

Lower Thames Crossing

8.2 Principal Areas of Disagreement Position Paper

Infrastructure Planning (Examination
Procedure) Rules 2010

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8.2 Principal Areas of Disagreement Position Paper

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1 Purpose

1.1 Procedural Decision

1.1.1 On the 19 December 2022 the Examining Authority for the A122 Lower Thames Crossing (the Project) made an early Procedural Decision to assist National Highways (the Applicant) and potential Interested Parties to prepare for the Examination of the Application.

1.1.1 This position paper is written in response to Procedural Decision 2: Principal Areas of Disagreement in Summary (PADS) and Statements of Common Ground (SoCGs), which is reproduced below:

‘The ExA has decided that a tracker recording Principal Areas of Disagreement in Summary (a PADS Tracker) between the Applicant and the parties participating in the Statement of Common Ground (SoCG) process should be used. The PADS Tracker will provide a record of those principal issues of disagreement emerging from SoCGs. It should be updated alongside the SoCGs as appropriate throughout the Examination, with the expectation that a revised PADS Tracker should be submitted at every Examination deadline in due course by the Applicant but in agreement with participating parties.

The ExA considers that preparations for the Examination will benefit from the early identification of the principal areas of disagreement. This need only be a summary position at the Pre-examination stage, and the ExA would anticipate that matters raised at this stage will be expanded upon within each local authority’s Local Impact Report and in all relevant parties’ Written Representations or oral submissions during Examination. With this in mind, the ExA has decided to request each party currently engaged in the SoCG process to prepare and submit a Principal Areas of Disagreement Summary Statement with the Applicant and for that position to be recorded in a PADS Tracker.

The PADS Tracker should be in a table format (equivalent to a Scott Schedule) and should address the following matters:

- a. the principal issue in question between the applicant and the particular party;*
- b. the brief concern held by the party (which should be included in a Relevant Representation and reported on in full in a Local Impact Report/ Written Representations or oral submissions);*
- c. what in the view of the party needs to change/ be amended/ included, so as to overcome the disagreement; and*
- d. in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.*

To assist with this process, the Planning Inspectorate has prepared an editable outline PADS Tracker, a copy of which is available on request. Practical examples of outputs from of an equivalent process in action can be found in the Examination Library for the A66 Northern Trans-Pennine Project.

The first iteration of PADS Tracker submissions taking account of matters raised in Relevant Representations is requested to be submitted to the Planning Inspectorate no later than two weeks after the closure of the Relevant Representations period. This deadline has been set to ensure that these submissions can be considered by the ExA when making its initial assessment of principal issues.

The ExA has considered the existing SoCGs submitted with the application and is content with the range of issues and parties covered at this stage. However, it is likely that revisions to existing agreements and further SoCGs with additional parties may prove to be necessary to address matters raised during the Relevant Representations period and then as a consequence of matters raised in Written Representations and oral submissions in Examination. The ExA will review the coverage and content of SoCGs after the closure of the Relevant Representations period and continuously thereafter. Further advice may be provided, or decisions made about the inclusion of issues and/ or parties in the SoCG process. If additional issues and/ or parties are included in the SoCG process, then the ExA will request that these are also drawn into the PADS Tracker.'

- 1.1.2 The purpose of this document is to assist the Examining Authority in understanding which parties engaged in conversation on the development of a PADS Tracker with the Applicant; the position each party has chosen to adopt with regards to production of a PADS Tracker; and if consensus has been reached between the Party and the Applicant in respect of the Party's opinions as reported within the PADS Tracker.

1.2 Terminology

- 1.2.1 Principal Areas of Disagreement Summary Statements (PADSS) are brief records of principal issues of disagreement emerging from the SoCGs.
- 1.2.2 A PADS Tracker is a table that captures all of a parties PADSS in a single table and will be used to track closure of the PADSS through the examination process. They will be updated alongside the SoCGs as appropriate throughout the Examination, with the expectation that a revised PADS Tracker should be submitted at every Examination Deadline (ED).

