



# Department for Transport

Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

e-mail: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)  
Web: [www.gov.uk/dft](http://www.gov.uk/dft)

---

To:

28 March 2024

The Applicant, The Environment Agency, London Borough of Havering Council, Thurrock Council, Kent County Council, The Secretary of State for DEFRA, the Crown Estate, The King's Most Excellent Majesty in the Right of His Duchy of Lancaster, The Estates team within the Department for Transport, Essex Wildlife Trust, Mayor's Office for Policing and Crime, The RSPB, Whitecroft Care Home, The Mee Family, Hill Residential Ltd, Environment Agency, Southern Water, HS1 Limited, Network Rail, Port of Tilbury London Ltd and The Port of London Authority

---

Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by National Highways ("the Applicant") Seeking Development Consent for the Proposed Lower Thames Crossing Scheme ("the Proposed Development")**

Following the completion of the examination on 20 December 2023, the Examining Authority ("the ExA") submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Transport on 20 March 2024. In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 20 June 2024 to determine the application. There are outstanding issues on which the Secretary of State would be grateful if parties identified in bold could provide an update or further clarification. The issues are grouped by the subject of the request for information.

### **Amendment of section 85 of the Countryside and Rights of Way (CRoW) Act 2000**

1. The Secretary of State notes the amendment of section 85 of the Countryside and Rights of Way Act, in relation to Areas of Outstanding Natural Beauty (AONB). This duty did not apply during the Examination, but it came into effect on 26 December 2023 and is now a relevant legislative consideration.

The Secretary of State invites **the Applicant** to provide comments on the implications of this amendment, and in particular, whether and if so, why it considers the Secretary of State could be satisfied that the amended duty placed on him under section 85 would be complied with if development consent were to be given to the Proposed Development.

### **Thamesview Camping**

2. The Secretary of State notes that the final Schedule of compulsory acquisition and temporary possession objections [[REP9-252](#)] records Thamesview Camping as holding interests in land where the landowner objects to compulsory acquisition. Mapping provided by the Applicant indicates that the campsite operation includes land which the Book of Reference indicates as being held by the Osborne and Bower families.

The Secretary of State therefore requests an update from **the Applicant** on whether the land interests recorded in the [Book of Reference](#) and on [Sheet 22](#) of the Land Plan are correct with regards to this issue.

### **Crown Land Consents**

3. The Secretary of State is aware that at the end of the Examination, Crown consent had not been obtained by the Applicant for compulsory acquisition and temporary possession of land in the interests of the Forestry Commission, HS1 Ltd., the Crown Estate and the Duchy of Lancaster.

The Secretary of State therefore requests an update from **the Applicant and the Secretary of State for DEFRA, the Crown Estate, The King's Most Excellent Majesty in the Right of His Duchy of Lancaster, and the Estates team within the Department for Transport** regarding whether an agreement for these powers has been reached. The Secretary of State also invites **the Applicant** to set out what the appropriate options are if these agreements are not provided.

### **Water Framework Directive (WFD)**

4. The Secretary of State notes that at the conclusion of the Examination, the proposed culverting of watercourses was a point of disagreement between the Applicant and Environment Agency in their [Statement of Common Grounds](#). The Secretary of State is therefore minded to include the requirement below. He invites **the Applicant, the Environment Agency, London Borough of Havering Council, Thurrock Council and Kent County Council** to provide any comments on the wording of this proposed requirement as well as any views on whether this requirement would ensure the Proposed Development will be compliant with the requirements of the WFD.

