

Lower Thames Crossing

6.7 Outline Landscape and Ecology Management Plan Appendix 1 - LEMP Terms of Reference (Clean version)

APFP Regulation 5(2)q

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 6

DATE: November 2023
DEADLINE: 7

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/6.7

VERSION: 2.0

Revision history

| Version | Date | Submitted at |
|----------------|------------------|---------------------|
| 1.0 | 31 October 2022 | DCO Application |
| 2.0 | 17 November 2023 | Deadline 7 |

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1 Terms of Reference

1.1 Background

- 1.1.1 The Project has prepared an outline Landscape and Ecological Management Plan (oLEMP) in consultation with Statutory Environmental Bodies, Local Authorities, community and affected landowners and businesses. The outline LEMP confirms that an advisory group will be set up to help inform decision making throughout the duration of a LEMP approved by the Secretary of State (SoS) under Requirement 5 of the draft Development Consent Order (DCO). This document sets out the terms of reference within which the advisory group would operate.
- 1.1.2 The Lower Thames Crossing Advisory Group (the Advisory Group) would be established to help inform decision making throughout the duration of the LEMP (or such shorter time as the group may agree).

1.2 Purpose

- 1.2.1 The remit of this advisory group will be to:
- a. Oversee the establishment of the habitats (during the establishment monitoring period in line with Table 4.1 of the oLEMP) or such period as the National Highways and the advisory group agree.
 - a. Provide advice and input in relation to habitat typology, mentioned in Section 8 of the oLEMP, which would conclude upon the end of the relevant establishment monitoring period or such period as National Highways and the advisory group agree.
 - b. Advise National Highways on the setting up of a post establishment monitoring and management plan to secure the ecological integrity of the sites in perpetuity (as per National Highways' in perpetuity management of the soft estate). In perpetuity, in this context, means a minimum period of 125 years (note: this definition is being included at the request of, and has been provided by, Natural England).
 - c. Assure LEMP related targets and commitments to stakeholders. and to ensure all perspectives are considered across National Highways, Local Planning Authorities, Contractors, Landowners, Natural England and relevant groups, to seek to achieve a beneficial outcome.
 - d. Provide a forum for collaboration between Group members to enable a fair, sustainable, productive and sensitive outcome.
 - e. Help inform decision making on habitat management.
 - f. Endorse any updates proposed to the LEMP as part of the ongoing/regular review of the documentation to ensure continued applicability of the plan,

and if required provide views of the Advisory Group to the SoS where re-submission of the LEMP for approval of substantive change(s) to the plan has been advised.

- g. Within the framework of the LEMP, discuss, and agree, any changes to the habitat management commitments set out in that LEMP.
- h. Discuss, and endorse, any changes to the monitoring frequency, duration and/or methods outlined in the final approved management plans (as a result of monitoring findings and/or changes in best practice).
- i. Ensure successful achievement of objectives/measures of success have been achieved (based on the results of the monitoring carried out and provided).
- j. Review progress of habitat creation/enhancement on an annual basis, ensuring that the management plans are being delivered and progress is being made towards the objectives for each land parcel.
- k. Review monitoring data provided by National Highways monitoring annually to assure quality and inform decisions going forward.
- l. Review and advise on achievement of success in light of annual reports at the end of the establishment monitoring period.

1.3 Membership

1.3.1 Membership of the Advisory Group will be by invitation and comprise of senior executive representatives from:

- a. Contractors
- b. Owners of land that is subject to restriction via the LEMP
- c. Local Planning Authorities
- d. National Highways
- e. Natural England
- f. Other relevant groups

1.3.2 Minimum attendance is to include National Highways, Natural England and the Local Planning Authority(s) relevant to the discussion at a particular meeting.

1.3.3 The Advisory Group or its successors will remain in existence until the LEMP requirements have been executed or suitable arrangements are agreed to ensure satisfactory execution of requirements is achieved.

1.3.4 The Advisory Group will be chaired by a representative from National Highways during the construction aftercare period.

