



Meeting note

Project name	Lower Thames Crossing (LTC)
File reference	TR010032
Status	Final
Author	The Planning Inspectorate
Date	18 March 2021
Meeting with	Highways England
Venue	Microsoft Teams
Meeting objectives	Project update
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.

Outline Landscape and Environmental Management Plan (oLEMP)

Highways England (the Applicant) confirmed that, following the observations from the Inspectorate on its withdrawn Development Consent Order (DCO) application which noted the absence of an oLEMP, one was now in preparation and a version had been provided to the Inspectorate for review.

During the meeting, the Inspectorate presented some key comments following its review of the draft oLEMP and subsequently provided written comments. Please refer to **Annex A** for the full extent of the Inspectorate's comments on the draft oLEMP.

The Applicant advised that the deadline for local authorities (LA) to provide comments on the draft oLEMP was 6 April 2021.

Update on consultation and stakeholder engagement

The Applicant had received feedback from most LAs on its proposed consultation approach, and provided a summary of the comments received. It was noted that several concerns had been raised about the proposed programme for consultation and the potential timings in relation to up-coming local elections.

The Applicant advised that in light of that feedback, it would be looking to share its revised consultation approach with the LAs in due course and would be adopting an approach akin to a Statement of Community Consultation.

In respect of stakeholder engagement, the Applicant explained the documents that had been shared with relevant stakeholders and the progress being made on workshops. The Applicant also advised that it would be developing a Statement of Common Ground with Royal Mail, and was in the process of engaging with Historic England in respect of the first iteration DCO application documents. The Applicant also confirmed that it had extended the deadline for feedback from LAs and statutory environmental bodies on the first iteration DCO application documents to 16¹ April 2021.

London Resort

The Applicant advised that it was mapping the interfaces between Lower Thames Crossing and London Resort schemes now that the application for London Resort had been accepted and was in the public domain. The Applicant provided an overview of the proposed approach to further assessing the potential for cumulative impacts from, for example, traffic, air quality and noise. The Applicant discussed its intended approach to consultation and indicated that the relationship between the two schemes would be expressed in a more narrative form whilst sensitivity modelling was being carried out. The Inspectorate understood the Applicant's approach but queried whether the fact that the modelling would not likely be completed by the anticipated consultation period could mean that the material would not draw out all the possible impacts. The Applicant confirmed that it would present the impacts it anticipated, and that it would keep matters under review.

¹ The applicant's presentation indicated a deadline of 9 April. But this was verbally corrected by applicant to 16 April during the meeting.

Annex A

Planning Inspectorate's comments on Highways England's outline Landscape Environmental Management Plan (oLEMP) for Lower Thames Crossing (LTC)

Planning Inspectorate's comments on Highways England's outline Landscape Environmental Management Plan (oLEMP) for Lower Thames Crossing (LTC)

