



Department for Transport

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To: The Applicant and the Estates
Team within the Department for
Transport

21 May 2024

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

Consultation seeking comments from the Applicant and the Estates Team within the Department for Transport

Rest and Service Area Provision

The Secretary of State notes that the Cobham Rest and Service Area (RASA) will be removed as part of the scheme, and the matters raised on this issue in the Statements of Common Ground between the Applicant and [Thurrock Council](#) and [Kent County Council](#) respectively.

The Secretary of State requests the **Applicant** provides further information on the impacts of the removal of the RASA from the proposed DCO; what mitigation, if any, is proposed to address these impacts; and compliance with the DfT Circular 01/2022.

Crown Land Consents – HS1 Ltd.

The Secretary of State notes the [response](#) from the Applicant to the Secretary of State’s second consultation [letter](#), dated 19 April 2024, regarding Crown land consents relating to the land owned by the Secretary of State for Transport and is the operational land for HS1.

The Applicant has set out that progress had been made on resolving the outstanding issues and hopes these can be resolved before the statutory deadline for a decision on the DCO application, although this cannot be guaranteed. The Applicant has set out an alternative option if an agreement is not reached. However, the Secretary of State does not agree that this complies with section 135 of the Planning Act 2008. The Secretary of State considers that he requires evidence that consent has been granted in relation to the acquisition of Crown Land before such land can be included in a DCO.

The Secretary of State therefore requests **the Applicant** and **the Estates team within the Department for Transport** further consider this issue and outline their proposals if agreement cannot be reached by the statutory deadline of 20 June.

Crown Land Consents – The Crown Estate and Duchy of Lancaster

The Secretary of State notes the [response](#) from the Applicant to the Secretary of State's first consultation [letter](#), dated 28 March 2024, regarding Crown land consents relating to the land owned by the Crown Estate and Duchy of Lancaster. The Applicant set out its position, but no response was received from the Crown Estate and Duchy of Lancaster.

The Secretary of State further consulted on this issue in its second consultation [letter](#), dated 19 April 2024, however, no response was received from the Crown Estate and Duchy of Lancaster.

The Secretary of State, therefore, requests that the **Applicant** provides evidence of a final confirmation of the positions between the Applicant and the Crown Estate and Duchy of Lancaster respectively.

Article 8 (Consent to transfer benefit of Order)

The Secretary of State notes the inclusion of article 8 within the [Draft Development Consent Order](#), which sets out the bodies who would be transferred or granted, any or all of the provisions in respect of works relating to their undertaking as part of the Proposed Development.

The Secretary of State notes the application given by the Applicant in its [Explanatory Memorandum](#), but requests the **Applicant** to amend the Draft Development Consent to identify and set out the Work Nos. that are being undertaken by each of the bodies outlined in article 8.

Deadline for Response

The deadline for response is **29 May 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

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