 925">Total land use change emissions in Carbon and Energy Management Plan Version 1</td> <td data-bbox="1697 833 2033 925">-133,955 tCO₂e</td> </tr> <tr> <th colspan="2" data-bbox="707 925 2033 986">Carbon and Energy Management Plan Version 2, 3 and 4</th> </tr> <tr> <td data-bbox="707 986 1697 1078">Carbon and Energy Management Plan Version 2, 3 and 4 land use change emissions in construction</td> <td data-bbox="1697 986 2033 1078">143,693 tCO₂e</td> </tr> <tr> <td data-bbox="707 1078 1697 1171">Carbon and Energy Management Plan Version 2, 3 and 4 land use change emissions in operation</td> <td data-bbox="1697 1078 2033 1171">-277,648 tCO₂e</td> </tr> <tr> <td data-bbox="707 1171 1697 1278">Total land use change emissions in Carbon and Energy Management Plan Version 2, 3 and 4</td> <td data-bbox="1697 1171 2033 1278">-133,955 tCO₂e</td> </tr> </tbody> </table> <p>This confirms that the net emissions from LUC remain the same in version 1 and version 2/3 of the Carbon and Energy Management Plan and therefore no emissions have been lost.</p>	Carbon and Energy Management Plan Version 1		Carbon and Energy Management Plan Version 1 land use change emissions in construction	-133,955 tCO ₂ e	Carbon and Energy Management Plan Version 1 land use change emissions in operation	0 tCO ₂ e	Total land use change emissions in Carbon and Energy Management Plan Version 1	-133,955 tCO ₂ e	Carbon and Energy Management Plan Version 2, 3 and 4		Carbon and Energy Management Plan Version 2, 3 and 4 land use change emissions in construction	143,693 tCO ₂ e	Carbon and Energy Management Plan Version 2, 3 and 4 land use change emissions in operation	-277,648 tCO ₂ e	Total land use change emissions in Carbon and Energy Management Plan Version 2, 3 and 4	-133,955 tCO ₂ e
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Total land use change emissions in Carbon and Energy Management Plan Version 2, 3 and 4	-133,955 tCO ₂ e																	

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		<p>3.8 - Details and implications of inconsistencies and anomalies for Diesel emissions</p> <p>In relation to CEPP's comment on discrepancy between Plates D.2 and D.3, the Applicant can confirm that there is no error in the figures presented. The differences between the % figures presented in the two plates relates to the allocation of diesel for utility works. In Plate D.2, this is included in the "other" category and in Plate D.3, it is included in the "diesel" category.</p> <p>In relation to CEPP's comments on the difference between Plate D.6 in version 1 and version 3 of the Carbon and Energy Management Plan, the Applicant confirms that version 1 only showed diesel emissions, while version 3 has been updated to show emissions from diesel and HVO fuels. In version 1, the Applicant did not assume any use of HVO in its plant emissions.</p> <p>Section 3.9 - Flawed proposals for decarbonisation diesel by hydrogen fuel switching</p> <p>In response to CEPP's comments in Section 3.9 on the use of hydrogen, the Applicant refers CEPP to its response at Deadline 8 [REP8-119], which clarifies its position. The GHG emissions quantification supporting the DCO application has not accounted for any use of hydrogen, nor does the draft DCO require Contractors to secure them (it being one of the means by which a reduction in emissions might be achieved, but not the only one). There is no further comment on this matter.</p> <p>Section 3.10 - Summary on CEMP</p> <p>For the reasons set out in response to the individual parts of section 3, the Applicant rejects all suggestions that the Carbon and Energy Management Plan is "<i>untrustworthy</i>"; that the data "<i>is not 'reasonable worst case'</i>" and "<i>leads to underestimates for both construction and operation emissions</i>"; and that "<i>the provenance of the data is completely unproven</i>".</p> <p>Section 3.11 - Statement of "no confidence" in Competence of practitioners involved</p> <p>As set out above, there are no inconsistencies or anomalies between the versions of the Carbon and Energy Management Plan. Moreover, the ground-breaking mechanisms in the plan have already led to a reduction of the secured maximum level of construction phase carbon emissions (from 1.763 to 1.44 million tCO_{2e}). The Applicant therefore considers CEPP's claim of 'no confidence in the competence of the practitioners involved' to be completely unsubstantiated and an inappropriate attack upon the professional competence of the Applicant's team.</p> <p>Section 4 – NOTIFICATION OF ISSUES AND ERRORS IN PLANNING STATEMENT</p> <p>The Applicant rejects all four challenges of errors described in paragraph 66 (A) to (D) and refers CEPP to the following responses:</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>(A) the Applicant's comments on Interested Parties' submissions at Deadline 8 [REP9-276] under the heading 'Notification of error in Environmental Statement following revised Carbon and Energy Management Plan' on page 7.</p> <p>(B) to Section 3.8 above</p> <p>(C) to Section 3.3 above</p> <p>(D) to Section 3.9 above</p> <p>Accordingly, there is no need for a new Appendix I of the Planning Statement.</p> <p>At paragraph 4.4.1 of its Deadline 9A submissions, CEPP continues to assert that the Applicant has not admitted errors and by doing so has obstructed the examination process. To be clear, the Applicant does not accept that CEPP has identified errors in the material and has responded fully to say why this is the case. In this regard, CEPP is incorrectly seeking to characterise a difference between the parties as evidence that the Applicant has in some way obstructed the process.</p> <p>Section 5.1 CEPP D7: [REP8-119]: Page 2 [PDF Page 4]: bullet 2</p> <p>The Applicant refers point 22 within Applicant's comments on Interested Parties' submissions at Deadline 7 [REP8-119].</p> <p>Section 5.2 CEPP D7: [REP8-119]: Page 2 [PDF Page 4]: bullet 3</p> <p>The Applicant was not engaging in circular arguments but merely referring to its Deadline 6 submission to avoid needless repetition of the same point at Deadline 8.</p> <p>Section 5.3 CEPP D7: [REP8-119]: Page 3 [PDF Page 5]: bullet 4 (and 5 and 6)</p> <p>CEPP disagrees '<i>...with the applicant that the CEMP aligns the project with and contributes to securing the Net Zero Strategy (NZS) targets, nor that it is consistent with the IEMA guidance.</i>' This is not a new issue; the Applicant has no further comments to make in addition to those set out in its Deadline 6 [REP6-094] (paragraphs 2.1.34-2.1.36 and 2.1.43-2.1.46) and Deadline 8 [REP8-119] (under the header 'Section 3 of CEPP's D7 submission 'The essence of my case on the LTC scheme') submissions. The Applicant and CEPP's views are fundamentally opposed on this issue.</p> <p>Section 5.4 - CEPP D7: [REP8-119]: Page 3/4 [PDF Page 5/6]: bullet 7 (and 8 and 9)</p> <p>CEPP is again raising here matters of Government policy and the security of the measures designed to align with that policy. The Applicant has made its case clear in its submissions at Deadline 6 [REP6-094], Deadline 8 [REP8-119] and Deadline 9 [REP9-276]. The Applicant does not consider</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>there is further ground to cover in relation to these matters and that the Examining Authority is aware of the parties' respective positions.</p> <p>Section 5.5 – CEPP D7: [REP8-119]: Page 4 [PDF Page 6]: bullet 10</p> <p>CEPP's submissions again relate to matters of Government policy. The Applicant refers to its comments in response to Section 5.4 above. As for CEPP's suggestion at paragraph 79 that the maximum level of construction emissions under CBN04 is not secured, the Applicant has set out above why CEPP falls into error in this regard.</p> <p>Section 5.6 – CEPP D7: [REP8-119]: Page 4/5 [PDF Page 6/7]: bullets 11-19</p> <p>The Applicant has addressed at length how the Carbon and Energy Management Plan is secured, contrary to CEPP's suggestion at paragraph 80.</p> <p>CEPP also finds (at paragraph 81) that the scheme has a "major adverse" impact in terms of carbon emissions. The Applicant has set out in detail in Section 15.6 of ES Chapter 15 [APP-153] and its Deadline 8 submission [REP8-119] (in particular paragraphs 13-18) the basis for its assessment that the Project would not have a material impact on the Government's ability to meet its carbon reduction targets. The Applicant's and CEPP's views are therefore fundamentally opposed in relation to this issue.</p> <p>At paragraph 82, CEPP states that "industry good practice" alone is not enough to achieve carbon budgets and targets in practice. The Applicant notes that 'industry good practice' is used in the context of the significance criteria from the IEMA guidance as clarified in Section 15.6 of ES Chapter 15 [APP-153] and its Deadline 8 submission [REP8-119] (in particular paragraphs 13-18). The Applicant has addressed in the application and throughout its submissions the question of whether the Project's emissions are compliant with the relevant policy tests set out in the National Policy Statement for National Networks (NPSNN) (Department for Transport, 2014).</p> <p>Section 5.7 – CEPP D7: [REP8-119]: Page 5/6 [PDF Page 7/8]: bullets 20-22</p> <p>The Applicant regards the matters raised under section 5.7 in relation to the Carbon and Energy Management Plan and the conclusions on significance set out in ES Chapter 15 as repetitious. The Applicant makes no further comment and refers to its previous submissions in relation to these matters.</p> <p>Section 5.8 – CEPP D7: [REP8-119]: Page 7/8 [PDF Page 9/10]; re: section 8.1</p> <p>The Applicant does not consider it would be productive to rehearse again the basis on which it disagrees with all of the analysis contained in paragraphs 85 – 90 of its submissions.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>However, the Applicant must address the submission made at paragraph 88 that <i>“the Applicant’s mission at the DCO examination with respect to the scheme’s GHG emissions is make them “OK” by the EIA regulations, and via the CEMP proposals feeding into the EIA assessment: substitute the more formal word “compliant” for “OK” if you wish”</i>.</p> <p>With respect, to describe the Applicant’s approach in this way discloses a fundamental lack of understanding or appreciation of the wider importance of the measures which the Applicant has brought forward as part of this application. By embedding carbon into the procurement process in the way that it has, the Applicant has sought to signal that this should be the standard for the construction industry going forwards. The Applicant is confident that the Project can be a driver for positive change and indeed this is already reflected in the further construction carbon reductions achieved during the procurement process for the three design and build contracts, which the Applicant has now committed to delivering through the updates to the Carbon and Energy Management Plan submitted at Deadline 7.</p> <p>To say that the Applicant has approached the application on the basis of what is “ok” or “compliant” in EIA terms is therefore false. The Examining Authority and Secretary of State should give no weight to those claims and should instead be guided by the extensive commitments being made by the Applicant, secured by the draft DCO, which represent new territory for an application of this scale.</p> <p>Section 5.9 – CEPP D7: [REP8-119]: Page 9 [PDF Page 11]: Transport Decarbonisation Plan bounds</p> <p>At paragraph 92, CEPP states <i>“the applicant has never provided any information on how the TDP upper and lower bound estimates are actually derived”</i>. The Applicant refers to its response to ExQ2_Q2.1.2 (Delay to proposed ban on the sale of new petrol and diesel cars) for clarification on the topic [REP6-107].</p> <p>At paragraph 93, CEPP states that <i>“the TDP has been superseded by the CBDP”</i>. The Applicant would simply say that the Transport Decarbonisation Plan (TDP) (Department for Transport, 2023a) remains extant policy, and the Carbon Budget Delivery Plan does not state that it supersedes the TDP. The Examining Authority should therefore be in no doubt that the TDP remains relevant policy. In this regard, the Applicant notes that in the decision letter dated 17 August 2023 granting consent for the proposed A38 Derby Junctions Development Consent Order (Department for Transport, 2023b) which post-dated the publication of the Carbon Budget Delivery Plan, the policies to decarbonise vehicles contained in the TDP were given weight by the Secretary of State (see paragraph 114 of the Decision Letter).</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Section 6 – Responses to Applicant's responses in [REP8-115]</p> <p>The Applicant has confirmed "nil return" in respect of the <i>Boswell</i> litigation above. The Applicant does not consider its response to ExQ3_Q2.1.1 went "<i>unnecessarily beyond the scope of this question</i>", but instead believes that it provided relevant context to that case, as requested.</p>

3 Environment Agency

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A Submission - Submission on Article 68 Interface with waste operation permits, Response to Star Dam Stakeholder Actions and Commitment Register	Environment Agency	<p>Link to IP's submission: [REP9A-120]</p> <p>Applicant's response: In response to the Environment Agency's (EA) Deadline 9A representations relating to the flood defence structure 'Star Dam' the Applicant would like to reassure the EA that access for maintenance vehicles will be maintained and this is secured under Stakeholder Actions and Commitments Register commitment SACR-024 [REP9A-060].</p> <p>With regard to the assertion by the EA that the introduction of an appropriately surfaced footpath and bridleway would impact the structural integrity of the flood defence asset the Applicant would like to reassure the Environment Agency that appropriate steps will be taken to ensure that the bridleway would be installed in a way which avoids impacts on the flood defence asset. This is set out in Design Principle PEO.03 [REP9-227]. The change in route designation from footpath to bridleway is not expected to generate excessive additional demand and therefore the impact of this change is considered to be small.</p> <p>Similarly, the risk of interaction between EA Field Staff accessing the Star Dam by vehicle and bridleway users is anticipated to be very low, due to the infrequency of any such visits and the ability to manage such visits locally as necessary. The EA has suggested passing places at strategic points on the two access routes and these could be considered further in consultation with the Environment Agency at the detailed design stage.</p> <p>While the Star Dam is operated and maintained by the Environment Agency, it is not owned by them but by the freeholders (Melville HL Mott and Exel Logistics Property Ltd). The EA has powers under s165 of the Water Resources Act 1991 to access, maintain and operate such flood defence structures. As such, the Applicant would have no justification to compulsorily acquire this structure from the freeholders nor would it have any powers to maintain and operate the structure as the Environment Agency does. It is not therefore legally possible for the Applicant to take over the dam nor assume any maintenance or operational responsibilities for this structure.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 9A Submission - Submission on Article 68 Interface with waste operation permits, Response to Star Dam Stakeholder Actions and Commitment Register</p>	<p>Environment Agency</p>	<p>Link to IP's submission: Comments on article 68 in [REP9A-120]</p> <p>Applicant's response: Following agreement with the EA on article 68, the Applicant updated the Explanatory Memorandum [REP9-109] and therein noted that the provisions were “<i>similar to those secured under article 6 of the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 and those proposed in Additional Provision 2 of the High Speed Rail (Crewe - Manchester) Bill.</i>” It is noted that the EA states in their Deadline 9A submission that “<i>neither of the examples given are of Development Consent Orders and their provisions work differently to the agreed</i>”. For context, the Applicant agrees the provisions are not identical, but they are similar in allowing for surrenders, or variations. The purpose of highlighting these precedents was to ensure that the Examining Authority and Secretary of State were sighted on the fact that, notwithstanding the provision is unprecedented in the DCO-context, the rationale for their inclusion has been explored in other major projects. The Applicant reiterates that it is grateful to the EA for their engagement and their work in agreeing article 68 which is necessary for the reasons which both the EA (in [REP8-125]) and the Applicant (in the Explanatory Memorandum [REP9-109]) have agreed upon.</p>

4 Emergency Services & Safety Partners Steering Group

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Emergency Services & Safety Partners Steering Group</p>	<p>Link to IP's submission: [REP9-303]</p> <p>Applicant's response:</p> <p>The Applicant has developed a rendezvous point (RVP) site to the north of the tunnel portal in accordance with Design Manual for Roads and Bridges (DMRB) CD 352 (Highways England, 2020a), and in consideration of guidance provided by the emergency services.</p> <p>The Applicant notes that the needs of the emergency services have evolved. At Procedural Deadline C, the Emergency Services & Safety Partners Steering Group (ESSP SG) provided its recommendations for an RVP on the north [PDC-013]; this included four key points that they wished the Applicant to fulfil. The Applicant in its preliminary design maintains that its design responds to those points. However, the ESSP SG further noted in its recommendation 6.4 that it wished for the preliminary design to be reviewed and alternative locations for a northern RVP to be considered.</p> <p>At Deadline 1 the ESSP SG submitted Annex B of the ESSP SG Deadline 1 Submission - Written Representation (WR) [REP1-339], which provided two possible alternative RVP locations at the Tilbury Operational Access. Following this submission, at Deadline 3 the Applicant provided Design Principle S9.21 [REP9-227] which ensured consultation would take place with emergency services during detailed design on the RVP.</p> <p>The Applicant also held several meetings with representatives of the emergency services, including a site visit to Stansted Airport. It was during this engagement that the emergency services confirmed that the sites they had submitted at Deadline 1 (Tilbury Operational Access), which had been under consideration by the Applicant, were in fact not appropriate due to their proximity to the tunnel and access via the Tilbury Operational Access being too complex.</p> <p>Due to the evolving position, the Applicant has continued to consult with members of the ESSP SG to identify potential alternative RVP locations. At Deadline 7 Submission - Written Representation [REP7-273], the ESSP SG indicated a preference for a location near Muckingford Road but noted that it needed to consider this location further.</p> <p>At Deadline 8, the ESSP SG confirmed that a site near Muckingford Road would be acceptable in principle subject to certain conditions such as amending the preliminary design. As an alternative to</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>this request, the Applicant has provided a commitment (SACR-021) within the Stakeholder Actions and Commitments Register (SAC-R) [REP9A-060] to continue to work with the emergency services on an alternative location should it secure consent.</p> <p>The Applicant's position is that this commitment ensures that a suitable RVP to the north of the tunnel portal will be provided. The amendments sought by the ESSP SG to Schedule 1 draft DCO [REP9-107] are therefore not necessary, noting a commitment to use "best endeavours" to obtain consent for the site preferred by the ESSP SG is secured.</p> <p>The Applicant can reassure ESSP SG that there are no "conflicts" in the Applicant's approach. The ESSP SG's Deadline 9 submissions seem to suggest that because the existing location is shown in the General Arrangements, an alternative delivered pursuant to the SAC-R [REP9A-060] commitment would not be possible. This is precisely what the intention of article 56 of the draft DCO [REP9-107] is intended to accommodate.</p>