March 2021

General

- The production of the oLEMP is seen as positive and addresses our original concerns provided in the S51 advice issued previously (See [meeting note dated 26 November 2020](#)).
- It is understood from the most recent project meeting that the management sites are all within the proposed DCO boundary. It would be helpful if the oLEMP could explain this, and if this is not the case, explain the consenting route under which the areas are intended to be secured.
- Considering the overall purpose of the document, the oLEMP should make a distinction where necessary between the specific mitigation identified as required by the ES, for example, or identified as replacement land, and any measures which are proposed as overall biodiversity/landscape enhancement.
- The oLEMP should explain the background to each management area, i.e. the relationship with the outcomes of the EIA and other assessments. It would be helpful if within section 4 the oLEMP made reference to the assessments in the ES (ecology, landscape, public open space) or other application documents which relate to each management area.
- In Paragraph 1.1.5 the oLEMP states that it sets out the long-term goals and the outline landscape and ecology management practices for the Project. However, while key principles are set out in Section 2.3, the oLEMP would benefit from an overarching introduction on what the document is for, its aims and objectives, which is linked to the outcomes of the ES/other assessments as relevant.
- The oLEMP should describe the mechanisms by which the proposed management and monitoring will be secured and who will be responsible; for example, the role of the steering group and who will own and manage the land. The oLEMP will need to contain enough detail about these mechanisms to provide certainty that this can be achieved in the LEMP.
- It is understood that the oLEMP will be a certified document and identified as such in the dDCO. Consideration should be given to how the creation of the Steering Group is secured eg within the relevant dDCO requirement(s).
- While the timescales for habitat management set out in Section 3 are noted, it is not clear if there is any intention for any of the identified management areas to be managed in perpetuity or to what degree these have been discussed with stakeholders. In addition, a programme of habitat creation and management works would be helpful to show how the measures will be achieved for each site and over what timescale. This information should be linked to the relevant information in the ES and REAC.
- It is noted and understood that routine maintenance of the 'soft estate' is not included in the oLEMP, however the oLEMP should provide a reference to how this is managed and explain how this relates to the overall ecological and landscape management of the Proposed Development.
- It would also be helpful for the oLEMP to include reference to any other mitigation protocols being followed e.g. associated with protected species mitigation, or PRow changes, and identify any constraints or opportunities which arise as a result of conflict or synergies between these and the measures in the oLEMP.

Structure and presentation

- It would be helpful if the maps in the oLEMP of each management area showed the habitat typologies. Noting that this information may be on the Environmental Masterplan (not included in this review) it may be adequate to include specific reference to this as has been done in the draft oLEMP, however it would be helpful to those implementing the LEMP if this information was in one place.
- Consideration should be given to how the maps can be presented to enable the reader to understand the geographical relationship between the donor and receptor sites where this applies e.g. ancient woodland soil translocation.

Management areas proposals

- The outline requirements set out in Section 7 provide information on the aims and purpose of the proposed measures, however, no outline of how the proposals will be achieved is provided. It would provide greater certainty if, where known, the oLEMP could provide information on areas of planting, likely locations of wetland features, hedgerows etc. It is noted that some this information may be elsewhere (e.g. the Environmental Management Plan) however it should be reflected or at least referenced in the oLEMP.
- The habitat management outline prescriptions in Section 7 primarily address management once habitats are created. There are few details on the habitat creation itself including timing. The links to UK BAP Priority Habitat descriptions are noted, however it would be helpful if the outline requirements in the oLEMP itself could include more information about the anticipated design, or principles of design, for the habitats to be created.
- The wording in the oLEMP with regard to the provision of 'potential species' for planting in the Design Principles document is not specific to each habitat typology. The actual planting framed by the oLEMP is potentially quite open to interpretation, reducing confidence that the aims for each management area will be met. This information should be as specific as possible.
- It would be helpful if the oLEMP could provide information on any studies the applicant has undertaken into the feasibility of sourcing enough materials for the scale of planting and other deliverables, and whether any risks exist and alternatives exist that could be adopted instead while still meeting the aims of the proposed habitat creation within the management areas.
- It is noted that the management proposals set out the outline measures of success, however no information is provided on the likely remedial measures that will be put in place to address any actions arising from monitoring. This should be included.
- We would suggest that any sites with complex management measures (such as sites involving translocation of ancient woodland material) should have site specific plans in this document. The approach taken of detailing management prescriptions against habitat typologies may be an appropriate approach for areas where the aims and means to achieve them are relatively straightforward and do not require a tailored approach. However, more detail is required for complex sites which require specific methodologies to achieve the aims of the measures.

Annex B

Planning Inspectorate's comments on the Design Manual for Roads and Bridges (DMRB) guidance

DMRB

Key message – DMRB guidance does not constitute policy or law. Developers/applicants should be able to answer questions about the particular anticipated effects of the Proposed Development, and the methodologies of assessment undertaken in the ES – and not solely rely on referring back to DMRB guidance.