2 PADS Tracker Position Summary

2.1 Status of individual PADS Trackers

- 2.1.1 In response to the Procedural Decision outlined in Section 1 of this document, all parties currently engaged in the SoCG process were invited by the Applicant to work in collaboration on the production of their PADSS which would in turn be collectively presented in a PADS Tracker.
- 2.1.2 While several parties engaged in open dialogue on this, some parties did not confirm their position and so the Applicant does not know whether those parties will be producing a PADS Tracker to present their PADSSs.
- 2.1.3 The Applicant is aware that the parties engaging with the PADSS process have also been completing their Relevant Representation and several have indicated that they would not be able to work with the Applicant on development of their PADSS and PADS Tracker until they had completed their Relevant Representation.
- 2.1.4 PADS Trackers are due to be submitted by two weeks after the close of the Relevant Representation period and therefore only a short window of opportunity for collaboration existed.
- 2.1.5 Table 2.1 below captures the Applicant's understanding of each party's PADS Tracker position, indicating whether it had the opportunity to contribute to its production and whether the Applicant agrees with its content.

Table 2.1 Examination Deadline 1: PADS Tracker Submissions

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Anglian Water	<p>The party confirmed to the Applicant that they did not intend to submit a PADS Tracker.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.</p>	The Applicant notes that no PADS tracker is intended.
Barking Power Limited	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Basildon Council	The party did not confirm to the Applicant if they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Brentwood Borough Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Cadent Gas	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and as such is unable to comment on the content at this time.
Cellnex	The party did not confirm to the Applicant if they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Cobham Parish Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Dartford Borough Council	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
Dover District Council	<p>The Party confirmed that they do not intend to submit a PADS Tracker.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion regarding an SoCG submission.</p>	The Applicant is unable to comment further at this time.
DP World London Gateway	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant was provided with a copy of the PADS Tracker shortly before the submission deadline to the Planning Inspectorate and the Applicant is now considering the submission.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Emergency Services and Safety Partnership Steering Group	<p>The party has indicated they are unlikely to produce and submit a PADS Tracker.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion regarding an SoCG submission.</p>	The Applicant is unable to comment further at this time.
Environment Agency	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Essex and Suffolk Water	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant was provided with a copy of the PADS Tracker, after Essex and Suffolk Water had submitted it to the Planning Inspectorate and the Applicant is now considering the submission.
Essex County Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
EU Networks	<p>The party did not confirm to the Applicant that they intended to submit a PADS Tracker.</p> <p>A draft SoCG between the parties was not included in the Application and is not currently in development.</p>	The Applicant is unable to comment further at this time.
EXA Infrastructure	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Forestry Commission	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Forestry England	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
Gravesham Borough Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Health and Safety Executive	The party confirmed to the Applicant that they do not have any principal areas of disagreement and are content that the SoCG adequately captures their matters and as such, do not intend to submit a PADS Tracker.	The Applicant notes that no PADS tracker is intended.
Higham Parish Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant was provided with a draft version of the PADS Tracker, shortly prior to the submission of it to the Planning Inspectorate and the Applicant is now considering the submission.
Historic England	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
HS1 Limited	The party confirmed with the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
ITS Technology Group (Formally known as NextGen Access)	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Kent County Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Kent Downs AONB Unit	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
London Borough of Havering	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Lumen Technologies	The party has indicated they intend to produce and submit a PADS Tracker but will do so unilaterally. Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Maidstone Borough Council	The party has indicated they intend to produce and submit a PADS Tracker but will do so unilaterally. Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Marine Management Organisation	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
Medway Borough Council	The party confirmed that they do not have any principal areas of disagreement and are content that the SoCG adequately captures their matters	The Applicant notes that no PADS tracker is intended.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
	and as such, do not intend to submit a PADS Tracker as well.	
National Grid Electricity Transmission	<p>The party has indicated they intend to produce and submit a PADS Tracker but will do so unilaterally.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.</p>	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
National Grid Gas	<p>The party has indicated they intend to produce and submit a PADS Tracker but will do so unilaterally.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.</p>	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time.
Natural England	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Network Rail Infrastructure Limited	Discussions with the party are ongoing and it is anticipated that the draft Statement of Common Ground will be sufficient, and no PAD tracker required for Network Rail. However, this is yet to be confirmed by Network Rail.	The Applicant notes that no PADS tracker is anticipated.
Openreach Limited	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Port of London Authority	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant was provided with a copy of the PADS Tracker, after the Port of London Authority had submitted it to the Planning Inspectorate and the Applicant is now considering the submission.
Port of Tilbury London Limited	The party confirmed that a PADS Tracker has been submitted alongside their relevant representation.	The Applicant was provided with a copy of the PADS Tracker, after the Port of Tilbury London Limited had submitted it to the