5 Forestry Commission

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Forestry Commission	<p>Link to IP's submission: [REP9-280]</p>
		<p>Applicant's response: This response is in relation to three particular matters that the Applicant considers specific response would be helpful to address with cross references to the final Statement of Common Ground (SoCG) with the Forestry Commission [REP9A-008].</p> <p>Enhancement of Ancient Woodland condition as part of compensation measures (SoCG item 2.1.3 'Matter Not Agreed') The Applicant notes the Forestry Commission's comment that '<i>However, it is our view that given the residual impacts, the compensation measures should be improved to commit to enhancing woodland condition for the remaining part of Claylane Woods within the Order Limit boundary (approximately 5 Hectares). Currently, it is our understanding that the Applicant is only committing to maintaining its existing condition</i>'. The Applicant notes that a total of 5.00ha of Claylane Woods lie within the Project's Order Limits, of which 4.24ha are currently predicted to be permanently lost as a result of the works to divert the existing utilities and to construct the A2/M2/A122 Lower Thames Crossing junction; approximately 0.76ha is identified to be retained. The remaining 5.20ha of Claylane Woods is outside the Project Order Limits and would not form part of any compulsory acquisition as it is a privately owned woodland that is not required to undertake the works required as part of the DCO. Where mitigation and compensatory planting is proposed, including any areas of retained woodland, as part of the permanent land acquisition, these areas would be managed following the requirements for LE2.1 Woodland as contained within the outline Landscape and Ecology Management Plan (oLEMP) [REP9-207] to ensure that they meet the relevant outline requirements for the habitat type, including '<i>Woodland to be managed to create a diversity of woodland habitat, comprising a mix of age classes, species, and structure, and to provide increases in biodiversity value. This includes containing open areas, variation in canopy structure and a healthy ground flora and understorey</i>'.</p> <p>Management in line with UK Forestry Standard (SoCG item 2.1.16 'Matter Agreed') The Applicant notes that the Forestry Commission has requested '<i>that woodland management (of existing and woodland to be created) should be managed in accordance with the UK Forestry</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p><i>Standard (UKFS) – https://www.gov.uk/government/publications/the-uk-forestry-standard. While this request was received too late to be included into the final iteration of the oLEMP, the Applicant would seek to further reassure the Forestry Commission that an opportunity to incorporate these requirements would be discussed as part of any long-term management requirements for woodland planting via the oLEMP Advisory Group, which the Forestry Commission is a member of. This is noted in the Statement of Common Ground between the Applicant and the Forestry Commission in Appendix C – Forestry Commission advice for detailed design [REP9A-008].</i></p> <p>Higher standards for Green Bridges (Claylane Wood woodland connectivity – SoCG items 2.1.7 and 2.1.10 'Matter Not Agreed')</p> <p>The Applicant notes the following comment: <i>"We advise that effective connectivity is particularly important considering the direct loss/impacts to ancient woodland sites and considering that the Gravesend airfield to the North of Claylane Wood is not being proposed for woodland creation as requested (Matter 2.1.7), which will limit the level of connectivity between Claylane Wood and other woodland areas, and the severance of green space that will be replaced with the road proposal to the East of Claylane Wood".</i> As discussed and recorded in the final Statement of Common Ground between the Applicant and the Forestry Commission [REP9A-008], there are a number of constraints that limit the extent of woodland planting immediately north of Claylane Wood. Following discussion with the Forestry Commission an additional 2ha of woodland planting was incorporated into the ancient woodland compensatory planting immediately to the North of Claylane Wood (SoCG item 2.1.8 'Matter Agreed') to help strengthen the compensatory woodland planting linking Claylane Wood to Shorne and Ashenbank Woods SSSI as part of the ancient woodland compensation planting strategy (SoCG item 2.15 'Matter Agreed'). This additional 2ha of woodland planting is considered by the Applicant to be the maximum extension that could be provided without compromising the utility diversions or heritage assets and key landscape views. In addition to this, specific Design Principles [REP9-227] (LSP.01) and commitments within the Register of Environmental Actions and Commitments (REAC) [REP9-184] (LV001 and LV013) have been secured to ensure that reductions in terms of habitat loss are further minimised during detailed design process, which the Forestry Commission will be a key contributor to as a member of the oLEMP Advisory Group.</p>

6 Gravesham Borough Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Cover Letter	Gravesham Borough Council	<p>Link to IP's submission: [REP9-281]</p>
		<p>Applicant's response: In response to Gravesham Borough Council's comments on the Applicant's response to Issue Specific Hearing 11 Action Point 2, the Applicant confirmed its approach to determining the Local Landscape Character Area (LLCA) boundary between the West Kent Downs (sub area Cobham) and West Kent Downs (sub area Shorne) LLCAs in its Deadline 2 responses [REP2-046] and [REP2-058], noting that the Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) state that '<i>Existing assessments may need to be reviewed and interpreted to adapt them for use in LVIA... Fieldwork will also be required to check the applicability of the assessment throughout the study area and to refine it where necessary, for example, by identifying variations in character at a more detailed scale</i>'. Furthermore, it is noted in the Applicant's Deadline 9 response [REP9-276] that the Applicant's LLCA boundary definition reflects the Gravesham Landscape Character Assessment (Gravesham Borough Council, May 2009), which describes the geographical area of 'Shorne Woodlands' (the Gravesham landscape character area corresponding to the Kent Downs AONB Unit West Kent Downs sub-area Shorne LLCA). In its Deadline 8 response explaining the approach to LLCA boundary definition [REP8-110], the Applicant stated that '<i>... the A2 corridor and parts of the HS1 corridor appeared to be more prominent from the southern fringes of Shorne Woods Country Park</i>'. With regard to Gravesham Borough Council's statement that '<i>...Representative... Viewpoint S-13 Sheet 3 of 3 clearly shows the significant effect of the wooded central reservation on this area, and its role in forming a strong boundary...</i>', it is not disputed that the A2 central reservation tree belt is a significant landscape feature. However, the Applicant considers that the tree belt sub-divides two parts of a major road rather than sub-dividing one distinctive character area from another. The Applicant also notes that landscape character assessment requires more than consideration of a single viewpoint to determine an appropriate character area boundary. For example, the view looking south-eastwards from Representative Viewpoint S-04, at Park Pale bridge in ES Figure 7.17: Representative Viewpoints -</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Winter and Summer Views (1 of 8) [APP-235] shows no landscape boundary in the central reservation.</p> <p>The Applicant notes the initial opinions expressed by Gravesham Borough Council on the Applicant's response to Issue Specific Hearing 11 Action Point 4 and provision of a 'without prejudice' assessment of the effects on the West Kent Downs (sub area Cobham) and West Kent Downs (sub area Shorne) LLCAs, using the LLCA boundary in the Kent Downs AONB Landscape Character Assessment Update 2020 (Kent Downs AONB Unit, revised and published 2023). However, it is not clear why the Council suggest that <i>'It would appear that the Applicant is attempting to downgrade the effects on the Shorne LLCA as the central reservation forms the northern boundary of the Cobham LLCA'</i>. The Applicant refutes this suggestion and points out that the 'without prejudice' assessment assesses the impact on the central reservation in both the sub area Shorne and sub area Cobham LLCAs in Appendix B of the Applicant's Deadline 8 submission [REP8-110].</p> <p>In this respect, the Applicant notes another apparent misunderstanding in the Council's initial opinion in their statement that <i>'Even though it [the central reservation] forms the northern boundary of the Cobham LLCA, it cannot be ignored in an assessment of the Shorne LLCA, as it forms an important backdrop and screen'</i>. As noted above, the Applicant's 'without prejudice' assessment assesses the impact on the central reservation in both of the sub area LLCAs.</p> <p>In whichever sub area LLCA the Project features between the eastbound carriageway of the A2 and HS1 are deemed to lie, the effects of the Project on the West Kent Downs (sub area Cobham) LLCA would not extend south of the HS1 corridor, except for a very small area adjacent to Brewers Road green bridge embankment and a limited location along Footpath KT/NS179 bordering HS1 to the south.</p> <p>For completeness, the Applicant responded to the Council's suggested amendments to the oTMPfC [REP9-235], REAC [REP9-184] and other control documents in the Applicant's responses to Deadline 8 submissions [REP9-276].</p>
Deadline 9A Submission - Updates and comments on Deadline 9 and other matters	Gravesham Borough Council	<p>Link to IP's submission: [REP9A-108]</p> <p>Applicant's response: In response to Gravesham Borough Council's further comments at Deadline 9A on Issue Specific Hearing 11, Action Point 2 relating to LLCA boundaries, the Applicant does not agree with the statement that <i>'...by inference the Applicant cannot support their own position...'</i>. As noted above in</p>

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		<p>relation to the very similar response from Gravesham Borough Council at Deadline 9, the Applicant provided an explanation for the LLCA boundary definition between the West Kent Downs (sub area Cobham) and West Kent Downs (sub area Shorne) LLCAs at Deadline 2 [REP2-046] and [REP2-058]. The review of the LLCA boundary definition formed part of the general due diligence review undertaken following withdrawal of the DCO application submitted in 2020, as explained in paragraph A.4.2 in Annex A of the Applicant's Post-event submissions, including written submission of oral comments, for ISH11 [REP8-110].</p>												
<p>Deadline 9A Submission - Final Position Statement</p>	<p>Gravesham Borough Council</p>	<p>Link to IP's submission: [REP9A-107]</p> <p>Applicant's response:</p> <p style="text-align: center;">Table 2 Signposting to Application and Examination Documents to address Gravesham Borough Council's Final Position Statement</p> <table border="1" data-bbox="707 754 1955 1366"> <thead> <tr> <th data-bbox="707 754 922 823">GBC reference</th> <th data-bbox="922 754 1435 823">Gravesham comment</th> <th data-bbox="1435 754 1955 823">Applicant's response</th> </tr> </thead> <tbody> <tr> <td data-bbox="707 823 922 927">5</td> <td data-bbox="922 823 1435 927">Location and investigation of alternatives</td> <td data-bbox="1435 823 1955 927">Alternatives addressed in Chapter 5 of the Planning Statement [REP9-215].</td> </tr> <tr> <td data-bbox="707 927 922 1198">6</td> <td data-bbox="922 927 1435 1198">Insufficient relief of traffic</td> <td data-bbox="1435 927 1955 1198">The Applicant has been clear, as set out in Annex A.2 of Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183] that the benefits that the Project would bring to the Dartford Crossing would continue beyond 2045.</td> </tr> <tr> <td data-bbox="707 1198 922 1366">7</td> <td data-bbox="922 1198 1435 1366">Inadequate traffic modelling</td> <td data-bbox="1435 1198 1955 1366">The Applicant has produced a fully TAG compliant strategic transport model in order to assess the forecast impacts of the Project on the road network. The Applicant considers that</td> </tr> </tbody> </table>	GBC reference	Gravesham comment	Applicant's response	5	Location and investigation of alternatives	Alternatives addressed in Chapter 5 of the Planning Statement [REP9-215] .	6	Insufficient relief of traffic	The Applicant has been clear, as set out in Annex A.2 of Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183] that the benefits that the Project would bring to the Dartford Crossing would continue beyond 2045.	7	Inadequate traffic modelling	The Applicant has produced a fully TAG compliant strategic transport model in order to assess the forecast impacts of the Project on the road network. The Applicant considers that
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Document title	Interested Party (IP)	Link to IP's submission / Applicant's response	
			<p>while the localised traffic models and the Project's transport model produce different results (as would be expected given they are different packages), these are not so significant that different conclusions would be drawn. As the Applicant has also set out at Annex A.4 of Post-event submissions, including written submission of oral comments, for ISH4 [REP4-180] achieving convergence between these models would take many years and so undertaking this exercise would not be proportionate.</p>
		8	<p>Failure to address wider (network) impacts</p> <p>The Applicant's position regarding traffic impacts on the wider network is set out within:</p> <ul style="list-style-type: none"> • Transport Assessment Appendix F: Wider Network Impacts Management and Monitoring Policy Compliance [APP-535] • Wider Network Impacts Update [REP5-085] • Wider Network Impacts Position Paper [REP6-092]
		13	<p>Failure to address Blue Bell Hill</p> <p>The Applicant does not regard the inclusion of such a requirement to be appropriate, as set out in the Joint Position statement: Blue Bell Hill submitted at Deadline 5 [REP5-083]. The proposed Requirement would</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response	
			seem to add no additional security to the delivery of that Project and simply duplicates the existing process put in place by Government.
		15	Unacceptable impacts on the Green Belt Green Belt assessment in Appendix E of the Planning Statement [REP9-223] supplemented by the additional Green Belt Harm Assessment in response to the ExA question ExQ2_Q13.1.3 [REP7-181]
		16	Unacceptable impact on the AONB Planning Statement Appendix F [REP9-225] provides a policy accordence assessment supported by the Environmental Statement Chapter 7: Landscape and Visual [REP9-118] which provides evidence of the assessment of the impact of the Project on the AONB including in Table 7.18. The Applicant provided additional information in relation to the assessment of the effect of the Project on the AONB during ISH11 and supported by the Applicant's Post-event submissions, including written submission of oral comments, for ISH11 [REP8-110] .
		19	Unacceptable impacts of local communities during construction The Applicant asserts the robustness of control documents and measures to address construction impacts on the local community, with the provided level of detail considered appropriate for this project stage. GBC's comments in the Local Impact

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response		
				<p>Report have been appropriately addressed (Comments on LIR – Appendix D [REP2-058]), including those from Issue Specific Hearings 12 and 14 (subsequent post-hearing submissions [REP8-111] and [REP8-114]). Specific comments on the oTMPfC and proposed wording have also been addressed in the Applicant's Response to Comments on Outline Traffic Management Plan for Construction [REP6-103]. The Applicant's assessment of the potential impact of workers on local accommodation capacity is reported in the Worker Accommodation Report [APP-551], this concludes that there would be no detrimental impact. However, during examination, the Applicant has responded to the concerns of the local housing authorities and amended the commitment to work with them through the Worker Accommodation Working Group to manage impacts should they occur, this is secured through the Framework Construction Travel Plan [REP9-233].</p>

7 Holland Land and Property Ltd

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Holland Land and Property Ltd	Link to IP's submission: [REP9-304]
		Applicant's response: <p>In response to the IPs comment on Action Point 11, the Applicant notes the IP's submission and has no further comment.</p> <p>The following is provided following Holland Land and Property Ltd's comments on the Applicant's ISH 11 Action Point 13 [REP8-110] response. The Applicant provided a response looking at the theoretical risk of contamination in the event that a flood event was to occur. It should be noted that there is no predicted increase in the flood risk with the Project than there currently is. On this basis the Applicant would contend that the potential for a contamination pathway to be created because of the proposals is the same as it currently is in the existing situation (although the receptor would no longer be farmland). The point here being that the Project would not result in a worsening of the current situation. Importantly, neither Thurrock Council nor the Environment Agency have raised concerns about the suitability of this site for wetland creation and the contaminated land and the control of pollution to water fall within their statutory remit. As the protection of the water environment would be a design consideration at the detailed design stage, the Applicant continues to believe that the proposal is suitable for the creation of a wetland habitat as proposed.</p>

8 Kent County Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	Kent County Council	<p>Link to IP's submission: [REP9A-109]</p>
		<p>Applicant's response: The Applicant welcomes Kent County Council's confirmation that the latest version of the Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation (dAMS-OWSI) [REP9-197] addresses their concerns, but notes the two comments.</p> <p>Firstly, the Applicant considers that further assessment of all Palaeolithic deposits, including those within the area of K96 are covered within the dAMS-OWSI [REP9-197]. The area of K96 contains deposits from PQ-8, a moderate to high value Pleistocene deposit identified in ES Appendix 6.5: Lower Thames Crossing: Palaeolithic and Quaternary Deposit Model (PQDM) and Desk-based Assessment of Palaeolithic Potential [APP-358] and ES Appendix 6.6: Lower Thames Crossing: Standalone Palaeolithic Archaeological Assessment and Research Framework [APP-359]. These appendices propose forms of further investigation.</p> <p>Paragraph C.1.7 of Annex C of the dAMS-OWSI [REP9-197] states that further specialist assessment of all Palaeolithic zones as set out in ES Appendices 6.5 and 6.6 will be required.</p> <p>Secondly, with regard to historic landscape components, the Applicant acknowledges that Kent County Council is satisfied with the proposed approach within the dAMS-OWSI [REP9-197].</p>
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	Kent County Council	<p>Link to IP's submission: [REP9A-109]</p>
		<p>Applicant's response: The Applicant had understood that Kent County Council (KCC) was in the process of reviewing the preferred monitoring locations for construction and would subsequently share this information. Throughout technical engagement with KCC, the Applicant had consistently sought details about the specific monitoring locations they were proposing. This matter had also been requested in the Applicant's response to KCC's comments on the outline Traffic Management Plan for Construction (oTMPfC) [REP9-235]. The aim was to reach an agreement on suitable locations for inclusion in the oTMPfC.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The monitoring locations outlined in Section 2.4 of the oTMPfC [REP9-235] are the outcomes of discussions with the relevant local authority who have provided detail of monitoring locations at this stage. It is important to note that the absence of monitoring locations within the KCC area, as indicated in Plate 2.4, does not preclude or diminish KCC's ability to suggest locations as part of the development and implementation of the Traffic Management Plan (TMP) during construction. The locations identified in Section 2.4 of the oTMPfC are intended as a starting point for further discussions, and the final monitoring locations will be detailed in the TMP, as set out in paragraph 2.4.8. KCC as well as other relevant stakeholders would be consulted on the TMP with during its development via the Traffic Management Forum which would maintain the opportunity for KCC to present their preferred locations of monitoring.</p> <p>Furthermore paragraph 2.4.17 of the oTMPfC [REP9-235] also states: '<i>the monitoring proposals are at locations identified by the local highways authorities as discrete and specific areas of concern</i>'. This Emphasises the point that monitoring locations would be an output of discussions with local authorities to determine areas of concern that they are seeking to be monitored during the construction phase.</p>