We often advise that assessments should consider wider professional best practice as well as the guidance in the DMRB. Prescriptive reliance on the DMRB can make it difficult to understand how the assessment is appropriate for the particular Proposed Development in question. It seems reasonable to suggest that the assessment of effects for a proposal that is far more than a 'road scheme' should where appropriate be wider than guidance which has been written for road schemes, given that the environmental effects could be wider. The assessment should with professional judgement fit the Proposed Development – the relevant EIA Regulations are what should be applied to the content of an ES.

There are also incidences where policy/legislation/technical understanding has moved on since the guidance in the DMRB was published.

Specific Issue - Traffic assessments. Many ESs involve a chapter on the Traffic and Transport Assessment. This allows stakeholders to examine the methodology and assumptions made which inform the assessment of traffic and transport effects. It allows stakeholders to understand what information other technical assessments which rely on the traffic modelling outputs have been provided with. If DMRB is followed, no specific traffic and transport chapter is provided. Setting aside the fact that the Traffic Assessment underpins the need case and the design of the proposals, which is understood, the absence of a specific chapter can make it harder to understand the assumptions around which the assessment of traffic effects is based. It is important therefore to ensure that these assumptions are clearly explained and provided wherever they apply to the technical assessments eg air quality, population and human health effects, and the assessment of construction effects.

Specific Issue: Air Quality effects. Aside from the guidance in the DMRB, in many cases there are concerns from stakeholders with respect to PM2.5 and ammonia from road traffic. The justifications in the DMRB for excluding these emissions must be supported by scientific evidence and again, whatever matters are assessed the rationale for the assessment must be clearly justified for the project itself – not via prescriptive reliance on the DMRB 'one size fits all' approach.

Annex C

Planning Inspectorate's comments on "Chapter 12: Understanding the key Application Documents and signposting controls for the Project" in Highways England's document "1.3 Introduction to the Application" dated October 2020

Chapter 12 - general

Given the purpose of the chapter, it is very well placed to outline the flexibility profile across the application.

In general, this appears to be an approach which will be of use in any examination in setting out the interrelationships between different documents, controls and the draft Development Consent Order (dDCO) and it is useful that HE is seeking ways in which these complex interrelationships can be made clearer. For example, the diagram on page 41 (Plate 13.1) is useful in serving this aim.

It should go without saying that this approach does demand that absolute rigour has been applied in ensuring that there is no conflict between various plans. Indeed, if elements of the documentation indicate that more detail is available, this should be articulated in Chapter 12. Chapter 12 should not indicate more flexibility for an element that might be controlled elsewhere.

However, whilst it is recognised that the exact details of the works will not be known until HE has completed the detailed design, there is still a benefit for the documentation to provide a clear framework and the principle link to show that other controls in the DCO are in place.

Identification of Works

It is recognised that this is a very complex application with a wide range of elements including works that fall under other National Policy Statements (NPS) than the National Networks NPS. It is clear that HE has considered ways of making the different elements of the scheme as identifiable as possible.

The description of the numbering of works (para 12.2.5 on) appears complex but, referring back to the now withdrawn dDCO, this system does appear to work in practice in Schedule 1.

Precedent

The chapter stresses that this is *'in line with precedent'* (12.1.1, 12.2.1) and does quote precedents in a number of paragraphs. Whilst this is potentially useful to inform any examination, HE are reminded that an Examining Authority (ExA) may well ask for justifications of the use of particular approaches and wording in terms of their specific applicability to the application for Lower Thames Crossing (LTC) as well as by reference to where they have been used in other cases.

Having said that, it is worth HE being fully aware of, for example, SoS Decision Letters which give a clear steer as to preferred approaches. It is noted, for example, that paragraph 12.2.13 uses the phrase "materially new or materially different" which the SoS has stated in the decision letter on Great Yarmouth Third River Crossing is wording preferred by the Secretary of State.