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
		Planning Inspectorate. The Applicant is now considering the submission and will work with the Port of Tilbury London Limited in relation to the identified principle areas of disagreement where possible and appropriate.
Royal Mail	The party confirmed that they do not have any principal areas of disagreement as all matters within the SoCG are now agreed therefore a PADS Tracker is not required.	The Applicant notes that no PADS tracker is intended.
Shorne Parish Council	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant was provided with a copy of the PADS Tracker, shortly prior to the submission of it to the Planning Inspectorate, and the Applicant is now considering the submission.
10Southern Gas Networks plc	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Southern Water Services	<p>The party informed the Applicant that they were content that the draft SoCG adequately covers the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.</p>	The Applicant notes that no PADS tracker is intended.
Thames Chase Trust	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended
Thames Water	The party confirmed that they do not have any principal areas of disagreement as all matters	The Applicant notes that no PADS tracker is intended.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
	<p>within the SoCG are now agreed, therefore a PADS Tracker is not required.</p> <p>Whilst a draft SoCG was not included at Application, the parties are in discussion and working towards an SoCG submission.</p>	
Thurrock Council	The party has indicated that they would like to produce and submit a PADS Tracker, however at the time of submission of this document the Applicant is unclear if the party intends to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Thurrock Power Limited	The party confirmed that they do not have any principal areas of disagreement and are content that the SoCG adequately captures their matters and as such, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
Tonbridge & Malling Borough Council	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Transport for London	The party confirmed to the Applicant that they intended to submit a PADS Tracker.	The Applicant has not been given the opportunity to review the PADS Tracker and is therefore unable to comment on the content at this time
UK Power Networks	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended..
Verizon UK Limited	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.
Virgin Media Limited	The party did not confirm to the Applicant that they intended to submit a PADS Tracker.	The Applicant is unable to comment further at this time.

Party	Party position on PADS Tracker production	The Applicant's position on the content of the PADS Tracker
Vodafone Limited	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.
Zayo Group UK Limited	The party informed the Applicant that they were content that the SoCG adequately covered the principal areas of disagreement between the parties and, given the limited number of issues, do not intend to submit a PADS Tracker as well.	The Applicant notes that no PADS tracker is intended.

Note: This table reflects the position as of 12pm on Wednesday 08 March.

Glossary

Term	Abbreviation	Explanation
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.
Examination Deadline	ED	Deadline set by the Examining Authority for submission of specified documents. There will be a number of Examination Deadlines throughout the Examination period, and these deadlines (ED1, ED2, ED 3 etc) will be set out in the Examination timetable.
Principal Area of Disagreement Summary Statement	PADSS	As summary statement of the principal issues of disagreement emerging from SoCGs.
Principal Area of Disagreement Summary Tracker	PADS Tracker	A tracker recording the principal areas of disagreement summary statements.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
The Applicant		National Highways
The Party		The body/organisation submitting a PADS Tracker
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.

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