9 Kent Downs AONB Unit

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8 - 7.5 Design Principles V6	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9-286]</p>
		<p><i>The Kent Downs AONB Unit welcomes the inclusion of the additional Design Principle S1.24. However, as the Kent Downs AONB Guidance on the selection and use of colour in Development includes a whole range of colours suitable for different situations (including brighter 'accent' colours, we would request the wording is amended to specify that the finish is muted to recede in the landscape:</i></p> <p><i>'Shall be finished to <u>in muted tones to recede in the landscape and</u> accord with the Kent Downs AONB Guidance on the selection and use of colour in development'</i></p> <p>Applicant's response:</p> <p>The Applicant believes this additional wording is not necessary and there are other Project-wide Design Principles [REP9-227] that require a contextual landscape led approach to the design. The Applicant would note the following in particular:</p> <p>LST.01 Highways furniture: <i>'Materiality and appearance shall be designed with consideration of the surrounding context of the landscape.'</i></p> <p>STR.01 General structures: <i>'The design shall be led by the existing landscape, incorporating and integrating the structures and buildings, so they appear as fully and seamlessly integrated components within the landscape.'</i></p>
Deadline 9 Submission - 9.192 Applicants Responses to the Examining Authority's Third Written	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9-288]</p>
		<p>Applicant's response:</p> <p>In relation to Kent Downs AONB Unit's comments on the proposed ancient woodland compensation planting on land east of Brewers Wood, north of Park Pale, the Applicant has provided detailed responses on this matter during the Examination [REP7-187], [REP7-188], and [REP8-115].</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Questions (ExQ3)		<p>The LE8.2 Ancient Woodland Compensation Planting typology hatch shown on ES Figure 2.4: Environmental Masterplan (Sections 1 and 1A) [REP9-130] broadly denotes the location of proposed ancient woodland compensation planting. The LE8.2 hatch has been offset from existing mature trees to create a series of open rides and glades appropriate and beneficial to woodland habitats. However, as stated in Clause S1.08 of the Design Principles [REP9-227], <i>'The design shall be developed through collaboration and engagement with Shorne Woods Country Park, Natural England, Kent Downs AONB and relevant local stakeholders...'</i></p> <p>Paragraph 8.24.1 of the outline Landscape and Ecology Management Plan (oLEMP) [REP9-207] sets out the overarching aims for the proposed LE8.2 Ancient Woodland Compensation Planting typology, advising that <i>'This typology builds on that for woodland (LE2.1 in Section 8.5), aiming to develop broad-leaved native species woodland which develops into the NVC communities of adjacent woodland blocks...'</i> The outline measure of success for LE2.1 Woodland set out in paragraph 8.5.10 of the oLEMP [REP9-207] is for <i>'Temporary open space recorded across 21% to 40% of the woodland'</i>. The overarching aims and outline measure of success for the proposed ancient woodland compensation planting is therefore to achieve a minimum of 60% woodland cover. As such, the Applicant considers that sufficient scope exists to maintain a degree of openness, as sought by Kent Downs AONB Unit and Natural England.</p> <p>It is worth highlighting that the Applicant's response to ExQ3_Q12.2.1 [REP8-115] noted that the landscape east of Brewers Wood has changed over time from being predominantly wooded to the more open landscape present today.</p> <p>In relation to Kent Downs AONB Unit's comment stating, <i>'this small part of the LLCA...makes a wholly positive contribution to the landscape and scenic beauty of this part of the AONB'</i>, it is acknowledged that this informal parkland area contains veteran trees and has views towards woodland south of the A2 within the Kent Downs AONB; however, it is not devoid of detracting elements or influences. The landscape and views in this area are also influenced by buildings at Harlex Haulage and the A2 and HS1 corridors. In the summer months, vegetation softens the appearance of built elements; however, these detracting elements are still evident, especially in winter.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8 - Response	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9-287]</p> <p>Applicant's response: The Applicant notes the Kent Downs AONB Unit's response to the Applicant's interpretation of the implications of the amendment being made to section 85 of the Countryside and Rights of Way Act</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
to Applicants Post Hearing Submission to ISH11		<p>2000 (CROW) by section 245 of the Levelling-up and Regeneration Act 2023 (LURA) [REP8-110]. The Applicant makes the following comments in response.</p> <p>First, the Applicant does not consider the duty under section 125 of the Marine and Coastal Access Act 2009 to be a relevant comparator to amended section 85, as the nature of the duties are expressed in materially different terms. While section 85 will read “seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty” from 26 December 2023, the section 125 duty requires a public authority to exercise its functions in a manner which the authority considers “best furthers the conservation objectives” stated for a Marine Conservation Zone. Furthermore, section 125 continues that “where it is not possible [for a public authority] to exercise its functions in a manner which furthers those objectives, [it must] exercise them in the manner which the authority considers least hinders the achievement of those objectives”. This “tailpiece” is absent from section 85, underlining the material difference in the intent expressed by Parliament as compared to section 125.</p> <p>Second, the Applicant notes that Kent Downs AONB Unit argues that “It is our view that in order to achieve the furthering the purposes, measures that go beyond avoiding and mitigating harm arising from a Project need to be provided in addition. The outcome should be that the special character and qualities of the AONB are improved as a result of the proposals rather than harmed as little as possible”. If Parliament had intended this outcome, then plainly it could have legislated to this effect. Section 85 has not been amended in this way, and so the Applicant maintains its argument in [REP8-110] that amended section 85 is not outcome-based, and the practical effect is that a relevant authority must, when exercising a function, look for opportunities to further the conservation and enhancement of AONBs, insofar as is possible in the context of the function being exercised.</p> <p>Third, the Applicant notes that Kent Downs AONB Unit accepts that (notwithstanding the change to section 85) consent may be granted where a proposal is compliant with the relevant NPS and its adverse impacts are outweighed by its benefit, and this can include projects which have adverse effects on the natural beauty of AONBs.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Fourth, the Applicant notes that Kent Downs AONB Unit has analysed the effect of paragraphs 5.150 to 5.153 <i>in isolation</i> against amended section 85. As the Applicant stressed in [REP8-110], these paragraphs must be read in their <i>totality</i> and it is for that reason that the Applicant concludes that they result in the same outcome as amended section 85. The Applicant observes that Kent Downs AONB Unit did not address that point.</p> <p>Fifth, the Applicant notes that paragraphs 5.150-5.153 of the current designated NPSNN are substantively replicated in paragraphs 5.162-5.165 of the draft revised NPSNN, demonstrating that they continue to represent the Government's position as articulated in statutory policy.</p> <p>Sixth and last, the Applicant notes that the Kent Downs AONB state that "<i>it is our view that the new duty places a requirement for a higher level of satisfaction on the determining authority that all reasonable steps to achieve avoidance of harm and measures to further the conservation and enhancement of the AONB have been taken and secured.</i>" While the Applicant considers this is already the effect of the planning policies under the NPSNN, the Applicant has plainly met this "active" test for the reasons summarised in paragraph A.2.8 of [REP8-110]. Since development in the AONB cannot (following investigation) be avoided, developing the existing trunk road in the AONB within an existing infrastructure corridor is the best means of minimising that impact. The Applicant has also brought forward and secured a raft of AONB mitigation measures and a substantial AONB compensatory fund – exactly the type of relevant "active measures" the AONB Unit is referring to.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8 - Response to Applicants Post Hearing Submission to ISH11	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9-287]</p> <p>Applicant's response:</p> <p>In relation to Kent Downs AONB Unit's comments on the differences between the landscape and visual impact assessments in the 2020 and 2022 Development Consent Order applications, the Applicant has provided detailed responses on this matter during the Examination [REP4-200], [REP6-115] and [REP8-110].</p> <p>In relation to Kent Downs AONB Unit's comments on Issue Specific Hearing 11 Action Point 3 regarding localised effects on the AONB and the resulting levels of significance of effect in the Applicant's 'without prejudice' assessment based on the published boundary in the Kent Downs AONB Landscape Character Assessment Update 2020 (Kent Downs AONB Unit, revised and published 2023), the Applicant provides further explanation, specifically in response to Kent Downs AONB Unit's assertion that effects would not be localised because '<i>a length of approximately 2.5km of land within the AONB</i>' would be affected. In this respect, the Applicant clarifies that the term 'localised' is intended</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>to mean that effects on the landscape character and visual amenity of the AONB would be largely confined to the immediate vicinity of the existing M2/A2 road corridor. The effects would therefore be localised along an approximately 2.5km length of existing highway corridor, that currently influences existing landscape character. Beyond the immediate highway corridor, effects would be contained by existing woodland within Shorne Woods Country Park to the north and within Cobham Hall Registered Park and Garden and Ashenbank Wood to the south and would not therefore affect the wider AONB landscape. This is why the Applicant selected a moderate adverse rather than large adverse significance of effect at design year (summer) within the overarching West Kent Downs Landscape Character Area 1A.</p>
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8 - Response to Applicants Post Hearing Submission to ISH11</p>	<p>Kent Downs AONB Unit</p>	<p>Link to IP's submission: [REP9-287]</p> <p>Applicant's response:</p> <p>In relation to the location of the published landscape character area boundary in the Kent Downs AONB Landscape Character Assessment Update 2020 (Kent Downs AONB Unit, revised and published 2023), the Applicant responded to the same comment by Gravesham Borough Council on pages 19 and 20 of its Deadline 9 response to Interested Parties' submissions [REP9-276].</p> <p>In response to Kent Downs AONB Unit's comments on Issue Specific Hearing 11 Action Point 4 regarding their assertion that the Local Landscape Character Area (LLCA) boundary shown on ES Figure 7.2: Local Landscape Character Areas [APP-198] between the West Kent Downs (sub area Cobham) and West Kent Downs (sub area Shorne) LLCAs should not be used in the landscape and visual impact assessment, the Applicant's position on this has been noted in its Deadline 2 responses [REP2-046] and [REP2-058], Deadline 8 submission on Issue Specific Hearing 11 [REP8-110] and Deadline 9 response to Interested Parties submissions [REP9-276].</p> <p>In addition to the Applicant's Deadline 9 comments [REP9-276] on the content of the Gravesham Landscape Character Assessment (Gravesham Borough Council, 2009) for the geographical area of 'Shorne Woodlands' (the Gravesham landscape character area corresponding to the Kent Downs LLCA of West Kent Downs sub-area Shorne), it is worth noting that the Kent Downs AONB Landscape Character Assessment Update 2020 description for the West Kent Downs (sub area Cobham) LLCA on page 18 does not mention the A2 or HS1 corridors. However, the description for the West Kent Downs (sub area Shorne) LLCA notes on page 19 '<i>There are few roads within the area, although the busy A2 runs along its southern boundary</i>'. The Applicant therefore considers the LLCA boundary shown on ES Figure 7.2 to be appropriate.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		Refer to Action Point 3 above for the Applicant's response to comments from the Kent Downs AONB Unit on localised effects and resulting levels of significance of effect in the Applicant's 'without prejudice' assessment using the published boundary from the Kent Downs AONB Landscape Character Assessment Update 2020.
Deadline 9 Submission - Comments on Applicant's submissions at D8 - Response to Applicants Post Hearing Submission to ISH11	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9-287]</p> <p>Applicant's response: In relation to the proximity of nitrogen deposition compensation to the affected designated sites, the Applicant reiterates the position as set out in Section 7.3 of the Project Air Quality Action Plan [APP-350], notably paragraphs 7.3.48 to 7.3.54. The landscape-scale approach adopted is consistent with the Lawton Principles (Lawton <i>et al.</i>, 2010), and the Defra guidance which, although is specifically for European sites, has been used by the Applicant on a precautionary basis in the absence of guidance for sites of lower levels of ecological designation. This states that "<i>compensation closer to the site is generally preferred, unless measures further away will benefit the network of European sites as a whole</i>". The approach the Applicant has set out in the Project Air Quality Action Plan explains that the compensation measures proposed would benefit the network of designated sites as a whole and therefore landscape-scale habitat creation is the preferred option. The decision to provide habitat creation on an approximately even basis across the Project to address Project-scale impacts is reported in Annex C of the Applicant's Post-event submission, including written submissions of oral comments, for ISH11 [REP8-110].</p> <p>The Applicant considers that the justification for removing land from its Order Limits at Blue Bell Hill and Burham is clearly set out in the Change Application document [CR1-002]. A comprehensive summary of why the removal of these areas from within the Order Limits does not affect the integrity of the nitrogen deposition compensation proposed by the Applicant is given in the Applicant's comments on Interested Parties' submissions at Deadline 8 [REP9-276] and within the Deadline 9 ES Addendum [REP9-245].</p> <p>With respect to the purchase of Hole Farm, this farm was put on the market in June 2020 and negotiations to purchase the site began shortly thereafter. Hole Farm was subsequently purchased by the Applicant by agreement on 29 April 2021 to offset the need to compulsorily acquire land from another landowner to provide replacement open space, for the land affected at Folkes Lane. Some of the site was already included in the Order Limits for utility diversions. The site was therefore purchased from the Lower Thames Crossing budget allocated for Land & Property. As not all the site</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>was required for the replacement open space, there was the opportunity to use the rest of the site for the community woodland and subsequently nitrogen deposition compensation. The Applicant notes that Designated Funds cannot be used to purchase land so this would never have been an option for the purchase of the site. The sale agreement was secured prior to the nitrogen deposition sites (which included Hole Farm) being consulted upon during the Local Refinement Consultation (May to June 2022) [APP-088] and subsequent selection taken forward as part of the DCO submission (October 2022) or the reduction in land at Blue Bell Hill [CR1-002] following the Minor Refinement Consultation (May to June 2023).</p> <p>Regarding reference to Countryside Stewardship, the Application would reiterate its position as set out in Applicant's comments on Interested Parties' submissions at Deadline 8 [REP9-276] which clearly explains that there is no ambiguity around the inclusion, or otherwise, of this scheme as part of the Project. However, for the avoidance of doubt, the Applicant does not rely on the Countryside Stewardship Scheme for any aspect of the Project's embedded, good practice or essential mitigation (including any compensation measures proposed).</p>
Deadline 9A Submission - Final Position Statement	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9A-133]</p> <p>Applicant's response: The landscape disbenefit value of £93m (which is expressed in 2010 prices and values) that is reported in the Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Appraisal Report [APP-526] was calculated for the purpose of providing appraisal evidence to help decision makers understand the potential impacts and value for money of the Project. It is inappropriate to use the figures contained within the Economic Appraisal Report as a basis for calculating a compensatory enhancement fund.</p> <p>The value is based on the methodology in the Department for Transport's Value for Money Supplementary Guidance on Landscape (Department for Transport, 2021). Within the guidance the Department recognises there are concerns about the robustness of the landscape valuation methodology and therefore states that valuations calculated using the methodology should not be included within the Benefit Cost Ratio and Net Present Value metrics used in transport appraisals.</p>
Deadline 9A Submission -	Kent Downs AONB Unit	<p>Link to IP's submission: [REP9A-131]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Comments on the final documents submitted by the Applicant at D9		<p>Applicant's response:</p> <p>In response to the Kent Downs AONB Unit's comments on the nitrogen deposition compensation site at Blue Bell Hill, the Applicant disagrees that the character of the fields north of Bell Lane '<i>contrast significantly</i>' with those to the south of Bell Lane. Photography at Representative Viewpoint N-Dep-RV-07 within Figure 7.17 (8 of 8) [APP-242] shows the fields north of Bell Lane, whereas photography at Representative Viewpoint N-Dep-RV-08 within Figure 7.17 (8 of 8) shows the fields south of Bell Lane. Both sets of photographs show flat to gently sloping large-scale and open arable fields partially bounded by woodland blocks. The main exception is the expansive views to the south-east from Representative Viewpoint N-Dep-RV-08 and the existing radio masts notably detract from the character of the landscape to the north of Bell Lane.</p> <p>In response to the Kent Downs AONB Unit's comments on ancient woodland east of The Nook Pet Hotel, the Applicant acknowledges that existing vegetation '<i>to the immediate north of the on-slip where it joins the A2</i>' is not shown retained on ES Figure 2.4: Environmental Masterplan (Sections 1 and 1A) [REP9-130]. However, the Applicant can confirm that the limited tree removal shown on ES Figure 7.24: Tree Removal and Retention Plan [REP1-151] is correct, which shows tree removal within the footprint of the proposed earthworks along the north-eastern edge of the slip road and within a narrow construction working area adjacent to the proposed earthworks. The Applicant acknowledges that without zooming in on ES Figure 7.24, this removal is difficult to see, however, confirms that the removal has been taken into account in ES Appendix 7.12: Arboricultural Impact Assessment [APP-387].) The replacement tree and shrub planting shown indicatively on ES Figure 2.4 along the north-eastern edge of the slip road would not be required, as the existing trees would be retained (except where shown for removal on ES Figure 7.24).</p> <p>The conclusions of ES Appendix 7.12: Arboricultural Impact Assessment [APP-387] are based on the tree removal shown on ES Figure 7.24. Both ES Appendix 7.12 and ES Figure 7.24 form part of the Environmental Statement and will need to be taken into account during detailed design, in accordance with the draft Development Consent Order [Document Reference 3.1 (12)], to ensure there are no materially new or materially different environmental effects in comparison with those reported in the Environmental Statement.</p> <p>The Applicant confirms that all existing trees within the 'highway locked triangle' (the triangular area of land between the A2 to the south, the A2 off-slip to Brewers Road to the west and the on-slip from Brewers Road to the A2 to the east) would be retained, apart from along the southern edge of the on-slip from Brewers Road to the A2, within the footprint of the proposed embankment and a narrow construction working area at the base. The extent of retained trees along the western and southern</p>

Document title	Interested Party (IP)	Link to IP’s submission / Applicant’s response						
		<p>edges of the woodland block within the ‘highway locked triangle’ on ES Figure 2.4: Environmental Masterplan (Sections 1 and 1A) [REP9-130] aligns with the extent of woodland shown on National Tree Map data.</p> <p>The Applicant also confirms that a Project-wide design clause LSP.01 (as detailed below) contained within the Design Principles [REP9-227] would ensure that any woodland not requiring removal, even if unidentified as ‘lost’ or ‘retained’ within the Environmental Masterplan, would be retained as far as reasonably practicable. As a consequence, any changes to the area of planting as shown on the Environmental Masterplan would be amended at the detailed design stage where ‘additional’ retained vegetation is identified. This would be agreed in discussions with the oLEMP Advisory Group, of which the Kent Downs AONB Unit is a named representative. The Applicant would therefore conclude that this provides a sufficient securing mechanism to retain any such vegetation that does not require removal at detailed design.</p> <p style="text-align: center;">Plate 1 Extract from Design Principles [REP9-227]</p> <table border="1" data-bbox="712 754 1951 1098"> <thead> <tr> <th data-bbox="712 754 808 810">Clause no.</th> <th data-bbox="808 754 1039 810">Design principle name</th> <th data-bbox="1039 754 1951 810">Design principle</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 810 808 1098">LSP.01</td> <td data-bbox="808 810 1039 1098">Retention of existing vegetation</td> <td data-bbox="1039 810 1951 1098"> <p>All existing vegetation shall be retained as far as reasonably practicable in order to:</p> <ul style="list-style-type: none"> • preserve its intrinsic ecological value • preserve the existing woodland character and pattern • preserve its function as a natural screen to the works • preserve the natural enclosed woodland settings for existing adjacent properties. <p>Minimum areas of retained woodland and hedges are shown in the Environmental Masterplan (Application Document 6.2, Figure 2.4). However, even outside these areas, existing vegetation shall be retained as far as reasonably practicable.</p> <p>Measures for the protection of retained vegetation during site clearance works are provided for in REAC item LV028 (Application Document 6.3, Appendix 2.2). Details relating to root protection for veteran or ancient trees are defined within the REAC document, item LV030.</p> </td> </tr> </tbody> </table>	Clause no.	Design principle name	Design principle	LSP.01	Retention of existing vegetation	<p>All existing vegetation shall be retained as far as reasonably practicable in order to:</p> <ul style="list-style-type: none"> • preserve its intrinsic ecological value • preserve the existing woodland character and pattern • preserve its function as a natural screen to the works • preserve the natural enclosed woodland settings for existing adjacent properties. <p>Minimum areas of retained woodland and hedges are shown in the Environmental Masterplan (Application Document 6.2, Figure 2.4). However, even outside these areas, existing vegetation shall be retained as far as reasonably practicable.</p> <p>Measures for the protection of retained vegetation during site clearance works are provided for in REAC item LV028 (Application Document 6.3, Appendix 2.2). Details relating to root protection for veteran or ancient trees are defined within the REAC document, item LV030.</p>
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10 Lawson Planning Partnership Ltd on behalf of Mrs J Carver

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A Submission - Further Submission on behalf of Mrs Carver	Lawson Planning Partnership Ltd on behalf of Mrs J Carver	<p>Link to IP's submission: [REP9A-135]</p> <p>Applicant's response: The Applicant has engaged extensively with Lawson Planning Partnership (LPP) in relation to addressing concerns and mitigating impacts from the Project on Mrs Carver's property, which is adjacent to the existing M25.</p> <p>The Applicant included four commitments within the Stakeholder Actions and Commitments Register (SACR) [REP9A-060] which provide measures to ensure that several matters of concern raised by LPP are appropriately resolved as far as reasonably possible at this stage of the Project's design. Matters have also been addressed in the documents listed below:</p> <ul style="list-style-type: none"> • Comments on WR Appendix F – Landowners [REP2-051] • Post-event submissions, including written submission of oral comments, for CAH2 [REP4-178] • CAH2 Action 3 Response Franks Farm - Lawson Planning Partnership / Mrs Carver [REP5-080] <p>All of the matters raised will require further engagement between the Applicant, the Contractor, Mrs Carver and LPP during the detailed design and construction phase. The Applicant is confident that the SACR commitments made, together with other requirements within the draft DCO, will ensure that the works are delivered appropriately and in accordance with policy.</p> <p>The Applicant does not agree with the amendments to the SACR proposed by LPP in Appendix 4 of their Deadline 9A submission [REP9A-134] and considers that what has been included in the SACR appropriately addresses their concerns. In particular, the intermittent planting (not dense planting) is appropriate, and secured as explained in [REP5-080]. That planting secures appropriate screening.</p> <p>REAC commitment NV009 Noise and Vibration Monitoring within the Code of Construction Practice [REP9-184] requires the Contractor to undertake noise monitoring during the construction phase at locations identified in consultation with the relevant local planning authorities to ensure that the mitigation measures suggested are working effectively. The details of how noise will be monitored during construction will therefore be determined by the Contractor in consultation with the relevant local planning authorities.</p>

11 Leigh Hughes

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Leigh Hughes	Link to IP's submission: [REP9-305]
		Applicant's response: <p>The Applicant wrote to Ms Hughes on 13 December 2023 following her Deadline 8 [REP8-182] submission. The Applicant set out where responses to Ms Hughes had already been made to her queries and to seek further clarification from Ms Hughes on the queries she considered had not been responded to adequately by the Applicant.</p> <p>The Applicant would like to reiterate that it reviews all submissions made by Interested Parties into the Examination. Where the Applicant has determined it would assist the Examining Authority and Examination process (e.g. where relevant information or a relevant response had not already been submitted by the Applicant), then a response has been provided to ensure that the Examining Authority and the Secretary of State have appropriate information to make their determination. The Applicant considers that it has provided substantial comments in response to stakeholders throughout the Examination.</p> <p>The Applicant notes that within Ms Hughes' Deadline 9 submission, she poses some further questions to the Applicant. The Applicant will continue engaging with Ms Hughes, including after the close of the Examination.</p>
Deadline 9A Submission – Closing comments of applicants lack of engagement	Leigh Hughes	Link to IP's submission: [REP9A-148]
		Applicant's response: <p>The Applicant notes that Ms Hughes has questioned why the Applicant has responded to her via email “<i>off the record away from the official process of DCO Examination</i>”. The Applicant emailed Ms Hughes on 13 December 2023 to expedite the process so as to seek clarity on which of the Applicant's responses to her primary concerns remained unclear. This was also agreed at the Accompanied Site Inspection on 14 September 2023, as referred to in Ms Hughes' Post-event submissions, including written submission of oral comments made at the hearings held w/c 4 and 11 Sept 2023 [REP4-390] and in Applicant's Responses to IP's post event submissions at Deadline 4 [REP5-086] where the</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Applicant acknowledged correspondence received from Ms Hughes in which she clarified the areas of concern that she considered were still outstanding from her Written Representation at Deadline 1 [REP1-382].</p> <p>The Applicant has noted the ongoing areas of concern that Ms Hughes has set out in her Deadline 9A submission, including some further questions. The Applicant will continue to engage with Ms Hughes after the close of Examination and respond to her in due course.</p>

