



Meeting note

Project	Lower Thames Crossing
File reference	TR010032
Status	Final
Author	The Planning Inspectorate
Date	21 July 2021
Meeting with	Highways England (the Applicant)
Venue	Microsoft Teams
Meeting objectives	Project update meeting
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Development Consent Order (DCO)

The Applicant provided an overview of some of the changes to its draft DCO since the first iteration of its application. The Applicant outlined the tranche of changes that had been implemented following comments from Thurrock Council (TC). The headline changes included: the reduction of the Compulsory Acquisition (CA) period from 10 to 8 years; the extension of the notice period under the Temporary Possession article from 14 to 28 days; and a new article covering appeals to the Secretary of State.

The Inspectorate queried what the impacts of reducing the CA period might be. The Applicant explained that a reduction in the timeframe would push the emphasis towards front-loading of relevant matters.

The Applicant outlined other changes to its draft DCO following discussion with key stakeholders: a new schedule for works to Scheduled Monuments (Historic England); a new provision for the extinguishment of rights for removed or decommissioned apparatus (Statutory Undertakers); and an exemption for consent for specified day to day activities of the Port of London (Port of London Authority).

The Applicant identified some of the common issues associated with 'Requirements', 'commencement' and 'limits of deviation' it experienced or anticipated whilst drafting the DCO. The Inspectorate noted that the dischargement of requirements was

typically an area that was explored in detail during examinations and encouraged ongoing engagement with relevant stakeholders on the details.

The Inspectorate welcomed the discussion around some of the detail in the draft DCO and the explanation about how and why some of the changes were being made. The Inspectorate noted the value in reviewing recent Secretary of State's comments on DCOs in the various Decision Statements of Reasons, previously made DCOs, the Inspectorate's Advice note Fifteen^[1] alongside Examining Authority written questions and DCO hearing agendas from other NSIP examinations.

The opportunity for the Applicant to share a draft version of the Draft DCO with the Inspectorate was discussed and agreed for later in the engagement programme.

Approach to Ports NPS

The Applicant stated that following the Inspectorate's feedback on the first iteration of the application, which queried whether the National Policy Statement for Ports (NPSP) had been appropriately regarded, it had undertaken a further review of the NPSP. The Applicant outlined the NPSP context in respect of the scheme's location and illustrated how the current and proposed port uses overlapped with the scheme's footprint.

The Applicant explained that it had reviewed how other NSIP applications that, whilst not containing port-related development under PA 2008 s24, were in close proximity to operating ports (for example Great Yarmouth Third River Crossing and Silvertown Tunnel), had regarded the NPSP within their respective applications. The Applicant stated that following its review, of those provisions within the NPSP that it considered relevant, they were not materially different to those in the National Policy Statement for National Networks (NPSNN).

The Applicant concluded that, although the scheme does not contain port-related development under the provisions of the Planning Act, due to its proximity to major ports, its utilisation of ports for construction, and its capacity to support ports, their expansion plans and associated trade, the NPSP is an important and relevant consideration. As such, the resubmitted application will include appropriate weight to the NPSP within the Planning Statement and Need for the Project documents.

The Inspectorate noted the work conducted on NPSP relevance and advised the Applicant to review paragraph 3.5 of the Thanet Extension Offshore Wind Farm Decision^[2] and similarly Regulation 3A^[3] of The Infrastructure Planning (Decisions) Regulations 2010 (amended by The Marine and Coastal Access Act 2009 (Commencement No.5, Consequential and Transitional Provisions) Order 2011), if the Applicant still intended to submit an application for a Deemed Marine Licence (DML). The decision maker will have to consider the need to prevent interference with legitimate uses of the sea if a DML is applied for. The Applicant noted its Preliminary Navigational Risk Assessment document will set out how it had kept impacts on navigation 'as low as reasonably practicable'.

Consultation/ COVID-19

[1] https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf

[2] <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010084/EN010084-003110-TEOW%20-%20Secretary%20of%20State%20Decision%20Letter.pdf>

[3] <https://www.legislation.gov.uk/uk/si/2011/556/schedule/paragraph/12/made>

The Applicant set out that following the recent relaxation of restrictions, there had been a sharp rise in COVID-19 cases and as such, were alive to the potential impacts on events scheduled as part of its latest consultation exercise. Following engagement with the local authorities and Members of Parliament (MPs), the Applicant would consider and/or implement some adjustments if required to mitigate any potential for events being cancelled due to increased restrictions or inadequate staff in attendance at events due to self-isolation.