*(1) The undertaker is required to prepare culvert designs that are compliant with the requirements of the Water Framework Directive or are derogation condition compliant and the scope and detailed designs are to be prepared in consultation with the Environment Agency, the relevant lead local flood authority and other relevant drainage authorities.*

*(2) No part of the authorised development is to commence until for that part the culvert designs referred to in sub-paragraph (1) have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the relevant lead local flood authority and any other relevant drainage authority, the relevant planning authority and the relevant local highway authority on matters related to their respective functions.*

(3) *The watercourse culverts are to be constructed in accordance with the culvert designs referred to in sub-paragraph (1), unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the Environment Agency, the local lead flood authority and any other relevant drainage authority, the relevant planning authority and the relevant local highway authority on matters related to their respective functions, provided that the Secretary of State is satisfied that any amendments to the approved culvert designs would remain compliant with the requirements of the Water Framework Directive or remain compliant with any derogation condition and would not give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement.*

## **Outstanding Agreements**

### *Essex Wildlife Trust*

5. The Secretary of State notes that at the close of the Examination, a proposed agreement between the Applicant and Essex Wildlife Trust [[REP9-111](#)], in respect of proposed mitigation, which included an offsite reintroduction project for barn owls and water voles, was not in place.

The Secretary of State therefore requests that **the Applicant and Essex Wildlife Trust** provide an update on their discussions and if an agreement has been reached.

### *Hill Residential Ltd.*

6. The Secretary of State notes that at the close of the Examination, the Applicant agreed to investigate the use of agreements within housing development land being brought forward by Hill Residential Ltd., with regard to the frontage land required for walking, cycling and horse-riding alignments, which may obviate the need for permanent acquisition.

The Secretary of State requests that **the Applicant and Hill Residential Ltd.** provide an update on these discussions and if an agreement has been reached.

### *Mayor's Office for Policing and Crime (MOPAC) and RSPB*

7. The Secretary of State notes that at the close of the Examination, an agreement was being progressed between the Applicant, MOPAC and the RSPB, with regard to the continuing future safe use of the firearms training facility at Gravesend.

The Secretary of State therefore requests that **Applicant, MOPAC and the RSPB** provide an update on whether a tripartite agreement has been concluded.

### *Whitecroft Care Home*

8. The Secretary of State notes that at the close of the Examination, the owners and operators of the Whitecroft Care Home and the Applicant were progressing with an agreement to purchase.

The Secretary of State asks the **Applicant and** the owners and operators of **Whitecroft Care Home** provide an update on their discussions and whether an agreement has been reached.

## *The Mee Family*

9. The Secretary of State notes that at the close of the Examination, a proposed side agreement between the Applicant and the Mee Family, with regard to maintaining the highly specialised irrigated agricultural land operated by the Mee Family, was not in place.

The Secretary of State requests that the **Applicant** and the **Mee Family** provide confirmation that an agreement has been reached.

## *Network Rail*

10. The Secretary of State notes that at the close of the Examination, a proposed agreement on the acquisition of interests owned by Network Rail was still outstanding between the Applicant and Network Rail.

The Secretary of State therefore asks the **Applicant** and **Network Rail** to confirm whether an agreement on the acquisition of interests have been reached.

## **Protective Provisions**

11. The Secretary of State notes at the close of the Examination, Protective Provisions were still to be agreed between the **Applicant** and **Environment Agency, Southern Water, HS1 Limited, Network Rail, Port of Tilbury London Ltd** and **The Port of London Authority**.

The Secretary of State asks the **Applicant, Environment Agency, Southern Water, HS1 Limited, Network Rail, Port of Tilbury London Ltd** and **The Port of London Authority** to confirm whether agreements on these protective provisions have been reached.

## **Deadline for Response**

The deadline for response is 11 April 2024.

Submissions sent by post may be subject to delay therefore your response on the information requested above should be submitted to the Case Team, if possible, by email to [LowerThamesCrossing@planninginspectorate.gov.uk](mailto:LowerThamesCrossing@planninginspectorate.gov.uk)

If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

Responses will be published as soon as possible after the deadline on the Lower Thames Crossing project page of the National Infrastructure Planning website at: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR010032>

This letter is without prejudice to the Secretary of State's decision on the Lower Thames Crossing Application, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Transport Infrastructure Planning Unit