12 London Borough of Havering

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at Deadline 8	London Borough of Havering	Link to IP's submission: Comments on Stakeholder Action and Commitments Register (SAC-R) [REP8-091] in [REP9-289]
		Applicant's response: The SACR-020 commitment came about following specific negotiations with Thurrock to address local impacts around access to open space being restricted during construction (e.g. Ron Evans Memorial Field). This ties in with Thurrock Council's very local population and human health priorities and maintaining/improving physical activity levels in these sensitive wards. Similar levels of sensitivity during construction for these specific issues have not been identified in Havering, and physical activity here has not been flagged as a local issue to the same degree as in Thurrock. Population and human health measures within Havering reflect local priorities, e.g. introducing the risk assessment commitment for schools affected by traffic changes during construction.
Deadline 9 Submission - Comments on Applicant's submissions at Deadline 8	London Borough of Havering	Link to IP's submission: [REP9-289]
		Applicant's response: In relation to the Councils question relating to the Folkes Lane footbridge, the use of Designated Funds for the improvement of the bridge parapets is not reliant on consent for the Project as the works will be funded under Designated Funds and will commence before March 2025. As such there is no securing mechanism within the Applicant's DCO application.
Deadline 9 Submission - Comments on Applicant's submissions at Deadline 8	London Borough of Havering	Link to IP's submission: [REP9-289] Comments on Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation v5.0 (Tracked Changes) {REP8-049} <ol style="list-style-type: none"> 1) <i>Table 3.1 row 4.6 should be updated to reflect the range of mitigation options being identified in the Palaeolithic Addendum, row 7.3 should include digital archiving.</i> 2) <i>Section 8.6 Archiving</i> 3) <i>Palaeolithic.</i>

		<p>Applicant's response:</p> <p>Table 3.1</p> <p>Table 3.1 presents the mitigation aims and techniques; it has never been intended to be a comprehensive description of all the techniques. For example, row 4.2 Detailed Excavation does not include the whole range of techniques or approaches to excavation that are set out in paragraphs 6.4.22 to 6.4.29 and expanded in paragraphs 7.3.28 to 7.3.93 of the dAMS-OWSI (every version). Therefore row 4.6 does not need to include all the techniques or approaches set out in paragraphs 6.4.40 to 6.4.48 and 7.3.118 to 7.3.124 and expanded on in Annex C of the dAMS-OWSI [REP9-197]. Row 7.3 has been revised to include the creation of a digital archive [REP9-197].</p> <p>Section 8.6 Archiving</p> <p>The Applicant believes the dAMS-OWSI adopts a standard approach setting out the principles behind archive deposition but not identifying where the archive will be deposited. NPSNN paragraph 5.140 requires the Applicant to “<i>deposit the archive generated in a local museum or other public depository willing to receive it</i>”. This is recognised within the dAMS-OWSI where paragraphs 8.6.1 to 8.6.6 refer to the deposition of the archive [REP9-197]. In line with standard practice the Site Specific Schemes of Investigation will identify the agreed repository.</p> <p>Palaeolithic</p> <p>The Applicant believes that it has addressed the London Borough of Havering's comments on the Palaeolithic, which in addition to specific comments highlights the need to capture and assess data about the Palaeolithic early and in detail. The Applicant has always acknowledged that while there has been extensive ground investigation works across the Project which has helped inform the Palaeolithic deposit model, further specialist Palaeolithic investigation was required. ES Appendix 2.2 Code of Construction Practice (CoCP) states in paragraph 3.1.2 [REP9-184] that preliminary works included archaeological investigations and all versions of the dAMS-OWSI state in paragraph 6.1.6 that this will include a programme of Palaeolithic investigation.</p> <p>Annex C of the dAMS-OWSI was updated at Deadline 9 and version 6 [REP9-197] addresses the London Borough of Havering's other comments:</p> <ul style="list-style-type: none"> • The approach to test pits is set out in paragraph C.3.31 to C.3.35. • The approach to open area excavation, which will also address the wider area comment is set out in paragraph C.3.36. • The approach to deep excavations is set out in paragraphs C.3.37 to C.3.45. • Paragraph C.1.12 states that an Overarching Palaeolithic Written Scheme of Investigation, supported by Site Specific Written Schemes of Investigation will set out the Palaeolithic work. The
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Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Applicant does not believe there is scope for confusion between Palaeolithic and non-Palaeolithic documentation.</p> <ul style="list-style-type: none"> • Paragraph C.1.3 requires a zooarchaeologist with a Pleistocene specialism in the Project Team. • Paragraph C.3.39 states deep excavation will include the excavation of deep pits a minimum of 10m x 10m in dimension; this does not limit the use to 10m x 10m test pits. • The method statement in C.3.42 will need to be developed after the various written schemes of investigation as they will set out the aim, objectives processes and outcomes of the work required, not the detailed methodology of working at depth.
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	London Borough of Havering	<p>Link to IP's submission: [REP9A-111]</p> <p>Applicant's response: The Applicant welcomes the positive comments from the London Borough of Havering on the dAMS-OWSI [REP9-197] and notes their two concerns. The Applicant does not agree that Table 3.1 needs to refer to specific mitigation techniques such as wide area excavation or monitoring. Annex C where these are described is sign posted from Table 3.1. The Applicant does not agree that paragraph 8.6.5 of the dAMS-OWSI [REP9-197] needs to specifically refer to safe and stable storage. Paragraph 8.3.3 states that appropriate guidance will be followed, and paragraph 8.6.3 refers to the special conditions required for archive deposition and how they need to be considered and costed for. Therefore, the Applicant considers it is self-evident that the archive will be stored appropriately at every stage of the deposition process.</p>
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	London Borough of Havering	<p>Link to IP's submission: [REP9A-111]</p> <p>Applicant's response: The Applicant seeks to clarify that the duration in Table A.4 aligns with the assessment presented in Section 8 of the Transport Assessment [REP4-150]. At Deadline 7 the outline Traffic Management Plan for Construction (oTMPfC) [REP9-235] was amended to distinguish between the duration assessed and the committed duration cap, as outlined in both the oTMPfC and Stakeholder Actions and Commitments Register Item 007 [REP9A-060]. This amendment is located in Table 4.2, which states:</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p><i>“The section of Ockendon Road approximately between the rail bridge and the existing properties has been assessed within the Transport Assessment as closed for 19 months. It would be required to allow construction of scheme elements as well as to ensure safe management of significant earthworks in the area to reduce interface between construction and the public. The temporary full closure duration of Ockendon Road shall not exceed 10 months; refer to commitment SACR-007 in the Stakeholders Action Commitments Register.”</i></p>
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	London Borough of Havering	<p>Link to IP's submission: [REP9A-111]</p> <p>Applicant's response: Manor Farm Shop operates as an integral part of the wider Manor Farm business which is in the same ownership and from which 'land is being taken'. This point is important, as, under Compensation Code rules, compensation when 'land is taken' is assessed differently from where 'no land is taken'. As the shop is part of the wider business from which land is taken, it will form part of any compensation claim for the farm business as a whole. Upminster Cemetery, however, has 'no land taken' and as such compensation is assessed differently under the Compensation Code which does not allow compensation claims for business losses where 'no land is taken'.</p>
Deadline 9A Submission - Joint Local Highway Authority Response to Applicant's Deadline 9 Submission (Document 9.213)	London Borough of Havering	<p>Link to IP's submission: [REP9A-113]</p> <p>Applicant's response: London Borough of Havering has submitted, on behalf of itself and other local highway authorities a further 'joint response' in relation to the Protective Provisions for local highway authorities. As the Applicant has explained in Applicant's Responses to Interested Parties' comments on the Draft Development Consent Order at Deadline 8 [REP9-275], the Applicant does not consider that private sector developers – who must necessarily be subject to a higher level of constraint given their relative inexperience in highway development, and the absence of statutory duties in relation to highways – are comparable to the Applicant. The Deadline 9A response states <i>“not the identity of the promoter that is important, it is the nature of the important assets that need to be safeguarded”</i>. This fundamentally misses the point that the assets are in fact being safeguarded because of the wider duties of the Applicant. The Applicant reiterates that it has made a substantial compromise in –</p>

Document title	Interested Party (IP)	Link to IP’s submission / Applicant’s response
		<p>contrary to all but two strategic road network DCOs – including Protective Provisions which themselves go above and beyond precedent.</p> <p>In relation to the substantive provisions, these are addressed in Section 10 of the Closing Submission [Document Reference 9.218], but the Applicant notes that no new matters or arguments have been raised.</p> <p>The Applicant notes that the Deadline 9A submission takes issue with the characterisation of the second joint response (responded to in [REP9-275]) as acknowledging that the first joint response (responded to in [REP7-190]) contained many inappropriate suggestions. For the avoidance of doubt, the Applicant does not agree. By way of example, in the first joint response, the local highway authorities attempted to impose a design input process which would lead to several months (four months conservatively, and in excess of six even assuming optimistic assumptions), but the second joint response set out “<i>the LHA have reviewed the position and accepts the concern of the Applicant with regard to the potential for a protracted process</i>”. Similarly, the attempt – contrary to all DCO precedent – to impose a 12 year maintenance liability was “<i>no longer [being pursued]</i>” in the second joint response. The Applicant’s view is these are clear admissions. This is relevant because the attempt to frame the further requests as “substantial compromises” when compared with the first request should be wholly dismissed.</p>

13 Natural England (NE)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Natural England	<p>Link to IP's submission: [REP9-291]</p> <p><i>Natural England recommends much clearer wording is provided within the Design Principle LST.04 and have suggested an amended wording below which we feel would address our concerns:</i></p> <p><i>'Where reasonably practicable <u>design standards permit</u>, and subject to consultation with the Local Highway Authority, lighting on green bridges shall be minimised and where possible column heights shall be reduced <u>with low level lighting (e.g. bollard lighting) utilised within the walker, cyclist, horse rider routes where lighting is required for safety.</u> Furthermore, the detailed design shall carefully consider the space allocation on the bridge to maximise the separation of the highway and associated lighting from the green space. Where <u>highway lighting</u> is required, it shall be carefully designed to focus light onto the highway and to minimise obtrusive light spill.'</i></p> <p>Applicant's response:</p> <p>Both Brewers Road green bridge and Thong Lane green bridge south require lighting to the highway to maintain the existing lighting on the bridges and continuity of highway lighting to the north and south of the bridges. These are 8m high columns, which tie in with the existing lighting. Low-level lighting (e.g. bollard lighting) would not meet lighting standards (DMRB) and require a derogation and agreement from the local authority (KCC).</p> <p>The advice from the Institute of Lighting Professionals and the Bat Conservation Trust is to avoid low level lighting (bollards in particular) as studies have shown that they causes significant issues for Bats (Bat Conservation Trust & Institute of Lighting Professionals, 2023). The Applicant therefore does not accept the amendments being sought. The term 'reasonably practicable' is addressed below.</p> <p>The proposed drafting by Natural England:</p> <p>S1.24:</p> <p><i>'Where <u>technically feasible and reasonably practicable</u> and following agreement with the relevant Highway Authority, roadside furniture within the AONB including (but not limited to):</i></p> <ul style="list-style-type: none"> • <u>Gantries</u> • <u>Lighting columns</u>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<ul style="list-style-type: none"> • <u>Signage</u> • <u>Technology</u> <p><u>Shall be finished to accord with the Kent Downs AONB Guidance on the selection and use of colour in development.'</u></p> <p>The Applicant has used the term 'Reasonably Practicable' as it is a well precedented term that sets a high bar in terms of compliance. The Applicant stresses that this a frequently and commonly used phrase across the National Highways DCO portfolio. For the avoidance of doubt, it allows the Applicant a limited amount of flexibility, appropriate at this point in design, where there is a presumption that a commitment is carried out unless there is a gross disproportion between the carrying out of that act (due to an unforeseen risk) and the adherence with the commitment. The Applicant therefore considers the term appropriate to this Design Principle and as used throughout the application. Deleting the requirement altogether, given the high bar it places on compliance, runs the risk of conflicting with the requirements of the Applicant's statutory licence. The Environmental Assessment has not assumed the application of the AONB colour palette and therefore any outcome from this requirement would be a betterment against any assessed impacts. The Applicant therefore considers this to be proportionate and justified flexibility within the scope for the Environmental Assessment.</p>
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Natural England</p>	<p>Link to IP's submission: [REP9-291]</p> <p>Applicant's response: Natural England questions how the new culverts at Thong Lane south and Brewers Road (as detailed in the Applicant's comments on interested parties' submission at D7 [REP8-119]), would be effective for target species. They also question habitat connectivity for dormice south of Brewers Road and into Ashenbank Woods.</p> <p>The mammal culverts proposed at both Thong Lane south and Brewers Road green bridges have been designed to be suitable for commuting mammals, particularly dormice and badgers (see Clause S1.23 and S2.15 of the Design Principles [REP9-227]). These culverts are 1.5m in diameter and approximately 30m in length, and will be designed to connect into the surrounding habitat. The entrances to the culverts will be set within woodland, shrub and tree planting which will be designed to guide species such as amphibians, badgers, dormice and other small mammals towards them. The integration of the culvert into the surrounding habitat will include structures within the culverts to</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>ensure dormice can move through them without having to descend to ground level. This will include options such as a high-level mammal ledge, or rope connecting to existing trees or newly erected posts in areas of scrub (an example of this approach can be found on the A470 from Maes yr Helmau to Cross Foxes (Ymgynghoriaeth Gwynedd Consultancy, n.d.)).</p> <p>The culvert at the north of Brewers Road would link the two woodland blocks currently fragmented by Brewers Road, increasing the benefit the Brewers Road green bridge provides in terms of addressing existing habitat fragmentation across the A2. Although the Project design does not act to increase connectivity across Halfpence Lane, to the south of Brewers Road, there is some connectivity provided by existing tree canopies which the Project does not affect. However, the most significant benefit is to address existing fragmentation between woodland blocks north and south of the A2.</p> <p>The culvert at the south of Thong Lane south would link the new species-rich grassland, shrub and tree, and woodland planting either side of the Darnley Lodge Lane two-way location connection. This connection across that road, together with the provision of the Thong Land south green bridge, would provide a green corridor between Shorne Wood to the north and Ashenbank Wood to the south which currently does not exist and so would address an historic habitat fragmentation impact.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8	Natural England	<p>Link to IP's submission: [REP9-291]</p> <p>Applicant's response: In their Deadline 9 response, Natural England recommend <i>'that the Applicant commits to, and provides a clear, unambiguous commitment within the REAC or Design Principles'</i> on the landscape design illustrated in the photomontage from Representative Viewpoint S-11 in Figure 7.19 Photomontages - Winter Year 1 and Summer Year 15 (1 of 4) [REP9-160]. However, Clause LSP.26 of the Design Principles [REP9-227] requires that <i>'Opportunities shall be sought in the detail design of planting to screen or soften the visual appearance of any existing visual detractors featuring in views, for example, overhead power lines'</i>, in this instance, further screening views of the existing fencing around the HS1 tunnel portal. It is noted that the location of the scattered trees shown on ES Figure 2.4: Environmental Masterplan Sections 1 & 1A [REP9-130] is indicative and subject to refinement at the detailed design stage, in this instance to reinstate tree cover on the Brewers Road embankment in keeping with the existing parkland character. As stated in paragraph 4.1.13 of the outline Landscape and Ecology Management Plan (LEMP) [REP9-207], the Advisory Group that would be set up to help inform decision making throughout the duration of the LEMP would include a representative from Natural England.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A submission – Addendum to Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs AONB	Natural England	<p>Link to IP's submission: [REP9A-122]</p> <p>Applicant's response: The Applicant notes Natural England's comments on the implications of the amendment being made to section 85 of the Countryside and Rights of Way Act 2000 by section 245 of the Levelling-up and Regeneration Act 2023. The Applicant's position is that, notwithstanding the revised duty coming into force after the conclusion of the DCO examination, it has actively taken steps which comply with the revised duty for the reasons set out in Annex A to 9.187 Post-event submissions, including written submissions of oral comments, for ISH11 [REP8-110], and in response to Kent Downs AONB's submissions earlier in this document.</p>
Deadline 9A Submission - Comments on Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the Applicant at D9, Final SoCGs, Final PADs, Any further information requested by the	Natural England	<p>Link to IP's submission: Sections 3.14.6 and 3.15.4 of [REP9A-122]</p> <p>Applicant's response: The Applicant notes Natural England's comments in respect of green bridges (3.14.6) and green bridge design (3.15.4) and will continue to engage with Natural England through the detailed design process for the green bridges over the A2 to ensure maximum benefit can be obtained given the constraints as previously identified [REP9-276], [REP8-110] and [REP4-182] in constructing structures over a 'live' strategic road network. Introducing significantly wider structures to those proposed would introduce new impacts (on SSSI, Ancient Woodland and the AONB).</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
ExA under Rule 17 of the EPR		
Deadline 9A Submission - Comments on Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the Applicant at D9, Final SoCGs, Final PADSs, Any further information requested by the ExA under Rule 17 of the EPR	Natural England	<p>Link to IP's submission: Comments on LV037 in [REP9A-122]</p> <p>Applicant's response: In response to Natural England's comments on the ancient woodland compensation planting north of Park Pale and REAC commitment LV037, the Applicant has responded in detail on this matter during Examination in response to ExQ3 [REP8-115], as well as in response to comments made at Deadline 9 by the Kent Downs AONB Unit in Section 9 above. The Applicant considers that, subject to sensitive detailed landscape design, the planting is in keeping with local landscape character. This is also set out in the Closing Submission [Document Reference 9.218].</p>
Deadline 9A Submission - Comments on	Natural England	<p>Link to IP's submission: Comments on Photomontage at Viewpoint S-03 in [REP9A-122]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the Applicant at D9, Final SoCGs, Final PADSs, Any further information requested by the ExA under Rule 17 of the EPR</p>		<p>Applicant's response: In response to Natural England's comments on the amended photomontage at Representative Viewpoint S-03 submitted at Deadline 9 [REP9-160], the ES Addendum submitted at Deadline 9 [REP9-245] notes on page 130 that '<i>Figure 7.19 [1 of 4] requires amendment to correct the minor discrepancies identified in the photomontages in Annex C of the response to ExQ1 12.3.4</i>'. The updates made to the photomontage at Representative Viewpoint S-03 were undertaken for similar reasons, that is, to correct minor discrepancies identified since original submission of the photomontage at Deadline 5 [REP5-046]. Since the submission of the photomontage, it became apparent that the proposals along the A2 corridor had been modelled at a slightly higher level than the existing road corridor, when in fact the proposed widening along the A2 corridor would maintain the same or similar levels. This has therefore been corrected in the photomontage. The Applicant stands by its updated visual impact assessment from Representative Viewpoint S-03 at opening year (winter) on page 86 of ES Appendix 7.10: Schedule of Visual Effects [REP9-203], noting that the Project would be noticeably more visible in the opening year view, resulting in a large adverse effect prior to the establishment of mitigation planting by the design year (summer). No changes were made to the photomontage at design year (summer) and the Applicant stands by its assessment in ES Appendix 7.10 of a moderate beneficial effect on views from Representative Viewpoint S-03 at design year (summer), on account of the screening provided by proposed planting of buildings at Harlex Haulage as well as infrastructure along the widened A2 corridor and existing HS1 corridor.</p>
<p>Deadline 9A Submission - Comments on Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the</p>	<p>Natural England</p>	<p>Link to IP's submission: [REP9A-122]</p> <p>Applicant's response: In response to Natural England's comment on the outline Landscape and Ecology Management Plan (oLEMP) at paragraph 3.10, the Applicant can confirm that the representations made by Natural England at Deadline 8 on the wording of commitments securing the oLEMP have not been progressed as the existing wording provides the flexibility required by the Applicant while giving a well precedented level of certainty. In response to Natural England's request for a holistic-indicators-of-success approach, the Applicant would point to the update at Deadline 7 [REP7-134] which included a new paragraph at 4.2.1 which the Applicant contends provides sufficient certainty in relation to this issue.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Applicant at D9, Final SoCGs, Final PADSs, Any further information requested by the ExA under Rule 17 of the EPR		
Deadline 9A Submission - Comments on Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the Applicant at D9, Final SoCGs, Final PADSs, Any further information requested by the ExA under Rule 17 of the EPR	Natural England	<p>Link to IP's submission: [REP9A-122]</p> <p>Applicant's response: In response to Natural England's comments on the baseline photography at Representative Viewpoint S-03 [REP9-160], the Applicant explained the reason for the baseline photography taken in 2019, and the implications of plant growth along the boundary of Harlex Haulage between 2019 and 2022 on the visual impact assessment, in its response to Interested Parties' submissions at Deadline 6 [REP7-187]. The Applicant would point out that visual impact assessment considers the change in views at selected assessment timescales (in this case during construction, the opening year and design year) in relation to the baseline year (the date selected to represent existing conditions). The good practice guidance in Visual Representation of Development Proposals TGN 06/19 (Landscape Institute, 2019) does not require modelling of future vegetation growth onto a baseline photograph; neither is the modelling of the future growth rates of existing planting considered practicable or reliable, given the variable condition and vitality of existing vegetation and uncertainties around factors such as future management practices. By contrast, proposed vegetation is modelled in 3D design software, which can accurately apply the planting heights assumed in paragraph 7.3.92 of ES Chapter 7 [REP9-118] by the design year (summer). The Applicant notes that, even allowing for some future growth of existing planting, the widened A2 corridor would still impact on views in the absence of the proposed ancient woodland compensation planting.</p>
Deadline 9A Submission -	Natural England	<p>Link to IP's submission: [REP9A-122]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Comments on Applicant's submissions at D8, Addendum to Natural England Deadline 9 response, Comments on the final documents submitted by the Applicant at D9, Final SoCGs, Final PADSs, Any further information requested by the ExA under Rule 17 of the EPR</p>		<p>Applicant's response:</p> <p>In response to 3.15.3, while the Applicant recognises the benefits that a reduction in noise could have to recreational users of the proposed green bridges across the A2 corridor, it should be noted that given the baseline noise measurements are predominantly influenced by road traffic noise from the A2, to have any perceivable benefit, noise attenuation measures such as barriers would need to be of such size that they could not be sympathetically integrated into the structural design without creating a significant visual impact, through introducing urbanising features onto the bridge structures. The Project has sought to avoid such impacts through the use of low noise road surfacing to reduce traffic related noise both on the bridges themselves and more widely along the A2 corridor. Appropriate mitigation is therefore secured.</p>

