



# Department for Transport

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To: All Interested Parties

26 July 2024

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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 All Interested Parties**

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

1. Responses were provided by the [Applicant](#), [Natural England](#) and the [Kent Downs National Landscape Team](#) in response to the Secretary of State’s consultation [letter](#) of the 09 July 2024.
2. The proposal to provide funding to deliver enhancement measures to the Kent Downs National Landscape (formerly AONB) is noted, but the appropriate amount of funding or non-financial measures remains a point of disagreement. Without prejudice to any final decision on this matter, it is proposed that the following provision is included within the Schedule 2, Part 1, requirement 3 (detailed design) of the Development Consent Order:

*(3) Prior to the commencement of the operation of the authorised development, the undertaker and Natural England must agree to a written proposal regarding measures, which may include a financial payment or other non-financial measures, for the benefit of the Kent Downs National Landscape having regard to the duty of section 85 of the Countryside and Rights of Way Act 2000. Projects to be supported financially or by non-financial measures will be in accordance with the principles of the Kent Downs AONB Management Plan or any superseding document, and will be agreed with the Kent Downs National Landscape team*

*(4) Any dispute under sub-paragraph (3) above as to the measure or measures to be agreed, including the quantum of any financial payment if included, shall be referred to an independent expert agreed by all parties in accordance with article 64 (arbitration).*

3. **All interested parties** are invited to provide any comments they may have on the responses provided, as well as the proposed provision.

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

4. Natural England provided a response in relation to paragraph 7 of the Secretary of State's consultation [letter](#) of the 09 July 2024.
5. **All interested parties** are invited to provide any comments they may have on this response.

### **Deadline for Response**

The deadline for response is **7 August 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