



## Meeting note

<b>File reference</b>	TR010032
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	13 May 2021
<b>Meeting with</b>	Highways England (the Applicant)
<b>Venue</b>	Teams meeting
<b>Meeting objectives</b>	Project update meeting
<b>Circulation</b>	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 s51 would not constitute legal advice upon which applicants (or others) could rely.

### Ports and Navigation

The Applicant briefly outlined its engagement to date with the relevant port operators, Port of London Authority (PoLA) and the Port of Tilbury (PoT), along with other Statutory Undertakers. The Inspectorate queried whether engagement with the relevant port authorities on a six-weekly basis was at sufficient pace to meet the timeframes of its current programme. The Applicant explained this was just the "statement of common ground" meeting and that ad hoc and consistent engagement occurred between those meetings.

The Applicant provided an overview of its Navigational Risk Assessment (NRA), developed in accordance with relevant legislation and guidance, and set out the document's scope following agreement with the PoLA and PoT. The Applicant acknowledged that the NRA would not include vessel movements generated by the scheme into existing ports.

There was discussion on whether the proposed vessel movements were already assessed within the existing port's Habitats Regulations Assessment (HRA) and included in the Lower Thames Crossing project's baseline, or whether the scheme's HRA should include and assess them separately. It was agreed both parties would look into the matter for future discussion. A discussion was also held on how vessel movements associated with the scheme would be used to inform the Environmental Impact Assessment.

## **Planning Statement and Policy**

The Applicant explained its approach to demonstrating how the scheme will meet the policy tests in national and local policy, such as the relevant National Policy Statements (NPS) and National Planning Policy Framework (NPPF), within its Planning Statement. The Inspectorate noted that decisions on previously examined Nationally Significant Infrastructure Projects (NSIPs) had considered the Ports NPS despite not being a port development and queried whether the Planning Statement will include accordance tables for the Ports NPS. The Applicant advised it would be considering the Ports NPS and reflecting on it accordingly within the Planning Statement.

The Applicant briefly outlined the Planning Statement's structure and noted that following refinement of the proposals, one of the gas pipeline diversions proposed within the scheme was no longer deemed a standalone NSIP as no likely significant environmental effects were anticipated.

The Inspectorate queried how the Applicant is progressing its application in light of the current High Court challenges on relevant policy documents such as the National Networks NPS. The Applicant explained its application will be based on policy which had legal effect under section 104 of the Planning Act 2008 but would be able to react quickly to any policy changes. The Inspectorate acknowledged the importance of Local Impact Reports (LIRs) and encouraged early engagement with local authorities on the matters to be considered within them.

## **Areas of Outstanding Natural Beauty (AONB) and Green Belt**

The Applicant illustrated how the scheme interacted with the Kent Downs AONB, as it encroaches into it by 2.7km, and set out the associated tests within the National Networks NPS. Ongoing engagement with the Kent Downs AONB Unit was noted, who had agreed with the Applicant's approach to the assessment, however it was likely the Unit's opposition to the scheme will remain upheld. Proposed mitigation and compensation were currently being discussed.

The Applicant noted the route south of the Thames has been refined slightly since its Preferred Route Announcement (PRA) and therefore a reappraisal of the two options (western and southern) has been undertaken to conclude the appropriate route was chosen. The Inspectorate queried whether the reappraisal would feed into the HRA as it would be helpful to capture how the conclusions were drawn. The Applicant confirmed it would.

The Applicant explained that it had undertaken a three-stage test to determine whether elements of the scheme constitutes 'appropriate' development, which included whether there will be an impact on the openness of the Green Belt. The Inspectorate highlighted that there had been challenges on the definition of, for example, 'openness' and advised the Applicant to consider this in its Planning Statement.

The Inspectorate queried whether the Applicant is considering all five of the purposes of Green Belt. The Applicant stated that it was.

## **Stakeholder Engagement**

The Applicant provided an overview of its stakeholder engagement to date in respect of cultural heritage. This included the now bi-monthly stakeholder meeting with Historic England, the Archaeological Advisors to local authorities, Kent County Council Archaeology Service Team, Essex Place Services and relevant Conservation Officers to discuss cultural heritage matters. The Applicant outlined the assessments, both desk and field based, completed to date and what further surveys were to be undertaken. The Applicant identified the residual impact of the scheme, which includes the loss of a Scheduled Monument and three Grade II Listed Buildings, and set out the proposed archaeological mitigation that is sought to be agreed with the local authorities' archaeological advisors.

The Applicant provided an update in respect of key stakeholder engagement which included the inaugural meeting of the Community Impact and Public Health Advisory Group, joint meetings with Thurrock Council in respect of local plan matters, tunnel depth discussion with PoT and PoLA and circulation of its updated Order limits. The Inspectorate queried whether the Order limits had changed since the Red Line Boundary that it had previous sight of. The Applicant confirmed it had not.

The Applicant outlined ongoing engagement with the local authorities and the key environmental consultees. The Inspectorate asked the Applicant to elaborate on Forestry Commission's (FC) feedback in respect of Claylane Woods. The Applicant explained FC's feedback related to loss of ancient woodland, soil salvage, and the amount of replacement planting as compensation. The Inspectorate enquired as to whether the Applicant's Landscape Assessment (LA) approach was in line with environmental consultees' expectations. The Applicant explained that its LA approach included the assessments it was expected to carry out but noted some areas of disagreement.

The Inspectorate enquired as to whether there was a cross over between the Applicant's cultural heritage assessments and the LA and whether it was including, for example, the Kent Downs AONB Unit in discussions particularly for historic landscape. The Applicant explained that the Kent Downs AONB Unit doesn't have specific cultural heritage officers but there is adequate cross over for the Unit's concerns to be heard.

The Applicant provided an update on how its proposed suite of Statements of Common Ground was being progressed and its aspirations for the suite at submission.