



Meeting note

Project name	Lower Thames Crossing
File reference	TR010032
Status	FINAL
Author	The Planning Inspectorate
Date	13 September 2022
Meeting with	National Highways
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.

Programme Update

The Applicant confirmed that it is on track for submission towards the end of October 2022.

Draft DCO Update

The Inspectorate requested confirmation on the approach to the construction of the draft Development Consent Order (dDCO), relevant application provisions, limits of deviation matters which may impinge on the needs and rights of other parties, the approach taken to special category land and the approach to the discharge of requirements.

The Applicant confirmed that the order has been approached by following National Highways precedent, making relevant modifications in order to ensure the dDCO is reflective of the novel elements of the Lower Thames Crossing scheme. Discussions have been had with Thurrock Council on the development of the dDCO and the Applicant has taken into consideration their commentary, implementing changes based on Thurrock Council's representations.

The Applicant confirmed that the Secretary of State for Transport should be named in their draft DCO as the discharging authority for everything except the Traveller' site which is proposed to be relocated as a result of the scheme for which Thurrock Council will be the discharging authority, matters relating to this are outlined in the Explanatory Memorandum. The Applicant explained that this approach allows for a greater consistency in the discharge of the works, ensuring the project could be delivered expeditiously, and ensuring public costs

were not expended in making multiple applications or dealing with inconsistencies. The Applicant further noted that the Secretary of State had established a team which was responsible for the discharge of requirements for NH DCOs. The Applicant noted that the updated EM provided further justification for the approach adopted, including ensuring appropriate consultation with relevant local authorities. The Inspectorate advised the Applicant to ensure it continues to engage adequately and appropriately with the relevant councils notwithstanding the proposed choice for discharging requirements. The Applicant noted that Schedule 2 to the DCO formed part of the Community Impact Consultation, and that appropriate mechanisms were in place to ensure local authority consultation and engagement (including in the implementation stage, should the DCO be made).

The Inspectorate expressed concerns over the structure of the application with respect to control documents e.g the REAC and how clear it is how these documents work together and are secured. The Inspectorate also queried the Applicant's intentions for which documents would be accessible to the contractors building the proposals and how it is envisaged these would be used. The Inspectorate advised the Applicant to ensure that the purpose and location of each control document is clear to avoid any risk of misunderstanding or misinterpretation. The Inspectorate advised the Applicant to provide a clear document map and document descriptions to support understanding. The Applicant confirmed that supporting documents to clarify understanding are in development.

Updates on Engagement

The Applicant confirmed that draft Statements of Common Ground have been shared with the relevant Local Authorities. There is ongoing technical engagement including the resolution of issues which have been identified during Pre-application. The Applicant confirmed that it is having ongoing engagement with Natural England relating to design matters and common land provision, pre-application matters on HRA and Nitrogen deposition are now included.

Future Activities

The Applicant confirmed that in order to maintain water levels a water inlet pipe with a self-regulating valve would be installed in the sea wall near Coalhouse Point, allowing regulated tidal exchange. It confirmed that it is in discussions with Thurrock Council to secure a formal agreement on this approach.

The Applicant gave details on the progress of discussions around the overlapping land requirements of Thames Freeport. The Port of Tilbury maintain an 'in principle' position that the Tilbury Link Road should be a part of the project. The Applicant has agreed to focus on ensuring that the haul road provides a legacy benefit for both of them.

Wider Network Impacts

The Applicant confirmed that its position on wider network impacts remains the same and is supported by the Department for Transport. This position has not been supported by some of the affected authorities and the Applicant held follow-up sessions to provide further context and enhance understanding.

NTEM Changes in Traffic Congestion

The Applicant explained how it has used the revised National Trip End Model (NTEM) to test the impact of the scheme on the forecast traffic flow.

HRA Changes

The Applicant has confirmed that it has made changes to the Habitats Regulation Assessment (HRA) in response to previous comments from PINS. The Inspectorate confirmed that changes made to the [HRA Advice Note 10](#) have been enacted in order to reflect most recent legislative changes.

The Inspectorate agreed to review and provide comments on the HRA documents.

The post meeting comments on HRA documents were as follows:

- The use of a single column for in-combination effects was a problem we encountered with the use of the matrices for some types of project. To better understand in-combination effects we suggest the use of a separate in-combination table taking each impact-pathway in turn against the in-combination part of the test. In any case, the report must explain which pathways are anticipated to act in-combination with other plans and projects.
- It is not clear if barrier effects, (eg on bird species) have been considered in the assessment, and if so, which pathways this is captured under.
- Grouping qualifying features together can make it difficult to understand the outcomes for each feature. While it is appreciated that the tables are aiming to avoid repetition in this regard and that explanation can be provided in the report text, the value of this kind of table lies in being able to pick out a feature and understand what effects could occur on it and the outcomes of the shadow HRA. It would be worth considering separating the features. If keeping assemblage species grouped, it would be useful to somehow identify the species within that assemblage that have been of prominence in the assessment as applicable.
- The explicit use of a category of 'absent' adds complexity (not clear why these features just couldn't have been identified as 'LSE excluded'). While it is potentially useful to have quicker reference to *why* LSE can be excluded (because a feature is absent), a preference could be argued to keep the table to the tests under the HRA for clarity.