



Department for Transport

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12 September 2025

Dr Tim Wright
Lower Thames Crossing
National Highways
Woodlands
Manton Lane
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MK41 7LW

Dear Dr Wright

Planning Act 2008

Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent; Orders) Regulations 2011 (as amended)

Proposed non-material change to the A122 (Lower Thames Crossing) Development Consent Order 2025 - written consent from the Secretary of State for not consulting a person or authority

1. Thank you for your letter of 5 September 2025 and attached documents, providing details of the proposed application to amend the A122 (Lower Thames Crossing) Development Consent Order 2025 ("the 2025 Order") and your intended approach to consultation. The Secretary of State notes that the amendments that will be sought through the proposed application include:

- Modification to the wording of a mitigation commitment in paragraph 26(4) of Part 3 of Schedule 2 to the 2025 Order in relation to a 60mph speed limit imposed to ensure there is no Adverse Effect on Integrity on the Epping Forest Special Area of Conservation as a consequence of traffic emissions; and to implement air quality monitoring in this location. The proposed modification would change the timing of the air quality monitoring requirement so that it would commence no later than six months after the commencement

of construction rather than one year before, and will clarify the process for implementing and removing the requirement for mitigation; and

- Modification of article 65 of the 2025 Order in relation to the timing associated with reaching a financial agreement and a payment schedule with the Kent Downs National Landscape (“KDNL”) Unit for the benefit and enhancement of the KDNL, which requires this agreement to be made before commencement of the authorised development or the tunnel being open for use, whichever is the earlier. The proposed modification will limit the restriction on commencement to development located south of the River Thames, allowing the Applicant to commence works on other parts of the Development while discussions with the KDNL Unit continue. The Applicant also seeks to amend paragraph 31 of Part 3 of Schedule 2 to allow it and the KDNL Unit to agree timescales for the provision of the payment.
2. Your letter requested the Secretary of State’s consent for a limited consultation exercise and paragraph 1.4 and Appendices 3 and 4 of that letter also set out the list of parties you propose to consult on the specific non-material changes and the reasons why these parties should be consulted exclusively. You also set out why other persons identified in regulation 7(2) of the Infrastructure Planning (Changes to, and Revocation of Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) need not be consulted.
 3. The Secretary of State has considered your request under regulation 7(3) of the 2011 Regulations and, with the following exception, is content that the proposed consultees accurately represent those which should be consulted. The Secretary of State considers that in addition to those parties listed at paragraph 1.4 and highlighted in Appendices 3 and 4, that any relevant parish councils within the areas of the relevant local authorities identified in the table in Appendix 3 to your request, should also be consulted on the proposed amendments to the 2025 Order. The Secretary of State disagrees with the reasoning given at Appendix 4 that the relevant local authorities are sufficient to represent local interests.
 4. With the inclusion of any relevant parish councils, the Secretary of State agrees that you have demonstrated that no other consultees would be directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.
 5. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the 2011 Regulations.
 6. In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 20 of the 2011 Regulations.
 7. Finally, the Secretary of State’s written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2025 Order which fall to her for consideration and determination, or whether the proposed changes will be regarded as material or not.

Yours sincerely,

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