14 Northumbrian Water Limited operating as Essex and Suffolk Water (ESW)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Northumbrian Water Limited operating as Essex and Suffolk Water	<p>Link to IP's submission: [REP9-293]</p> <p>Applicant's response: The Applicant notes that at Deadline 9 and 9A, ESW restated their position that their preferred Protective Provisions (submitted at Deadline 7) should be inserted into the draft DCO [REP9-107]. The Applicant continues to work with ESW in order to reach agreement, but would maintain that the Protective Provisions in the draft DCO – Part 1 – are sufficient and adequate to protect their interests. Those Protective Provisions importantly set out that <i>“Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.”</i> In addition, it sets out a process so that <i>“Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.”</i> The Protective Provisions require <i>“Those works must be executed only in accordance with the plan submitted under subparagraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.”</i> There can therefore be no question of serious detriment in circumstances where these protections are secured. A number of water undertakers have accepted these provisions.</p> <p>The Applicant notes the following differences between the provisions submitted by ESW and those already secured in Part 1, accompanied with an explanation of why the Applicant's approach remains robust.</p> <p>Plate A.1 Compulsory acquisition of Plot 24-133 – ESW's preferred set suggests this plot should be removed altogether, or if it is included in the draft DCO, it should be subject to the proviso that the apparatus will not be acquired otherwise than by agreement. As noted above, the latter is already secured under Part 1. In relation to the former suggestion, the Applicant has addressed this point in Annex B.3 of its Post-hearing submissions for CAH4 [REP6-088].</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Plate A.2 Water quality – ESW propose a bespoke provision in relation to water quality. This matter is addressed in paragraph 3.4.14 of the Applicant's post-hearing submissions for CAH4 [REP6-088]. The provision is not necessary, and adequate controls are in place in relation to water quality at this location.</p> <p>In all other material respects, Part 1 of Schedule 14 to the draft DCO affords the same protection, and it is requested that the ExA do not accede to the requests to insert bespoke Protective Provisions into the draft DCO.</p>

15 Port of London Authority

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Port of London Authority	<p>Link to IP's submission: [REP9-295]</p>
		<p>Applicant's response:</p> <p>In response to paragraphs 5.1 and 5.2 regarding outcomes required from monitoring in the outline Traffic Management Plan for Construction (oTMPfC) [REP9-235] and the perceived lack of monitoring of materials other than bulk aggregates by water, the Applicant responds as follows.</p> <p>Paragraphs 2.4.8 to 2.4.11 of the oTMPfC commit the Applicant to provide a monitoring system, the purpose of which is to capture real-time data to monitor and record all movements to and from compounds. This includes data on vehicle routing, arrival and departure times amongst other things. As specified in Annex B.1 of the outline Materials Handling Plan (oMHP) [REP9-188], any items transported via the river necessitate loading onto Heavy Goods Vehicles (HGVs) for subsequent transport to the compound. The key variable is the extent of the road journey, influenced by the proximity of the river to each of the compounds. Therefore, in the context of monitoring river use for items beyond bulk aggregates as part of the use of port facilities commitment (outlined in Chapter 6 of the oMHP), this information is seamlessly integrated into the monitoring system outlined in the oTMPfC. Subsequently, this data is communicated to the Traffic Management Forum (TMF), of which the PLA would be a member.</p> <p>Stakeholders will therefore be able to understand the forecasted material being brought to the compounds and how they are being transported against the actual movements.</p> <p>The Applicant has chosen to highlight the requirement to report on bulk aggregates under paragraph 2.4.22 part (f) of the oTMPfC [REP9-235] to allow transparency of meeting the commitment to 'utilise port facilities for at least 80% by weight of bulk aggregates to the north portal construction area' (paragraph 6.2.9 of the oMHP). The Applicant's approach to monitoring and reporting in context of the oTMPfC is provided in detail from paragraphs 2.4.8 to 2.4.25 of the oTMPfC.</p> <p>In paragraph 5.3 the PLA have suggested wording to clarify who will author the document which would contain disagreements from stakeholders. The following is a clarification to the point raised.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The Applicant would like to draw the PLA's attention to paragraph 2.3.5 of the oTMPfC [REP9-235] which stipulates in relation to the construction phase TMP's that '<i>The Contractor must include copies of any representations made and a written account of how any such representations have been taken into account...</i>' As such there is no need to adopt the suggested wording provided by the PLA to clarify who is responsible for drafting 'representations of disagreements'.</p>
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Port of London Authority</p>	<p>Link to IP's submission: Paragraphs 4.4.1 and 4.4.2 relating to the disturbance effects due to the construction of the water inlet at Coalhouse Point in [REP9-295]</p> <p>Applicant's response: The Applicant has assessed the potential disturbance to the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site bird qualifying features from the construction of the water inlet within paragraphs 7.1.28 to 7.1.31 of the Habitats Regulations Assessment (HRA) Screening Report and Statement to Inform an Appropriate Assessment [APP-487]. The assessment concludes that it is unlikely that any significant disturbance would occur for the reasons given in paragraph 7.1.31 of the HRA [APP-487] and within Annex C.13 of the SoCG with Natural England [REP8-012]. The Applicant notes that Natural England agrees with the conclusion of the HRA in this regard as set out within the SoCG (item 2.1.93 [REP8-012]), and with the wording of HR011 as set out within their response at Deadline 9 (paragraph 1.3.3) [REP9-291].</p> <p>Response to paragraph 10.1.2 – The Applicant has discussed the timescales of the functionality of the site with Natural England's ornithology specialist as evidenced within the SoCG (item 2.1.93 [REP8-012]). Natural England indicated within a workshop with the Applicant on 06 September 2023 that the timescale for the features to become functional (i.e. provide a space for species to roost and feed) is as soon as the ditch and scrape areas are filled with water from the Thames, which is within two consecutive three-day Mean High Water Spring (MHWS) tide cycles as set out in Annex C.13 of the SoCG [REP8-012]. Therefore, the timescales suggested in the Applicant's response to the Report on the Implications for European Sites (RIES) QR13 [REP8-120] are considered both realistic and appropriate to mitigate the relevant land-take and disturbance effects of the Project on the bird qualifying features of the Thames Estuary and Marshes SPA and Ramsar site.</p>
<p>Deadline 9A Submission –</p>	<p>Port of London Authority</p>	<p>Link to IP's submission: [REP9A-141]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Comments on Applicant's submissions at Deadline 9		<p>Applicant's response:</p> <p>The Port of London Authority identify that the plot boundaries follow the registered land boundaries held by the Land Registry, following the published Ordnance Survey line of mean high water, as the demarcation of the land in which the Port of London Authority has an interest. It is not within the Applicant's gift to utilise anything other than that registered boundary as the information held by the Land Registry is determinative. The Port of London Authority identify that the OS line is dated, and that were the OS line to be redrawn prior to the implementation of the land powers, that would mean that the Book of Reference in combination with the land powers would not actually align with the land ownership. In such an event, it would be for the Port of London Authority to make an application to the Land Registry to change the boundary.</p> <p>The Applicant also does not accept that this affects the compulsory acquisition powers sought through the draft Development Consent Order. Prior to implementation of the compulsory acquisition powers National Highways would undertake a due diligence review of the rights over land. This would include a refresh of the land referencing process. Through this process, National Highways would ensure that the statutory notices provided to commence the land or rights acquisition process are accurate and reflect land ownership at the time of the implementation of the powers. This situation is no different from how land interests within the Order limits could change between now and the exercise of any compulsory acquisition. The Applicant notes that in the circumstance identified by the Port of London Authority, the likely outcome of such a review could lead to an increase in the land over which the Port of London Authority have rights, and a commensurate decrease in the land over which other parties have rights, but that the land is fully contained within the Order Limits and that the necessary rights are clearly set out in the Land Plans [REP9-008, REP9-010 and REP9-012].</p>
Deadline 9A Submission – Comments on Applicant's submissions at Deadline 9	Port of London Authority	<p>Link to IP's submission:</p> <p>[REP9A-141]</p> <p>Applicant's response:</p> <p>The Applicant has taken a holistic approach to the issues pertaining to carbon emissions. It is worth pointing out that material transport account for 13% of the Project construction carbon emissions while embodied carbon accounts for 53% (paragraph D.4.2 of the Carbon and Energy Management Plan, [REP9-239]). The Applicant has therefore targeted a holistic approach to managing the carbon impacts of the Project and retained a level of flexibility to enable reduction of carbon emissions from both transport and other contributors such as embodied carbon. As such, sourcing of materials which reduces embodied carbon through greener manufacturing techniques which may not lend to using</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>river facilities is possible with the approach taken by the Applicant. This may not be possible if the Applicant were to adopt the strategy suggested by the PLA, which is more concentrated on transportation without considering the supply chain potentials that contribute to greener manufacturing techniques.</p> <p>The multimodal commitment made by the Applicant at paragraph 8.3.3 of the oMHP [REP9-188] captures carbon consideration by stating that the transport solution utilising rail and/or river will be committed to where it 'is proven to be an environmentally equivalent or better option...' among other criteria. Where the Applicant can employ the use of the river together with material which has reduced embodied carbon then this would be ideal and is encouraged through the combination of commitments in the oMHP and Carbon and Energy Management Plan. This includes the multimodal commitment as well as the use of Design for manufacture and assembly outlined in Section 3.4 of the oMHP. In the Carbon and Energy Management Plan, the Applicant commits to not exceed the best practice level of emissions. Engagement through the procurement process has revealed that measures to mitigate carbon impact could involve using lower carbon steel, employing lower carbon concrete, and optimising material transport by reducing distances and changing modes, as outlined in paragraph D.7.2 of the Carbon and Energy Management Plan.</p> <p>The PLA state that 'road transport poses significantly higher risk to life...' and health. The PLA then goes on to state how Thames Tideway Tunnel committed to using the river to reduce such risks. The first point to note is that the Project proposed by the Applicant is vastly different to the referenced scheme and therefore is not a like for like comparison when approximately 90% of the referenced scheme was at, on or adjacent to the river while the Project proposed by the Applicant is only 13% at, on or adjacent to the river. The proximity of the Applicant's Project therefore means that the reliance on the road network from the facilities on or near the river significantly increases other than for the North Portal construction area. The Applicant's resistance to a blanket approach to river use for the whole Project has been due to its proximity to the river and dependency on the road network. Rather, the approach taken by the Applicant emphasises the need for a balanced strategy that seeks opportunities for river use while minimising disruptions to the road network. In absence of the detailed design informing material specification and associated supply chain, detailed programme, and the views of key stakeholders of proposal set out in the Materials Handling Plan it would not be sensible to amend the proposed wording or to increase the level of the commitment proposed at this stage. The next stage of the Project allows for the Traffic Management Forum (see Section 2.4 and Appendix E of the oTMPfC [REP9-235]) where all these details will be available and the relevant parties will be</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>present to assist the Contractor in making an informed decision, while taking risk to the environment and health into consideration with views from all stakeholders.</p> <p>Notwithstanding this, the Applicant has acknowledged the benefits that can be realised from minimising vehicle movements such as those mentioned by the PLA, i.e., reduced risk to life and health. It is for this reason that minimising vehicle movements is a key consideration of the oMHP, see paragraph 2.1.2, as well as several other locations in the oMHP which commit to principles that minimise vehicle movements. Furthermore, the Applicant is using carbon values by default as it seeks to maximise the use of river and/or rail facilities to reduce road vehicle movements as highlighted in paragraph 8.3.3. The Applicant has gone a step further in paragraph 8.3.4 and ensured a requirement on the Contractor to explain what rail and/or river infrastructure is planned to be used for the construction phase material handling plan and if neither is being used an explanation must be provided for discounting it. The Applicant therefore believes that a high level of accountability sits with the Applicant at the next phase and that the onus is on the Applicant to use rail and/or river facilities unless valid reasons can be given otherwise. This requirement together with others placed on Contractors to contractually meet the carbon emissions targets with monetary incentives to exceed these targets presents a robust approach to managing carbon by the Applicant.</p>
Deadline 9A Submission – Comments on Applicant's submissions at Deadline 9	Port of London Authority	<p>Link to IP's submission: [REP9A-141]</p> <p>Applicant's response: Responding to Section 9 relating to an error in paragraph 1.1.4 in the Preliminary Navigational Risk Assessment (pNRA) [REP9-237]. The front cover of this document notes that this is version 3 along with the revision history on page 1. That will be the version which is certified and therefore no amendment is required.</p>
Deadline 9A Submission –	Port of London Authority	<p>Link to IP's submission: [REP9A-141]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Comments on Applicant's submissions at Deadline 9		<p>Applicant's response:</p> <p>The Applicant notes the requests made by the PLA to be a member of the Tunnel Design and Safety Consultation Group (TDSCG). The TDSCG has not yet been established for the detailed design phase of the Project. The Applicant has produced a draft Terms of Reference (ToR) based on the requirements and guidance included in DMRB CD 352 (Highways England, 2020a), which includes the initial membership of the TDSCG. While, in accordance with DMRB CD 352, the PLA are not included in the initial membership of the TDSCG, there is a procedure within the draft TDSCG ToR that enables additional members to be included within the group if there is a consensus of the existing members. The request of the PLA will be dealt with through this mechanism.</p>
Deadline 9A Submission – Comments on Applicant's submissions at Deadline 9	Port of London Authority	<p>Link to IP's submission:</p> <p>[REP9A-141]</p> <p>Applicant's response:</p> <p>The Applicant has responded to the comments made by the PLA in Applicant's comments on the Report on the Implications for European Sites (RIES) [REP8-120] and Applicant's comments on Interested Parties' submissions at Deadline 8 [REP9-276]. Noting that in paragraph 13.3.2 although Natural England disagrees that there is no likely significant effect (LSE) as a result of underwater noise, they believe that there is unlikely to be an adverse effect on the European site. It should therefore be noted that the disagreement is over the presentation for the assessment procedurally rather than the conclusion of the assessment itself as both parties agree that there would be no adverse effect on the European site as a result of any changes in underwater noise.</p>

16 Port of London Authority (PLA), Port of Tilbury London Limited (PoTLL), and DP World London Gateway (DPWLG)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Joint Statement on the Applicant's response to the Joint Statement on Policy Compliance	Port of London Authority (PLA), Port of Tilbury London Limited (PoTLL), and DP World London Gateway (DPWLG)	<p>Link to IP's submission: [REP9-296]</p> <p>Applicant's response: The Port of London Authority (PLA), Port of Tilbury London Limited (PoTLL) and DP World London Gateway (DPWLG) (the Ports) have provided a response to the Applicant's response to the Joint Statement on Policy Compliance of the Lower Thames Crossing Scheme with the Ports Policy made on the draft Development Consent Order (dCO) at D3 [REP6-093]. Within this response, the Ports contest the proposition put forward by the Applicant that the A122 Lower Thames Crossing project would deliver substantial benefits to the Ports, challenge the assessment of disbenefits provided by the Applicant, and seek changes to the A122 Lower Thames Crossing draft Development Consent Order [REP9-107] that they state would increase the benefits to the Ports.</p> <p>The Applicant notes that this submission represents one port authority and two port operators, and would also draw attention to supportive submissions from other port operators and authorities, including Hutchinson Ports, operators of London Thamesport [RR-0397], and Peel Ports Ltd, authority for Port of Sheerness [RR-0833]. In addition, Dover Harbour Board recognise the overarching benefits to the national role of the Port of Dover [RR-0268].</p> <p>Port of Tilbury London Limited</p> <p>The Applicant welcomes the fact that PoTLL acknowledge the benefits the Lower Thames Crossing would provide. PoTLL consider these are reduced due to the lack of connectivity from the Lower Thames Crossing onto the A1089 southbound.</p> <p>As has been demonstrated by the Applicant (see Annex A of Comments on WRs Appendix E: Ports [REP2-050]), traffic travelling to the Port of Tilbury would benefit substantially from the relief provided on the Dartford Crossing and the approach roads, even where no new connection is provided. The Applicant considers that these demonstrate substantial benefit to PoTLL.</p> <p>PoTLL then set out concerns regarding both construction and operational phase disbenefits. With regard to the construction interfaces, PoTLL submit that the proposed control measures secured within</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>the outline Traffic Management Plan for Construction [REP9-235] are not “reactive or nimble enough”. The Applicant accepts that there will be disruption to Port of Tilbury London Limited during construction, both due to works within land owned by PoTLL and due to works on the surrounding highway network. As a result, the Applicant has proposed a series of controls that will allow for effective and dynamic control of the works, and included PoTLL as a consultee on the relevant plans (e.g. the Traffic Management Plan) and as an attendee at the Traffic Management Forum. The Applicant considers this to be appropriate and proportionate, and considers that the Requirement proposed by PoTLL, relating to Asda roundabout would not secure anything more dynamic.</p> <p>With regard to suggested operational disbenefits, the Applicant has identified that there would be an increase in journey times between PoTLL and locations east along the A13. On eastbound journeys, this arises due to increased traffic using the A13 east of the Lower Thames Crossing, as people take advantage of the new road, and on west/southbound journeys this is similarly due to increased traffic flows as well as the removal of the direct free-flow slip from the A13 westbound onto the A1089. Notwithstanding this, the Applicant considers the benefits to PoTLL by providing improved journeys to and from London, as well as to and from central and northern England and across the River Thames, substantially outweigh the disbenefits.</p> <p>PoTLL also identify disbenefits arising from the use of land powers in the DCO. The Applicant considers that the detriment to PoTLL arising from the need to undertake some utilities diversions and new subsurface provision through land owned by the Port of Tilbury is small, and should not be considered without taking consideration of the additional capacity and relief of existing capacity provided on the strategic road network in the area, which will be necessary should the PoTLL wish to develop their components of the Thames Freeport. The Applicant, at Deadline 9, also inserted provisions which give an enhanced process in connection with ‘specified easements’.</p> <p>PoTLL further advise three areas where they consider that the Applicant should go further to deliver additional benefits:</p> <ul style="list-style-type: none"> • PoTLL propose that the Applicant should require the use of their CMAT facility. The Applicant notes that the CMAT facility is a commercial facility operated by a single supplier, who are in contract with PoTLL. As such, PoTLL are proposing that the Applicant should restrict its supply chain to a single company. This is a clear conflict with the Applicant’s duty to manage public money, and secure those suppliers which provide value for money in accordance with public procurement legislation. • PoTLL propose that the Tilbury Link Road should be developed. It is unclear whether this is a restatement of their position that the Tilbury Link Road should be part of the A122 Lower Thames