1.4 Roles and responsibilities

- 1.4.1 A Chair will be appointed by National Highways, who will provide the Secretariat support to the Group and will coordinate the services required for the Group to carry out its duties.
- 1.4.2 The Chair is responsible for:
- a. Approving the membership of the Advisory Group
 - b. Convening and managing meetings of the Advisory Group
 - c. Seeking advice from members on any conflicts of interest, including pecuniary ones and managing any conflict of interest
 - d. Setting agenda (with support from all members)
 - e. Ensuring all agenda items are discussed
 - f. Leading the group and facilitating discussion and ensuring meetings start and finish on time
 - g. Inviting other persons to facilitate relevant discussions
 - h. Coordinating consensus on any recommendations for amendment to the LEMP
 - i. Providing final recommendations of the Advisory Group to National Highways prior to application under Requirement 5 or under paragraph 17 of Schedule 2 of the DCO
 - j. Assessing and approving delegates to the Group where a member cannot attend
 - k. Providing a resource to deliver Secretariat Services for the Group
- 1.4.3 The Secretariat is responsible for:
- a. Ensuring the agenda is circulated prior to Advisory Group meetings
 - b. Ensuring monitoring data is sent to all parties ahead of meetings
 - c. Setting up virtual meetings or meeting rooms, as appropriate
 - d. Recording actions and minutes from the Advisory Group meetings, ensuring suitable action owners are identified and timeframes are agreed
 - e. Documenting and distributing meeting minutes and action points within two weeks of the meeting
 - f. Circulating minutes

- g. Circulating ad-hoc documents as required to facilitate the Advisory Group agenda.

1.4.4 Advisory Group members are responsible for:

- a. Representing their relevant organisation or group at the meetings
- b. Ensuring the relevant control documents are adhered to
- c. Providing expert advice and opinions to deliver the best outcomes for the Project
- d. Attending Advisory Group meetings, or providing a nominated delegate (subject to the Chair's approval) at each meeting in their absence
- e. Providing advice, direction and endorsement where required
- f. Leading or attending Subgroup meetings
- g. Consulting within their organisation or community to communicate Advisory Group actions, outcomes and next steps including sharing endorsed minutes within a week of publication.

1.5 Meetings/Working Arrangements

Meeting timing and frequency

- 1.5.1 The Advisory Group will meet regularly and twice a year as required; however the number and duration of meetings may vary depending on the need. In addition to ordinary meetings, sub-meetings may be called as initiated by the Advisory Group Chair.
- 1.5.2 It is anticipated that meetings will take up to a day with travel, unless they are held virtually, in which case half a day is expected.
- 1.5.3 The initial, and any extraordinary meetings required, may occur at different times and for different durations.
- 1.5.4 In parallel to this programme of meetings, National Highways will continue to engage with the individual member organisations in a bilateral capacity as required.

Meeting agenda

- 1.5.5 A notice of each meeting confirming the agenda and relevant attachments will be forwarded to each member prior to the meeting date.
- 1.5.6 Meetings will cover progress with and close out of previous meeting's actions.
- 1.5.7 An invitation to suggest items for the agenda will be sent out 2 weeks ahead of each meeting. The agenda will then be circulated prior to the meeting.

- 1.5.8 Regular agenda items will include
- a. discussion on progress
 - b. risks and issues
 - c. feedback from any Subgroup meetings held
- 1.5.9 Members can request that a relevant item be placed on the agenda. Member items need to be submitted to the Secretariat at least ten business days before a meeting or tabled at the meeting under 'other business' for the following meeting's agenda.
- 1.5.10 Meetings are permitted to be held in person or virtually, as agreed by members.

Subgroup meetings

- 1.5.11 Subgroup meetings may be required to provide advice and information to Advisory Group members, in order for the Advisory Group members to provide appropriately informed representation to the Advisory Group.
- 1.5.12 Subgroup meetings will be decided on and approved by the Advisory Group.
- 1.5.13 Subgroups will undertake specific projects to resolve specific risks or issues identified by the Advisory Group. The Subgroups will:
- a. be chaired by an assigned member of the Advisory Group
 - b. circulate, in the form of minutes to the Advisory Group, the purpose, outcomes, members and meeting locations of the subgroup.

