



# Department for Transport

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To: The Applicant, Natural  
England, The Crown Estate, and all  
other Interested Parties

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09 July 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**

#### **Request for comments from the Applicant, Natural England, The Crown Estate, and all other Interested Parties**

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

1. Responses were provided by [the Applicant](#) and [Natural England](#) in relation to paragraph 3 of the Secretary of State’s consultation [letter](#) of the 10 May 2024.
2. Noting the comments from Natural England regarding the provision of mitigation and enhancement measures respectively, **the Applicant** is invited to respond to these comments.
3. Noting the amendments proposed by the Applicant to paragraph 3 (detailed design) of Schedule 2 to the draft Development Consent Order, found at A.7.2 of their [letter](#) of 23 May, **Natural England** is invited to provide any comments on this.
4. Without prejudice to the final decision and subject to the above, both parties are invited to set out what, if any, further enhancement measures they agree could be brought forward, should it be decided further measures are necessary to assure compliance with the amended duty.

#### **Thames Estuary Marshes Special Protection Area (SPA) and Thames Estuary Marshes Ramsar**

5. The Applicant’s [Statement to Inform the Appropriate Assessment](#) sets out that the dust control measures would be required irrespective of whether any potential effect pathways on European sites were present.

6. [The Report on the Implications for European Sites](#) sets out in the Table of Annex A1 that there was agreement with Natural England via the Statement of Common Ground (dated October 2022), in that there would be no likely significant effects alone and in combination from changes in air quality dust emissions from construction for the Thames Estuary Marshes SPA and Thames Estuary Marshes Ramsar.
7. **Natural England** is invited to confirm that it agrees with the conclusion that likely significant effects alone and in combination from changes in air quality impacts from construction dust emissions can be ruled out, noting the use of the dust control measures set out in the Code of Construction Practice, for the qualifying features of the Thames Estuary Marshes SPA and for the Ramsar Criteria 2, 5, 6, for the Thames Estuary Ramsar site

### **Rest and Service Area Provision**

8. The response by the Applicant to paragraph 2 of the Secretary of State's consultation [letter](#) of the 21 May 2024, regarding 'Rest and Service Area Provision' can be found [here](#).
9. **All Interested Parties** are invited to provide any comments that they might wish to make on this response.

### **Article 62 – Certification of Documents**

10. Article 62 of the [draft Development Consent Order](#) proposed by the Applicant allows for errors in certified plans to be corrected, where two justices in a magistrates court are satisfied that the error arose from a mistake or inadvertence. The Applicant's justification for the inclusion of this is provided in the [Explanatory Memorandum](#).
11. **The Applicant** is invited to provide further clarification for the inclusion of this Article, given that this provision is usually contained in primary legislation authorising rail projects.

### **Crown Land Consents**

12. With regards to land in the interest of the Crown Estate, the evidence provided at Annex C by the Applicant in their [letter](#) of 29 May 2024 is noted. The **Crown Estate** and **the Applicant** are requested to provide confirmation that they agree with the information set out by the Applicant and that there is no Crown Interest in the land and thus consent under section 135 is not required. Any other interested party is also invited to comment on this issue should they consider that they have relevant information on this matter.

### **Deadline for Response**

The deadline for response is **23 July 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 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