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Crossing project. The Applicant has responded to this proposal on multiple occasions, including for example at Section E.6 of the Annexes to Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183]. The Applicant highlights Requirement 17 of the draft DCO which ensures the Project is compatible with any proposal which may come forward.</p> <ul style="list-style-type: none"> PoTLL state that the Applicant has not provided for the wider picture of the Thames Freeport and Thurrock Council's local plan in the development of the ecological mitigation and compensation. The Applicant strongly disagrees. The Applicant has avoided placing any ecological mitigation or compensation in the designated Thames Freeport area. And when a conflict did occur, when the Thames Freeport was designated in 2021, the Applicant sought guidance from the Department for Transport and the Department for Levelling Up, Housing and Communities, and then made substantial changes to the proposals to remove the conflicting mitigation. <p>DP World London Gateway</p> <p>The Applicant welcomes DPWLGs acknowledgement that the Project will deliver benefits to the London Gateway Port. DPWLG express concern that the Lower Thames Crossing will result in adverse impacts on the reliability and resilience of the London Gateway Port, by impacting on hauliers and end users as they use the A13 specifically in relation to the Orsett Cock and Manorway junctions, also leading to reputational impacts, on both the port and the logistics park. The Applicant strongly disagrees with this proposition. The adverse impacts at the Orsett Cock junction and in particular at the Manorway junction that are alleged by DPWLG have no support in evidence. The Applicant has set out the journey time benefits for journeys to and from London Gateway port, and acknowledging the concern raised by DPWLG regarding the disagreement on the VISSIM modelling of the Orsett Cock junction, undertook further strategic model runs that accounted for the delays forecast by the VISSIM model, and reported these journey times which still showed substantial benefit (see Annex A.7 of the Post-event submissions, including written submission of oral comments, for ISH13 [REP8-113]). Currently the access to London Gateway Port from London or from the M25 north or south of the River Thames requires travel through M25 junction 30, which is frequently impacted by congestion arising from traffic using the Dartford Crossing. As well as providing relief and increased reliability on these journeys, the Lower Thames Crossing would provide new free-flowing connectivity to and from the north via a new connection onto the M25 and new free-flowing connectivity across the River Thames, linking to the A2 and M2.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Port of London Authority</p> <p>The Applicant welcomes the PLA's acknowledgement that the Project will deliver benefits to the wider Thames area. The PLA supports the positions set out by DPWLG and PoTLL as they are the two largest terminals within the Port of London. The Applicant has responded to these positions above, and while offers have been made to explain the Applicant's position to the PLA, these offers have not been taken up and the PLA has relied on the representations by the two ports.</p> <p>The PLA reiterate its objection to compulsory acquisition of its land. The Applicant has responded to this concern at Section 3.2 of the Post-event submissions, including written submission of oral comments, for CAH3 [REP6-087].</p> <p>Recognising the PLA's position that it is critical that the existing and future capacity and operation of the Port are not compromised during construction and operation of the Project, the Applicant would draw attention to the extensive modifications that have been made through the Examination expressly for this purpose to the Protective Provisions for the benefit of the Port of London Authority, within the draft Development Consent Order [REP9-107].</p> <p>The PLA also set out their view that further commitment should be made to the transport of materials by river. The Applicant has responded on this matter above in direct response to the submission at Deadline 9 from the PLA (20035622 - PLA 22 - comments on Applicant's submissions at Deadline 8 [REP9-295]).</p> <p>Summary</p> <p>The Applicant considers that the representations from these (specific) Ports focus on specific and localised matters, while disregarding the substantial benefit to the Ports through the provision of new connectivity, relief to existing connectivity, and through the economic benefits of a substantial investment in construction in the region. Many of the concerns in relation to journey times are unfounded, given the evidence provided to the contrary, and notwithstanding this the Applicant has endeavoured, through provision of the new Requirement 18, relating to the Orsett Cock roundabout, within the draft Development Consent Order [REP9-107] to provide security to the Ports addressing these concerns.</p> <p>In addition, the Ports do not provide recognition of the further work the Applicant has undertaken to support development of the Thames Freeport in the area, both through redesign of the Project to remove conflict in 2021 prior to the submission of the application, and thorough the inclusion of Requirement 17, securing passive provision for the Tilbury Link Road.</p>

17 Port of Tilbury London Limited (PoTLL)

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at Deadline 8	Port of Tilbury London Limited	Link to IP's submission: [REP9-297]
		Applicant's response: <p>The Applicant notes PoTLL's comment on the availability of pulverised fuel ash (PFA) in paragraph 2.2.1 and would refer to the Final Agreed Statement of Common Ground between (1) National Highways and (2) Natural England [REP9A-014], Item 2.1.54. This addresses the due diligence the Applicant went through prior to doubling the commitment to PFA provision as part of the Project, to ensure an adequate supply of PFA was available to meet that commitment. This did not include any PFA over which PoTLL has control.</p> <p>In response to PoTLL's comment on the heat map the Applicant has submitted at Deadline 8 [REP8-047] in paragraph 2.2.2, this was developed in discussion with Natural England as a tool to inform detailed design around key areas of terrestrial invertebrate habitat which would be avoided or impacts minimised wherever practicable. This document has no relevance to species translocation.</p>
Deadline 9 Submission - Comments on Applicant's submissions at Deadline 8	Port of Tilbury London Limited	Link to IP's submission: [REP9-297]
		Applicant's response: Proposed wording of Tilbury Link Road Passive Provision Requirement <p>PoTLL propose (in paragraph 2.4.2(A)) that the proposed drafting modification made by the Applicant to account for a change in the process of environmental assessment arising because of the Levelling-up and Regeneration Act 2023 would not work, as "<i>the EOR regime proposes to remove the 'scoping' stage of environmental impact assessment processes</i>". The Applicant further notes that preliminary consultation materials do in fact refer to screening decisions in relation to Environmental Outcomes Reports (EORs).¹ The Applicant notes that the regulations proposed in the Levelling-up and Regeneration Act 2023 have not yet been brought forward, and consequently it is uncertain how they</p>

¹ <https://www.gov.uk/government/consultations/environmental-outcomes-reports-a-new-approach-to-environmental-assessment/environmental-outcomes-report-a-new-approach-to-environmental-assessment>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>will function. The Applicant's drafting allows for such a process to be brought into place by Government, but if it is not then it will have no effect.</p> <p>Protective Provisions</p> <p>The Applicant welcomes the statements from PoTLL regarding progress of both the Protective Provisions and the Framework Agreement. PoTLL advise that they have a number of residual aspects that they would seek to secure within the draft Development Consent Order in the absence of a framework agreement, and further aspects that they would seek to secure with a Framework Agreement in place.</p> <p>In the absence of a Framework Agreement:</p> <ul style="list-style-type: none"> • PoTLL seek to have consultation on the LEMP – the Applicant considers that this is not appropriate, as this document will provide information on the management of land permanently acquired by the Applicant, and is not related to the temporary works (as stated in paragraph 2.1.2 of the outline Landscape and Ecology Management Plan [REP9-207] which states: “<i>This outline LEMP focuses on management requirements for the land parcels within the Order Limits, subject to permanent acquisition powers, that perform specific landscape and ecological mitigation and compensation functions for the Project</i>”. Similarly, PoTLL consider that they should be a member of the advisory group pursuant to the LEMP. The Applicant is in discussions with PoTLL via the framework agreement on boundary treatments, and has provided PoTLL, via the Protective Provisions, with consultation rights over Requirement 12 (Fencing) to the extent that the fencing forms the boundary between land owned by the Applicant and land owned by PoTLL. The Applicant notes that the LEMP will not secure constraints over land not owned by the Applicant and as such the Applicant does not consider it appropriate or necessary to provide consultation on the LEMP to a party that has no relevant statutory duties or no interest in the land covered and takes a similar view to the membership of the LEMP advisory group. The Applicant notes that Natural England are working with parties including PoTLL and the Applicant to consider the ecological condition of the region, and that it is appropriate for Natural England to be leading this discussion. <p>Regardless of whether a Framework Agreement is in place:</p> <ul style="list-style-type: none"> • PoTLL seek to be a consultee on any environmental management plan for preliminary works. The Applicant notes that in accordance with the Protective Provisions, the Applicant must seek approval for works undertaken on Port Land, and considers this sufficient. • PoTLL seek to be a consultee on any traffic management plan for preliminary works. The Applicant has secured, via the outline Traffic Management Plan for Construction (oTMPfC) [REP9-235], a

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>requirement to instigate the Traffic Management Forum during the preliminary works, at which PoTLL are an attendee. The Applicant considers that this is appropriate, noting that rights of access are provided for in the leases agreed with PoTLL.</p> <ul style="list-style-type: none"> • PoTLL seek to be a consultee on the third iteration of the Environmental Management Plan (EMP3). Similarly to the LEMP, the EMP3 informs the approach to environmental management during the Project's operational phase, which would have been carried out in accordance with the approval already required under the Protective Provisions. The Applicant does not consider any further amendment is required. <p>In addition to the above, PoTLL propose that they should be members of the following groups:</p> <ul style="list-style-type: none"> • Traffic Management Forum (both during Main Works and Preliminary Works) – the Applicant can confirm that as Port of Tilbury is listed in Table 2.1 of the oTMPfC [REP9-235], they are already members. • Travel Plan Liaison Group – The drafting of the membership of the Travel Plan Liaison Group in the Framework Construction Travel Plan [REP9-233] at C.3.1 is purposefully inclusive “<i>Stakeholder representatives (such as public transport operators, TfL and local highway authorities)</i>” and while not explicitly listing PoTLL, does not preclude them from joining if appropriate. • Materials handling subgroup of the TMF – the drafting of the membership of the subgroup identified at E.4.19(a) of the outline Traffic Management Plan for Construction [REP9-235] allows for the Traffic Manager to invite any relevant stakeholder. The Applicant has nominated the Port of London Authority as the only identified stakeholder, due to their purview across the whole of the River Thames. The Port of Tilbury London Limited has tenants who are among several suppliers situated along the River Thames. The invitation to the TMF sub-group would align with the Contractor's supply chain that relates to use of the river for material transportation. Additionally, as stipulated in paragraph 6.2.11 of the outline Materials Handling Plan [REP9-188], the Applicant is committed to collaborative engagement with aggregate and material suppliers, which would include the Port of Tilbury, to proactively maximise utilisation of river transport.
Deadline 9A Submission -	Port of Tilbury London Limited	<p>Link to IP's submission: [REP9A-142]</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Comments on the final documents submitted by the Applicant at D9</p>		<p>Applicant's response:</p> <p>PoTLL contend in their paragraph 2.1.1 that <i>“the definition of preliminary works is drafted too broadly to be able to understand what works will be involved”</i>. The Applicant disagrees because the definition of preliminary works set out in Paragraph 1 of Schedule 2 to the draft DCO [REP9-107] is specific on the activities that may be carried out as follows:</p> <p><i>“preliminary works” means operations consisting of archaeological investigations and pre-construction ecological mitigation (including vegetation clearance), environmental surveys and monitoring, investigations for the purpose of assessing and monitoring ground conditions and levels, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment for advanced compound areas, diversion and laying of underground apparatus (except any excluded utilities works) for advanced compound areas, vegetation clearance and accesses for advanced compound areas, and the temporary display of site notices or information.</i></p> <p>Additional information is presented in Table 1.1. of the Preliminary Works Environmental Management Plan (PWEMP) [REP9-190] and paragraph 1.1.7 of that document makes it clear that <i>“The only preliminary works that can be undertaken, and their locations, are listed in Table 1.1.”</i></p> <p>In their paragraph 2.1.3 PoTLL reason that because there will be a preliminary traffic management plan then that ‘demonstrates’ that preliminary works will be more than minor works. The Applicant does not follow this reasoning. The Applicant is committed to an appropriate level of control over environmental and traffic matters at all times and has therefore put forward proportionate measures for preliminary works.</p> <p>PoTLL seem to imply in their paragraph 2.1.4 that the Secretary of State should approve a further version of the PWEMP. However this is not necessary because the PWEMP is self-contained and not developed through detail design in the way that is relevant for other control documents. There is no ‘outline’ version of the Preliminary Works Environmental Management Plan. The commitments contained within it will be implemented by the Contractors in accordance with the certified version of this document when the DCO is made. The draft DCO and PWEMP have been examined on this basis and the Applicant does not see the purpose of additional scrutiny. The Applicant would signpost to its consideration of this point in its post-hearing submissions for ISH12 and ISH14.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>For these reasons the Applicant rejects the statement from PoTLL in their paragraph 2.1.5 <i>“that the lack of clear submissions setting out the precise nature and extent of the preliminary works requires a precautionary approach to be taken and an assumption must be made that the PWEMP will apply to material operations.”</i> The Applicant finds this perplexing for the reasons spelled out above. The PWEMP relates to specific works that would have negligible or relatively minor environmental impacts to provide environmental appropriate controls.</p>
<p>Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9</p>	<p>Port of Tilbury London Limited</p>	<p>Link to IP's submission: [REP9A-142]</p> <p>Applicant's response: Regarding the need for physical intervention at the Asda roundabout due to construction traffic, the Applicant has provided a detailed response in the Statement of Common Ground with the Port of Tilbury London Limited (PoTLL) (item 2.1.22) [Document Reference 5.4.2.2 (3)]. To summarise, the Applicant has set out that the construction phase assessment is highly precautionary with a number of assumptions and considers that the current forecast impacts at the Asda roundabout represent a reasonable worst case. The Applicant contends that the comprehensive set of measures outlined in the outline Traffic Management Plan for Construction (oTMPfC) [REP9-235] and the draft traffic management protocol established with PoTLL are sufficiently robust to effectively manage the impacts of the Project on the road network. As a result, the Applicant asserts that there is no compelling need for any physical interventions to mitigate impacts during the construction phase of the Project at the Asda roundabout, or any other location to be secured at this stage. The Applicant has already shown in [REP6-123] that the measures in the oTMPfC can be utilised to minimise the traffic impacts at Asda roundabout. Regarding comments made about the potential impact on the road network arising from fulfilling the Better than Baseline use of port facilities commitment, the Applicant has outlined key considerations in paragraph 6.2.12 of the outline Materials Handling Plan (oMHP) [REP9-188]. These considerations include the potential of adverse impact on the road network, particularly the A1089 and Asda roundabout as compared to the traffic and environmental assessments as presented in the DCO application. These considerations are integral to the development of the commitment to use port facilities that will be set out in the Materials Handling Plan, as well as its implementation during the construction period.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>In addition paragraph 6.2.17 of the oMHP states that the Better than Baseline Commitment does not require the Contractor to utilise river transport where there is likely, as a result of meeting the Commitment, to be a material worsening of traffic conditions on the A1089 or the Asda roundabout.</p> <p>Both stipulations in paragraphs 6.2.12 and 6.2.17 are in place to ensure that the use of port facilities is not counterproductive by inadvertently exacerbating the impact on the road network, notably on the A1089 and Asda roundabout.</p>

18 Royal Society for the Protection of Birds

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Royal Society for the Protection of Birds	Link to IP's submission: [REP9-298]
		Applicant's response: The Applicant welcomes the response by the Royal Society for the Protection of Birds (RSPB) and the acknowledgement of the commitment to undertake pre-construction surveys. The Applicant believes that there is sufficient security that baseline surveys will be undertaken as secured under Requirement 7 of the draft Development Consent Order [REP9-107] .
Deadline 9 Submission - Comments on Applicant's submissions at D8	Royal Society for the Protection of Birds	Link to IP's submission: [REP9-298]
		Applicant's response: The Applicant recognises the concerns raised by the RSPB at paragraph 3.3 of its submission and will work to develop a restoration concept plan in consultation with the RSPB at the implementation stage (as secured already in the Stakeholder Actions and Commitments Register (SAC-R) [REP9A-060]). It is anticipated that the concept plan would benefit from the input of the Contractor such that there is a trilateral understanding of the required restoration. The Applicant hopes that this commitment is sufficient to reassure the RSPB of the Applicant's intent in relation to the Land at Shorne Marshes. The Applicant would highlight that controls and input in to the design and management of a restoration approach are provided for via the outline Landscape and Ecology Management Plan [REP9-207] .