Review and reporting

- 1.5.14 Advisory Group reporting will be captured through meeting minutes, published and circulated to the group.
- 1.5.15 Any actions arising from the Advisory Group meeting will be documented in these minutes and reviewed again at the next Advisory Group meeting.
- 1.5.16 Final Recommendations will be circulated to the group.
- 1.5.17 Any changes to the Terms of Reference or Advisory Group membership must be endorsed by the majority of the Advisory Group members, led by the Chair.

Outcomes

- 1.5.18 Any recommendations must be endorsed by the Advisory Group (see Dispute Resolution for further information).
- 1.5.19 Where further approval of the LEMP is required, the Advisory Group will present a recommendation (which can be made up of multiple items) to National Highways for provision to the SoS to support the approval process.

1.6 Dispute resolution

- 1.6.1 Every attempt will be made to resolve disputes within the Advisory Group's membership. Wherever possible decisions shall be made by consensus within

the Advisory Group meetings. However, should conflicts arise these will be resolved by escalating within the primary organisations.

- 1.6.2 If a proposed change is submitted to the SoS for approval in circumstances where there has not been consensus among the Advisory Group, a clear narrative of any disagreements will be detailed within the application.

1.7 Media and public comment

- 1.7.1 Advisory Group members are not restricted from discussing issues with or providing their own opinions to the media. When doing so members should not:
- a. Attribute comments, questions or answers to questions to an individual. As a courtesy the Chair requests they be informed of engagement with the media in relation to Advisory Group business.
 - b. Use logos or the intellectual property of the Project or any other stakeholder in any media, without consent.
 - c. Speak on behalf of or purport to speak on behalf of the Advisory Group or the Project, noting representatives are permitted to disclose their membership of the Advisory Group. Members are welcome to distribute copies of the endorsed final minutes that have been endorsed by all members to community organisations, groups or individuals.

1.8 Governance/ Performance monitoring

- 1.8.1 The Terms of Reference should be reviewed every five years by the Advisory Group (this review could be sooner if it is felt that changes need to be made). Any changes to the Terms of Reference should be endorsed by the Group and approved by National Highways.
- 1.8.2 Performance of the Advisory Group will be monitored by the Secretariat against the following:
- a. Meetings held as programmed
 - b. Attendance at meetings
 - c. Resolution of actions recorded at meetings
 - d. Compliance with Terms of Reference
- 1.8.3 Secretariat will report performance back to the Advisory Group.

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. |
| Environmental Management Plan | EMP | For the Project, a plan setting out the conclusions and actions needed to manage environmental effects as defined by the Design Manual for Roads and Bridges standard LA 120. The Code of Construction Practice (CoCP) is the equivalent of the first iteration of the EMP (EMP1). The contractor's EMP would be EMP2 and the end of construction EMP would be EMP3. |
| Environmental Masterplan | - | A package of information on existing and future environmental commitments and objectives, ongoing actions and risks to be managed, handed over to those responsible for future management and operation of the asset. The Environmental Masterplan for the Project is provided as Figure 2.4 (Application Document 6.2) of the ES. |
| Habitat | - | The natural home or environment of an animal, plant, or other organism. |
| Landscape and Ecology Management Plan | LEMP | A document which provides details on the delivery and management of the landscape and ecology elements identified in the Environmental Masterplan for the Project, including their success criteria. |
| Monitoring | - | A programme of observation, measurement and recording of environmental variables and operational parameters over a period of time for a defined purpose. |
| National Highways | - | A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England. |
| Natural England | NE | An executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs, which is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. |
| Secretary of State | SoS | The Secretary of State has overall responsibility for the policies of the Department for Transport. |
| Stakeholder | - | Organisations and individuals who could affect or be affected by the Project, or who otherwise have an interest in the Project. |
| Statutory Environmental Body | SEB | Any principal council as defined in subsection (1) of section 270 of the Local Government Act 1982 for the area where the land is situated. Where the land is situated in England; Natural England, Historic England, the Environment Agency, Natural Resources Wales and the National Assembly for Wales where, in the opinion of the Secretary of State, the land is sufficiently near to Wales to be of interest to them and any other public authority which has environmental responsibilities and which the Secretary of State considers likely to have an interest in the Project. |
| Terms of Reference | TOR | The key details of meetings, including the objective, attendees and outline agenda. |

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363