19 Shorne Parish Council

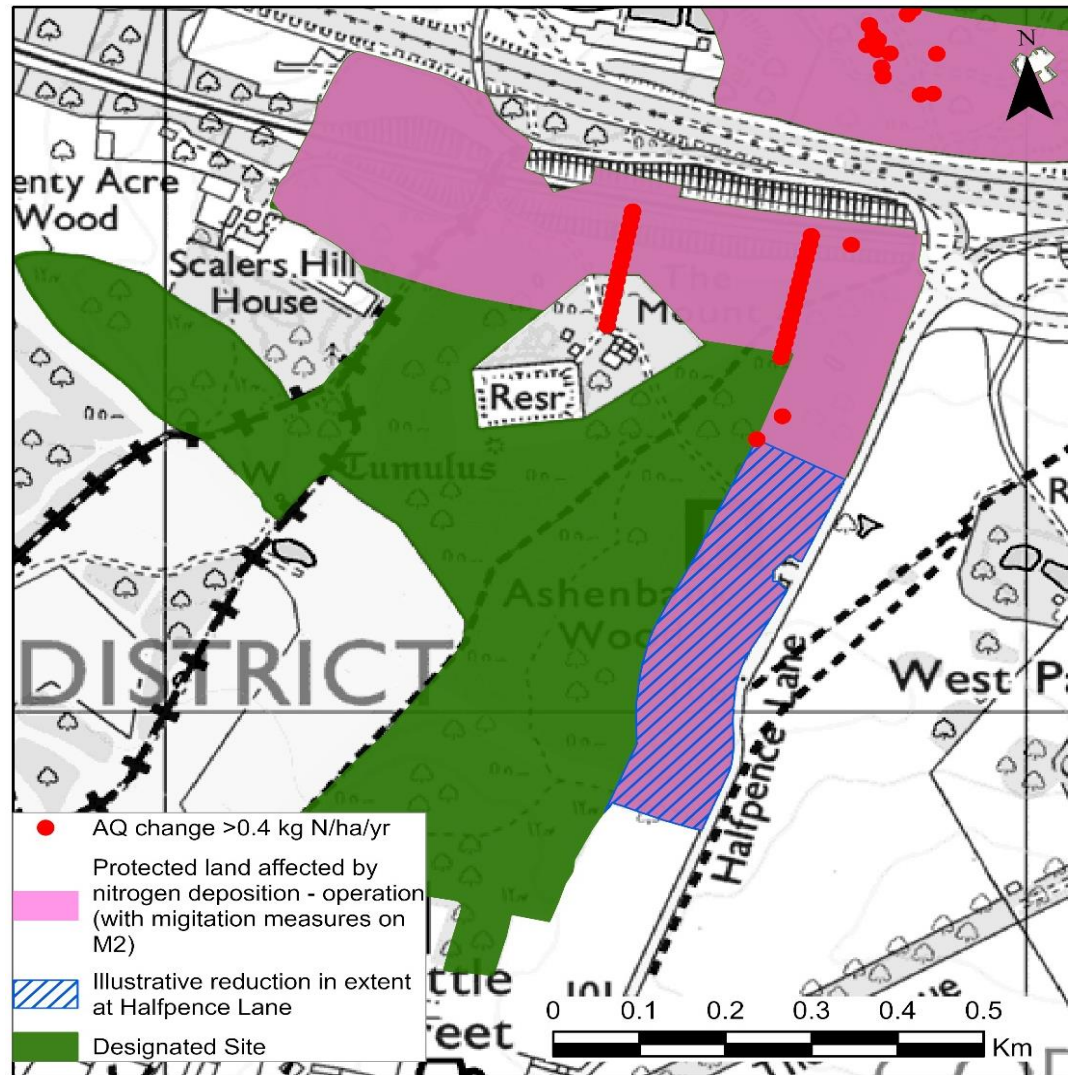
Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Shorne Parish Council	Link to IP's submission: [REP9-307]
		Applicant's response: <p>The pink shaded area on Figure 2 of ES Appendix 8.14: Designated Sites Air Quality Assessment [APP-404] represents the area of designated site affected by nitrogen deposition changes of greater than $0.4\text{kgNha}^{-1}\text{yr}^{-1}$, also referred to in the application documents as the "Nitrogen Affected Area" (NAA). The ecological assessment of the effect of nitrogen deposition is limited to the designated sites as defined in DMRB LA 105 (Highways England, 2019). Therefore, the NAA is only created in areas where a designated site is present and the AQ model indicates a change of greater than $0.4\text{kgNha}^{-1}\text{yr}^{-1}$. For example, the designated sites associated with Shorne and Ashenbank Woods are adjacent to the east side of Thong Lane only hence the NAA only featuring on one side of the road. Likewise, the designated site is limited to the west side of Halfpence Lane, and again the NAA is therefore only on one side of the lane. The changes in nitrogen deposition at these designated sites, as described in Post-event submissions, including written submission of oral comments, for CAH5 [REP8-109] Section B.13.9, are primarily as a result of the high traffic flows on the A2 and the A2/M2/A122 Lower Thames Crossing and additional/realigned roads that dominate the source of emissions.</p> <p>As described above the ecological assessment of the effects of nitrogen deposition is limited to the designated sites defined by DMRB LA 105 and does not include community open space.</p>

20 St John's College

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	St John's College	<p>Link to IP's submission: [REP9-308]</p> <p>Halfpence Lane, Thong Lane and Brewers Road</p> <p><i>'2.4.6 SJC is grateful to LTC for confirming that there will be a reduction in traffic along Halfpence Lane if the scheme goes ahead. In that case SJC cannot follow why there is an increase in nitrogen deposition along Halfpence Lane? LTC did not answer the second part of the question, which was put quite precisely? At which location is the increase of 0.44kgN/ha/yr predicted along Halfpence Lane where traffic flow decreases? SJC notes that 0.44kgN/ha/yr is only marginally above the 0.4kgN/ha/yr threshold cited by LTC and finds it surprising that LTC calculates firstly any increase and secondly an increase of >0.4kgN/yr across the whole of this area. SJC notes that LTC has not responded to similar points SJC made in its deadline 8 submission with relation to other roads affected in a similar way and respectfully suggests that this needs to be checked.'</i></p>
		<p>Applicant's response:</p> <p>St John's College (SJC) is right that there is a reduction in traffic on Halfpence Lane, so much so that it brings Halfpence Lane within the Affected Road Network (ARN). By reason of it being part of the ARN and having those exceedances within it, the full extent of the designated site beside the ARN on Halfpence Lane has been included in line with the methodology advised by DMRB Standard LA 105.</p> <p>The location of the 0.44kgNha⁻¹yr⁻¹ increase along Halfpence Lane is OS grid reference TQ67717 69379. The ecological assessment of effects is precautionary in nature and presents a reasonable worst case. The extent of a designated site affected was calculated using the AQ model points that exceed 0.4kgNha⁻¹yr⁻¹ as described in paragraphs 2.7.9 to 2.7.13 of the ES Appendix 8.14: Designated Sites Air Quality Assessment [APP-403]. The ecological assessment is considered by the Applicant to be robust and sufficiently precautionary to determine the measures required to compensate the effects of the Project on designated sites and has followed the methodology in ES Appendix 8.14 and DMRB LA 105 (Highways England, 2019) in relation to Air Quality.</p> <p>The Applicant does recognise that a less precautionary approach, which departs from DMRB Standards, would reduce the reported extent, which could be considered to be an over-estimate of the extent of impact in this location. Were a cut-off to be included along Halfpence Lane then the Applicant</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>would see an overall reduction in the area reporting significant effects as a result of nitrogen deposition on the Shorne and Ashenbank Woods SSSI by approximately 5 ha. This is shown in Plate 1.</p> <p>The Applicant has taken the opportunity to check that this is an isolated occurrence and can confirm that this is the case.</p> <p>It is the Applicant's position, as explained in ISH11 [REP8-110], that a five hectare reduction in the nitrogen affected area would not affect the quantum and location of the compensation required, which would remain as presented within the Project Air Quality Action Plan [APP-350] and as explained in ISH11 via Plate C1 of the Applicant's post event submissions [REP8-110]. This still fulfils the objective of the compensation being comparable in scale to the extent of designated sites significantly affected, and importantly the twin compensation objective that the compensatory sites must provide new links to existing, retained high quality habitats, strengthen and build resilience in the network of habitats within which the designated sites sit at a landscape scale. A reduction of five hectares does not affect the suitability and necessity of the chosen compensation sites for providing that connectivity.</p>

Plate 2 Illustrative reduction in extent at Halfpence Lane



Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	St John's College	<p>Link to IP's submission: [REP9-308] Halfpence Lane, Thong Lane and Brewers Road <i>'2.4.7 B13.13 – LTC has not responded to the specific point about what change in emissions of NOx it has included beyond 2030. SJC notes that LTC has not made an assessment of the improvement in emissions and nitrogen deposition between the present day and the future with scheme scenario. SJC considers that where such an improvement is predicted, this must undermine the case for the compulsory acquisition of land to compensate for an effect (which cannot be occurring if there is an ongoing improvement).</i> <i>2.4.8 LTS LTC has not explained what account it has taken of the increasing penetration of electric vehicles into the fleet or why a delay of 15 years to what would happen without the scheme is an appropriate test. Neither has LTC explained how this was calculated or where the results are shown.'</i></p> <p>Applicant's response: The Applicant describes the method used to predict the duration of ecological effects beyond 2030 in paragraphs 2.7.6 to 2.7.8 of ES Appendix 8.14: Designated Sites Air Quality Assessment [APP-403]. The emission factors used in the duration calculation contain allowances for changes in the fleet including increases in electric vehicles. This information was utilised as part of the evidence to determine whether individual sites were significantly affected by changes in N Deposition as a result of the Project.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8	St John's College	<p>Link to IP's submission: [REP9-308] 2.3 Annex A Speed emission curves <i>'2.3.1 A3.4 LTC describes the Defra emissions factor toolkit but then goes on to present discrete emission factors from a different source for LDVs travelling under various highway conditions in Plates A.1 and A.2. The source is not clear but it does not seem to be the emission factor that LTC used. There is no indication of what the effect would be of reducing the speed to 50 miles an hour, which LTC committed to submitting at D8. This is particularly surprising given how traffic is managed on the approach to the Dartford Crossing.'</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Applicant's response:</p> <p>The emissions factors displayed in the bar chart [REP8-109] are the emissions factors used in the air quality modelling for the Project. These are the speed banded emissions that are issued by National Highways for assessments undertaken in accordance with DMRB LA 105 (Highways England, 2019). The speed banded emissions are based on the Defra Emissions Factors Toolkit (Defra, 2021). However rather than utilising specific traffic modelled speeds, the speeds from the Project's transport model are assigned into a speed band (Heavy Congestion, Light Congestion, Free Flow and High Speed) based on the advice in DMRB LA 105. These speed bands describe the emissions on roads under different traffic conditions. There is no speed band emission scenario for a 50mph enforced speed limit as the speed enforcement mitigation scenarios are based on evidence from vehicle emissions and driver surveys collecting GPS data that demonstrated that there would be no improvement in emissions on a motorway type road enforcing a 50mph speed limit. Therefore, 50mph is not a viable mitigation option within DMRB LA 105.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8	St John's College	<p>Link to IP's submission:</p> <p>[REP9-308]</p> <p>2.3 Annex A Speed emission curves</p> <p><i>'2.3.2 Plate A.1 shows that emissions are lowest in the speed range 50 to 60 mph under free flowing conditions. Plate A.2 shows that emissions are higher than this at the national speed limit and at an enforced 60 mph speed limit. On the basis of LTC's evidence emissions would be lower under a free flowing motorway scenario at speeds of 50 to 60 mph. Yet it has not considered speed control at this location and has not explained why not.'</i></p> <p>Applicant's response:</p> <p>For a speed enforcement scenario to be a viable mitigation option the traffic speeds on the roads affecting a site would need to be assigned as High Speed. If that were the case then as shown in Plate A.2 [REP8-109] there is potential that a speed enforcement scenario of 70mph or 60mph would lead to a reduction in Light Duty Vehicle (LDV) emissions. If the roads are already within the free flow category then emissions as suggested are lower than would be the case with speed enforcement and therefore speed control would not be a viable option. It is also worth noting that the area being discussed is a major junction so traffic speeds will be constrained and as a result speed control in that area would not be effective.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	St John's College	<p data-bbox="703 268 1043 300">Link to IP's submission:</p> <p data-bbox="703 312 857 344">[REP9-308]</p> <p data-bbox="703 352 1211 384">2.3 Annex A Speed emission curves</p> <p data-bbox="703 392 2045 523"><i>'2.3.3 At A3.12 LTC makes an unsubstantiated assertion about some other evidence that it has that proves that speed control does not work. But speed control is employed elsewhere across the highway network, often to mitigate adverse effects on air quality. It is unclear why for this project LTC is seeking to make the case that this is not viable.'</i></p> <p data-bbox="703 544 1014 576">Applicant's response:</p> <p data-bbox="703 584 1989 683">Speed enforcement is being used on National Highways roads (National Highways, n.d.) for the purpose of improving air quality. This is based on 60mph enforcement; the Applicant has reiterated above why 60mph in this area would not be a viable option.</p>

21 Thames Crossing Action Group

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A Submission – Comments on D9 submissions and brief additional evidence	Thames Crossing Action Group	Link to IP's submission: [REP9A-144]
		Applicant's response: <p>Within their Deadline 9A submission, Thames Crossing Action Group (TCAG) make a number of comments in relation to the Applicant's recently completed procurement process. The Applicant notes that the procurement process is outside the scope of and not relevant to the DCO application. The Applicant rejects any suggestion those processes were not followed appropriately.</p> <p>In addition, at paragraphs 37 and 38 of their submission, TCAG provide a quote from an article in the New Civil Engineer², which states that the Applicant's newly appointed tunnelling delivery partner had confirmed that they "<i>intend to use a single tunnel boring machine (TBM) for the Project</i>" and that "<i>it [the TBM] will be rotated in the north portal and sent southwards again for the second bore</i>". The Applicant can confirm that this statement is incorrect, and the Applicant has already requested that the article be corrected.</p> <p>As discussed at ISH1 (and as set out in Post-event submissions, including written submission of oral comments, for ISH1 [REP1-183]) and ISH5 (and as set out Post-event submissions, including written submission of oral comments, for ISH5 [REP4-181]), the Applicant has been clear that the DCO does and should allow for the option to use a single or two TBMs and that the initial drive direction would be north to south as stated in the DCO application, with rotation taking place at the southern portal if a single TBM is used.</p>

² <https://www.newcivilengineer.com/latest/bouygues-murphy-jv-wins-1-3bn-lower-thames-crossing-tunnelling-contract-07-12-2023/>

22 The Whitecroft Care Home

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	The Whitecroft Care Home	<p>Link to IP's submission: [REP9-316]</p> <p>2.1 Point 3 – Road surface considerations</p> <p>Applicant's response:</p> <p>The Applicant acknowledges that the noise level in the future year should be considered within an impact assessment, and this is why consideration of the future year is included within the factors listed within Table 3.60 of DMRB LA 111 (Highways England, 2020b). The Institute of Environmental Management and Assessment (IEMA) guidelines (IEMA, 2014) referenced in the report from By Acoustics also contain factors to consider when determining a likely significant effect, and while not all are applicable to a large road project such as the Lower Thames Crossing, these factors have been considered within the assessment reported in ES Chapter 12: Noise and Vibration [APP-150]. Under the terms and definitions of LA 111 the Future Year is actually defined as '<i>the 15th year after opening</i>'. As set out by TAG Unit M1-1 (paragraph 5.2.1), a scheme should be assessed in its opening year and one other forecast year (known as the final forecast year). Paragraph 5.2.2 states that the final forecast year should be as far into the future as forecasting datasets allow (the Applicant has selected 2051 which is the final year of the TEMPro 7.2 forecasts) and that other forecast years should be assessed where appropriate. It sets out examples of where a need may arise for such additional forecast years, such as: '<i>before and after major step changes in demand or supply that will significantly affect the profile of benefits</i>'. The Applicant considers that it is not normal practice to undertake analysis of every year and such a requirement would be disproportionate, overly onerous and costly to undertake, would generate significant additional documentation (in addition to the extensive assessments in the application) and would not be in the public interest.</p> <p>The future year traffic forecasts are produced in line with TAG, and the design year (15 years after opening) represents the greatest level of traffic growth within the 15 years and also accords with LA 111 and represents the reasonable worst case. This approach is well precedented within road traffic noise assessments.</p> <p>The assessment has been undertaken in strict accordance with DMRB LA 111 (Highways England, 2020b) with the Road Surface Influence (RSI) values for proposed pavement surfaces assumed in the</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>assessment of noise and vibration being known and secured within the REAC (NV013 – Road surfacing) which forms part of the CoCP [REP9-184]. Under LA 111 (Appendix A Section A2 bullet point 5) the value of -3.5dB should only be used as an upper limit correction where the RSI of the specified surface is not known. In this case the RSI specification for the surface is known and therefore a -7.5dB reduction is appropriate to be used in accordance with LA 111.</p> <p>While the road surface forms an integral part of the mitigation strategy for the Project, it is not the only measure, with considerable elements of the design centring around keeping the Project low in the environment and using large-scale earthworks features to screen the road from receptors. In the vicinity of the Whitecroft Care Home is a 9m high earth bund to the west of the care home; the Project is also in significantly deep cuttings with other large-scale earthworks mounds around and within the A13 junction. In addition, where earthworks were not possible along the route, additional mitigation was provided in the form of acoustic fencing as specified in ES Chapter 12: Noise and Vibration [APP-150].</p> <p>In response to the point on the degradation of the performance of the road surface over time, the Applicant refers the IP to page 26 and 27 of the Applicant's comments on Interested Parties at D7 [REP8-119] which adequately addresses the points made about road resurfacing.</p> <p>It is correct that the statements made at paragraph 2.1.6 of the By Acoustics report (for Whitecroft Care Home) are statements made by the Applicant in a response at Deadline 8 [REP8-119]. However, the Applicant would point out that there is no guidance to inform what would constitute 'significant degradation' in noise terms. This is because the ageing of the surface and subsequent reduction in noise reducing properties would occur slowly over time and at different rates on different roads associated with traffic flows and compositions, which when considered in association with the response of the population to noise change over time (long term), would mean consideration of short term, abrupt change in noise represents the reasonable worst case for impacts of the Project as previously stated by the Applicant in a response at Deadline 8 [REP8-119].</p> <p>The IEMA guidelines provide an overall summary of principles for the assessment and consideration of noise impacts. This is inherently high level guidance due to the guidelines written to be applicable to all types of development and all sizes of project. The Project is a large-scale road scheme, which is specifically the subject and context of what DMRB LA 111 was written to cover. Therefore, the guidance within DMRB LA 111 is considerably more appropriate for use in the assessment of a large road scheme than that provided within the IEMA guidelines. Additionally, at the Scoping stage of the Project, the DMRB LA 111 methodology was agreed as the appropriate methodology with the</p>

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		<p>Planning Inspectorate and all statutory consultees. Furthermore, the Applicant is not aware of any National Highways road projects within the last five years that have deviated from DMRB LA 111. Since the Applicant has followed the prescribed guidance, agreed at the Scoping stage, and undertaken the assessment in complete accordance with the process described in DMRB LA 111, the actual impact likely to be experienced has been correctly and credibly determined.</p>
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>The Whitecroft Care Home</p>	<p>Link to IP's submission: [REP9-316] 2.10 Point 24 – Construction vibration prediction</p> <p>Applicant's response: Paragraphs 12.3.6 and 12.3.7 of the ES Chapter 12: Noise and Vibration [APP-150] cover construction vibration other than piling and tunnel boring machine (TBM) activities. It is not anticipated that there would be any vibration impacts on sensitive receptors from general construction activities. In addressing the comments on dynamic compaction, the Applicant interprets the term as referring to the technique of dropping a weighted object from a controlled height in a systematic manner. While recognising that dynamic compaction is a methodology used in earthworks to enhance ground conditions, it is predominantly utilised in situations involving the backfilling of large, infilled sites, such as former quarries or industrial areas required for constructing superstructure like buildings or hardstanding areas.</p> <p>For the construction of the landscape earthwork bund adjacent to the care home, the Applicant does not anticipate using dynamic compaction. This decision is informed by considerations of the performance requirements outlined in Specification for Highway Works, Series 600, Clause 620 and the ground conditions of this area. Instead, the Applicant envisions implementing conventional earthwork compaction methodologies that are deemed more suitable for the construction of the landscape earthwork bund and have informed the noise and vibration assessment. The Applicant believes that this approach is proportionate and appropriate for the requirements of constructing the earthwork bund.</p> <p>The Applicant does not agree such works have been ignored in the impact assessment as, where suitable methodologies exist, vibration has been predicted. However, the Applicant has not predicted vibration for techniques associated with dynamic compaction as explained above. The methodologies and techniques to be used in the construction of the Project are clearly detailed in Table 2.2:</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>Envisaged Construction Plant Itinerary – Highways, as set out in ES Appendix 12.4: Construction Noise and Vibration Assessment [REP1-169].</p> <p>Furthermore, the Applicant would not agree that the other methodologies of assessment proposed would be proportionate within the drafting of an ES Chapter; however, under the REAC commitments are a comprehensive suite of reassessment required for consideration by the relevant planning authorities, which would be scoped accordingly through consultation. This includes REAC commitment NV017 Vibration from construction activities in the CoCP [REP9-184], which requires the Contractor to produce a Noise and Vibration Management Plan to set out measures to mitigate vibration effects.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8	The Whitecroft Care Home	<p>Link to IP's submission: [REP9-316] 2.5 Points 6 and 16</p> <p>Applicant's response: As responded on numerous occasions, there are REAC commitments in place in the CoCP [REP9-184] and measures will be agreed with the local planning authorities (LPAs) once appropriate detailed information is available on construction mechanisms and techniques. Commitments are made in the REAC to ensure that a comprehensive and suitably detailed vibration assessment will be undertaken by the Contractor, with further commitments made relating to monitoring and further remediation where necessary. As such, the Applicant feels that the issue of construction vibration is suitably considered and controlled within the scope of the application.</p>
Deadline 9 Submission - Comments on Applicant's submissions at D8	The Whitecroft Care Home	<p>Link to IP's submission: [REP9-316] 3 LTC 9.186 – Post-event submissions 3.1 Clause 3.4.10 – 3.4.12</p> <p>Applicant's response: The assessment undertaken in ES Chapter 12: Noise and Vibration [APP-150] is considered appropriate and proportionate for the context of an ES based on the information available at the time to give a reasonable worst case indication of the potential for likely significant effects.</p>

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		Within the REAC commitments [REP9-184] , the mechanisms are fully in place to enable any LPA to discuss and agree appropriate limits for construction noise and vibration to be imposed on any contractor. Should any LPA require construction limits on the basis of L _{Amax} and 1 hour indices, these could be secured through the section 61 consents and other REAC controls.
Deadline 9 Submission - Comments on Applicant's submissions at D8	The Whitecroft Care Home	Link to IP's submission: [REP9-316] 3.1 Clause 3.4.10 – 3.4.12
		Applicant's response: The Applicant can confirm that there has been no change to the overarching methodology used within ES Chapter 12: Noise and Vibration [APP-150] in any of the supplementary material supplied during Examination.

23 Thurrock Council

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9 Submission - Comments on Applicant's submissions at D8	Thurrock Council	<p>Link to IP's submission:</p> <p>[REP9-299]</p>
		<p>Applicant's response:</p> <p>The Applicant notes that at Deadline 9 Thurrock Council submitted criticisms about the Applicant's approach to technical engagement.</p> <p>The submissions do no more than repeat matters that the Council has been raising since the pre-application period. It is the Applicant's view that they are simply a reflection of the Council's in-principle objection to the Lower Thames Crossing, and are being raised to try and amplify that objection. The Applicant categorically rejects each and every allegation made, both in relation to engagement with Thurrock Council and in relation to the Applicant's engagement more generally with Interested Parties. Thurrock Council has throughout the Examination repeated the same submissions and contended that the Applicant has not engaged simply because it does not accept the Applicant's response. A lack of consensus should not be conflated with a lack of engagement.</p> <p>For ease of reference, the Applicant sets out the criticisms in full below, followed by the Applicant's detailed response to, and rebuttal of, the points raised.</p> <p>"4. Council Views on Applicant's Approach to Technical Engagement and the Examination Process: <i>the Council has been concerned about technical engagement and other aspects of consultation for several years now and those concerns were set out in its Adequacy of Consultation submission (AoC-018) dated 16 November 2022. In the Council's view, some of these concerns have continued and have hampered the successful operation of the Examination.</i></p> <p><i>The Council has serious concerns about the applicant's approach to technical matters, and particularly the following ten issues: refusal to provide technical information or provide it in a timely manner; delays in providing responses/information; signposting which does not provide adequate answers to reasonable questions; refusal to consider or deal positively to technical proposals from IPs; lack of provision of key evidence to substantiate a technical position; refusal to change position on many issues; the final SoCG which has two thirds of issues as 'Matter Not Agreed'; many technical matters left to the ExA to determine; success measures by number of meetings or documents exchanged</i></p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p><i>rather than resolution of issues; and, many significant matters remain outstanding, e.g. agreement on and use of localised modelling. Examples for each of these concerns are given.</i></p> <p><i>5. The applicant's approach is contrary to its stated policy position within its recently issued 'Planning for the Future: A Guide to working with National Highways on Planning Matters' published in October 2023. There are two principles from this guidance which, in the Council's opinion, have not been used effectively by the applicant during the LTC Pre Application, Pre Examination and Examination stages of this DCO process – 'seek consensus with IPs' and 'provide sufficient detail to allow assessment of the impact of their proposals'."</i></p> <p>The Applicant reiterates its comments set out within Applicant's comments on Interested Parties' submissions at Deadline 8 [REP9-276] that it has engaged proactively and effectively with its many stakeholders, and has made amendments to control documents, provided further assessments, and managed to resolve a significant number of issues with local authorities and other Interested Parties. This is evident from the very substantial body of SoCGs submitted into the Examination, and progress made to move matters to "agreed" within those SoCGs, and to secure the removal of objections. There are 20 SoCGs in which all matters are agreed.</p> <p>The Applicant's engagement with Thurrock has been extensive. As recorded in B.6.2 of the Statement of Engagement [APP-091], there were 420 engagement meetings with Thurrock Council during the pre-application period, 270 of which were held between October 2020 and October 2022. That engagement was supported by extensive sharing of information, as set out in Appendix V (Adequacy of Consultation Representations) of the Consultation Report [APP-090].</p> <p>Detailed and regular technical engagement has continued since the DCO application was submitted, other than during that period when Thurrock Council encountered financial difficulties and put its DCO-related activities on pause. This included meetings most weeks as well as additional meetings where appropriate, including technical discussions, information exchange and discussions on the drafting of the SoCG and the S106 agreement. It should be recognised, on the theme of engagement, that the Applicant specifically responded to the Council's financial circumstances by providing to the Council, through a Planning Performance Agreement, significant funding to enable it to maintain a substantial technical support team, and to participate effectively in the Examination process (see paragraph 4.11 of the Applicant's summary of Oral Submissions at the Programming Meeting [PDB-002]). The SoCG with Thurrock Council [REP6-030] reflects the regular technical engagement that has continued in the post-application phase. An updated and final SoCG has been submitted at Deadline 9A [REP9A-040].</p>

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		<p>Turning to the Council's "ten issues", the Applicant notes that these are generalised/unparticularised, and observes that many of these repeat themselves. They amount, in fact, to two issues – which align with the two points cited by the Council from Planning for the Future: A Guide to working with National Highways on Planning Matters (National Highways, 2023) – namely 'seek consensus with IPs' and 'provide sufficient detail to allow assessment of the impact of their proposals'. The Applicant has produced a table below (Table) which responds to these matters.</p> <p style="text-align: center;">Table 3 Applicant's response to Thurrock Council's ten engagement issues</p> <table border="1" data-bbox="705 544 2033 1394"> <thead> <tr> <th data-bbox="705 544 1037 715">Planning for the Future: A Guide to working with National Highways on Planning Matters (the Guide)</th> <th data-bbox="1037 544 1525 715">Which of Thurrock Council's "ten issues" does this capture?</th> <th data-bbox="1525 544 2033 715">Applicant's response on Thurrock's issues (and how the Project complies with the Guide)</th> </tr> </thead> <tbody> <tr> <td data-bbox="705 715 1037 1394">1. "Seek consensus with Interested Parties"</td> <td data-bbox="1037 715 1525 1394"> 4. "Refusal to consider or deal positively to technical proposals from IPs" 6. "Refusal to change position on many issues" 7. "The final SoCG which has two thirds of issues as 'Matter Not Agreed" 8. "Many technical matters left to the ExA to determine" 9. "Many significant matters remain outstanding, e.g. agreement on and use of localised modelling". 10. "Success measures by number of meetings or documents exchanged rather than resolution of issues" </td> <td data-bbox="1525 715 2033 1394"> As set out above, the Applicant has conducted regular and detailed engagement with the many stakeholders affected by, or interested in, the Project. It has made significant positive progress in resolving issues and removing objections, including through the provision of additional information and the introduction of new commitments. In the case of Thurrock Council, the Applicant has engaged regularly across all technical disciplines over many years, and with a genuine intent to seek to resolve issues. It has been capable of doing so in a number of areas – see for instance Gammonfields Travellers Site. However, it is acknowledged that there are a significant number of areas where the Applicant and the Council have been unable to reach agreement. The Applicant's firm position is that this is in no way a reflection of its approach to </td> </tr> </tbody> </table>	Planning for the Future: A Guide to working with National Highways on Planning Matters (the Guide)	Which of Thurrock Council's "ten issues" does this capture?	Applicant's response on Thurrock's issues (and how the Project complies with the Guide)	1. "Seek consensus with Interested Parties"	4. "Refusal to consider or deal positively to technical proposals from IPs" 6. "Refusal to change position on many issues" 7. "The final SoCG which has two thirds of issues as 'Matter Not Agreed" 8. "Many technical matters left to the ExA to determine" 9. "Many significant matters remain outstanding, e.g. agreement on and use of localised modelling". 10. "Success measures by number of meetings or documents exchanged rather than resolution of issues"	As set out above, the Applicant has conducted regular and detailed engagement with the many stakeholders affected by, or interested in, the Project. It has made significant positive progress in resolving issues and removing objections, including through the provision of additional information and the introduction of new commitments. In the case of Thurrock Council, the Applicant has engaged regularly across all technical disciplines over many years, and with a genuine intent to seek to resolve issues. It has been capable of doing so in a number of areas – see for instance Gammonfields Travellers Site. However, it is acknowledged that there are a significant number of areas where the Applicant and the Council have been unable to reach agreement. The Applicant's firm position is that this is in no way a reflection of its approach to
Planning for the Future: A Guide to working with National Highways on Planning Matters (the Guide)	Which of Thurrock Council's "ten issues" does this capture?	Applicant's response on Thurrock's issues (and how the Project complies with the Guide)						
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				<p>engagement. Effective engagement can equally result in parties identifying areas where agreement cannot be reached, particularly where the Interested Party is an in-principle objector to the proposal. For a project of this scale and complexity, the number of issues not agreed should not be seen as anything remarkable. One of the purposes of the DCO process is to crystallise those matters not agreed, and provide a means to decide upon them, which forms a key part of the recommendation and decision-making stages.</p>
		<p>2. <i>“Provide sufficient detail to allow assessment of the impact of their proposals”</i></p>	<p>1. <i>“Refusal to provide technical information or provide it in a timely manner”</i> 2. <i>“Delays in providing responses information”</i> 3. <i>“Signposting which does not provide adequate answers to reasonable questions”</i> 5. <i>“Lack of provision of key evidence to substantiate a technical position”</i></p>	<p>The Applicant refutes these allegations. The Applicant has provided the Council with significant quantities of technical information over the many years of engagement, in addition to the large amount of information made available through progress consultations and the DCO application process. An extensive list of the pre-application engagement including information shared with the Council was provided in Appendix C of the Statement of Common Ground with the Council supplied with the DCO application in October 2022 [APP-130]. The Applicant has responded to information requests as soon as it reasonably could have done so, noting there is sometimes a lead time to prepare and issue technical information for a project of this scale. The Applicant has responded to, in substance, the points raised by the Council during the Examination. Where</p>

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				<p>the Applicant considers it has already responded to a matter, it has not (consistent with examination “good practice”) repeated that response, but instead signposted to it. The Applicant observes that the Council has adopted an approach of repeating a question where it disagrees with or does not accept the answer the Applicant has already given. In these circumstances, the Applicant considers that it would not be helpful to keep repeating the same response.</p>
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Thurrock Council</p>	<p>Link to IP's submission: [REP9-299]</p> <p>Applicant's response: Section 1, Item 51: The Applicant confirms that the Environment Agency will continue to hold the maintenance responsibility for the Star Dam. This was confirmed by the Environment Agency during their representation at Issue Specific Hearing 11. Residual risks of flooding to the Coalhouse Point wetland creation site have been assessed, including scenarios whereby there is a failure of the proposed tidal inlet structure and a breach of the existing flood bund along the River Thames frontage. The results are presented in the Coalhouse Point Flood Risk Assessment (FRA) [REP6-102]. The FRA concludes that there are no significant residual risks of flooding to land beyond the Order Limits.</p>		
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Thurrock Council</p>	<p>Link to IP's submission: [REP9-299]</p> <p>Applicant's response: Appendix D - Updated Joint Position Statement on Orsett Cock Interchange Requirement PoTLL, Thurrock Council, DP World London Gateway and Thames Enterprise Park (the Parties) updated their joint position statement, making further commentary on the drafting of Requirement 18 submitted at Deadline 9, which had been provided to those parties in advance of the submission to allow for that comment.</p>		

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>The Parties identify three issues with the drafting:</p> <ul style="list-style-type: none"> • Issue 1 – they seek a “<i>clear starting point against which the acceptability of the ‘scheme’ put forward under this Requirement can be judged</i>”. The Applicant considers this to be a reiteration of their desire to provide a performance threshold for the roundabout within the Requirement, and a repeat of the position presented by the Parties at Deadline 8, stating that the “<i>Requirement as currently drafted does not ensure that the Secretary of State is given enough information to enable him/her to make that judgment</i>”. The Applicant responded to this matter in Section 11.1 of the Applicant's Response to Interested Parties' comments on the draft Development Consent Order at Deadline 8 [REP9-275], and at paragraph 6.2.7(a) and (b) of the Deadline 9 Hearing Actions [REP9-279]. • Issue 2 – the Parties seek oversight on the modelling to be undertaken, and that strategic modelling be provided, and have provided amended drafting to this effect (sub-paragraph (4) of their drafting). The Applicant has provided for microsimulation modelling to be undertaken as part of the assessment (sub-paragraph (2)(a)(ii)). This modelling would be provided as part of the Project and hence be subject to consultation with the Parties. The Applicant does not consider the introduction of an additional consultation stage to be necessary considering the extensive engagement that has occurred on the model to date. With regard to the need for strategic modelling, the Applicant considers that unless there is evidence that the detailed design of the Orsett Cock junction would lead to a significant change in traffic movement across the region, it would be disproportionate to require further strategic model runs to support the detailed design process. Where appropriate, such as in the event that there are new developments brought forward that could change traffic flows, strategic model work would be undertaken. The Applicant considers, however, that to require them regardless of the actual situation, would not be appropriate. In the event that a consultee raises this need during the consultation already secured under Requirement 18, this would be re-considered. If the Applicant does not provide strategic modelling, paragraph 21 allows the Secretary of State to require this should it be deemed necessary. • Issue 3 – the Parties repeat their proposal that the Requirement should provide for post opening monitoring and mitigation. The Applicant responded to this matter at paragraph 6.2.7(c) of the Deadline 9 Hearing Actions [REP9-279].

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>A.2: Hearing Action Point 1: Orsett Cock – Additional weave length and General Arrangement Plans</p> <p>Thurrock Council correctly identify that the submission by the Applicant responding to Hearing Action Point 1 was silent with regard to the vertical limits of deviation. The Applicant can confirm that the modified alignment can be delivered within the limits of deviation secured by article (6)(2)(a) of the draft Development Consent Order [REP9-107].</p>
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	Thurrock Council	<p>Link to IP's submission [REP9A-119]</p> <p>Applicant's response: The Applicant understands that water from the lower moat is currently discharged to maintain an area of wet grassland adjacent to the Coalhouse Point wetland mitigation area and that the Project would have no effect on this arrangement. While it is considered that there is a low risk of preventing the normal discharge of the Lower Moat, during the detailed design of the proposed wetland, the Applicant would engage with the management of the Coalhouse Fort to ensure no detriment to the current regime.</p>
Deadline 9A Submission - Comments on the final documents submitted by the Applicant at D9	Thurrock Council	<p>Link to IP's submission [REP9A-119]</p> <p>Applicant's response: The Applicant has reviewed the Council's Deadline 9A report. Rather than provide a point-by-point response to that document, the Examining Authority is directed to the Closing Submissions from the Applicant [Document Reference 9.218] where all of the relevant matters are addressed. The Applicant notes that in both the Executive Summary and section 8 of the Council's Deadline 9A submissions, it continues to level criticisms regarding the Applicant's approach to engagement and information sharing, the professionalism and integrity of the Applicant's team, and the number of matters not agreed. The Applicant has set out its comments on these matters in full above, so it is not productive for this examination to repeat them, other than to observe that it is telling that the Council is the only Interested Party amongst many which is raising points in this way.</p>

24 Transport Action Network

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Comments on the final documents submitted by the Applicant at D9</p>	<p>Transport Action Network</p>	<p>Link to IP's submission: [REP9A-146]</p> <p>Applicant's response: Transport Action Network has commented in Section 2 of its Deadline 9A submission on changes made to the glossary of the Carbon and Energy Management Plan [REP9-239] at Deadline 9. The change was made as the Applicant identified that the previously used definition of the term "construction" in the glossary could potentially cause confusion because it included reference to the creation of site access. However, in a few specifically identified advance compound areas (those identified in Table 1.1 of the Preliminary Works Environmental Management Plan [REP9-190]) site access might be provided as 'preliminary works' before 'commencement' as defined in the draft DCO [REP9-107]. The Applicant simply deleted the description from the glossary to remove this possible confusion, which has no bearing at all on the information presented in the Carbon and Energy Management Plan and were in no way intended to modify the commitments being made by the Applicant in the document.</p> <p>As regards the summary of Transport Action Network's position on carbon set out at section 3 of its Deadline 9A submission, which is aligned with that of CEPP, the Applicant refers to its responses to CEPP's submissions in Section 2 of this document, as well as earlier responses to submissions made by CEPP during the examination process.</p>

25 Transport for London

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
<p>Deadline 9 Submission - Comments on Applicant's submissions at D8</p>	<p>Transport for London</p>	<p>Link to IP's submission: [REP9-300]</p> <p>Applicant's comments on Interested Parties' submissions regarding Wider Network Impacts at Deadline 7 (REP8-123)</p> <p>The submissions from Transport for London (TfL) principally seek to distinguish the position in relation to monitoring and mitigation at Silvertown Tunnel from that proposed by the Applicant for the Lower Thames Crossing. These matters were addressed in some detail by the Applicant in its Position Paper [REP6-092] at Section 4, which it would not be productive to repeat but which the Applicant respectfully commends to the Examining Authority (in particular, paragraphs 4.1.7 and 4.1.13).</p> <p>TfL suggest that the Wider Network Impact Management and Monitoring Plan (WNIMMP) [REP9-231] is insufficient because further security is needed to address the risk of unforeseen impacts. However, this is the purpose of the WNIMMP – which ensures that unforeseen impacts are identified through monitoring so that the information can be used to inform future investment decisions in the road network.</p> <p>In principle, this is no different from the approach at Silvertown Tunnel where monitoring generates information which is then discussed with local authorities and the outcome used by the Secretary of State or the Mayor of London who would determine whether further investment was made to mitigate those impacts. The sequence of activities and the nature of the control is in essence the same.</p> <p>TfL express concern, however, (at paragraph 3.4) that it committed at Silvertown Tunnel to deliver agreed improvements, whereas the Applicant has only committed to cooperate with local authorities. This point is addressed in the references provided above to the Applicant's Position Paper [REP6-092]. The analysis set out there draws directly from the Silvertown Tunnel DCO and the Mitigation and Management Strategy, which is a DCO control document, to show that the applicant in that case (TfL) committed to joint working with local authorities but retained to itself the discretion to identify necessary mitigation, the plan for which was then to be submitted by TfL for approval by the Secretary of State (or the Mayor of London). It does not commit to deliver improvements required by the local authorities.</p>

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
		<p>It is the Applicant's position that the Silvertown Tunnel approach creates a mechanism which is already available in this case for determining future investment in the strategic and local road networks. The WNIMMP commits the Applicant to monitoring the locations of concern to local highway authorities and providing the resultant information to inform future investment in those networks. An additional process is not necessary.</p> <p>If the Examining Authority did consider that a further process was necessary, the Applicant respectfully commends its draft, without prejudice network management requirement [REP6-092] at Section 4.2.</p>

26 Trevor Thacker

Document title	Interested Party (IP)	Link to IP's submission / Applicant's response
Deadline 9A Submission - Comment on erroneous statement by National Highways	Trevor Thacker	<p>Link to IP's submission: [REP9A-154]</p>
		<p>Applicant's response: During the DCO examination process the Applicant has been in correspondence with Mr Trevor Foster, agent representing the Thacker family. This included sending a draft voluntary agreement regarding the acquisition of the Thackers' half-width interests to Mr Foster via email on 25 September 2023. The Applicant understands that Mr Foster was minded to recommend that the Thackers accept the voluntary agreement; however, the Applicant has not received any further correspondence to progress this.</p>

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Glossary

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

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

Term	Abbreviation	Explanation
Order Limits		The outermost extent of the Project, indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Project. This is the area in which the DCO would apply.
Planning Act 2008		The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
Project road		The new A122 trunk road, the improved A2 trunk road, and the improved M25 and M2 special roads, as defined in Parts 1 and 2, Schedule 5 (Classification of Roads) in the draft DCO (Application Document 3.1).
Project route		The horizontal and vertical alignment taken by the Project road.
South Portal		The South Portal of the Project (southern tunnel entrance) would be located to the south-east of the village of Chalk. Emergency access and vehicle turn-around facilities would be provided at the tunnel portal. The tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations.
The tunnel		Proposed 4.25km (2.5 miles) road tunnel beneath the River Thames, comprising two bores, one for northbound traffic and one for southbound traffic. Cross-passages connecting each bore would be provided for emergency incident response and tunnel user evacuation. Tunnel portal structures would accommodate service buildings for control operations, mechanical and electrical equipment, drainage and maintenance operations. Emergency access and vehicle turn-around facilities would also be provided at the tunnel portals.

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