



## Meeting note

<b>File reference</b>	TR030004
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	29 September 2020
<b>Meeting with</b>	Oikos Marine and South Side Development (OMSSD)
<b>Venue</b>	Virtual
<b>Meeting objectives</b>	Project Update
<b>Circulation</b>	All Attendees

### **Summary of key points discussed and advice given:**

#### ***Introduction***

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.

#### ***Project Update***

The Applicant explained that the preliminary stages of the project have proceeded more slowly than anticipated due to the impacts of COVID-19 and whilst it is still anticipated that the project will proceed on the projected timeline (as indicated below), it is currently exploring ways as to how it will carry out consultations virtually. In this context, the Applicant confirmed that whilst submission of the project is dependent on the outcome of its Statutory Consultation, its current estimation is for the application to be submitted in Q3 2021.

The Applicant stated it is currently drafting its Preliminary Environmental Information Report (PEIR).

#### ***Statutory Consultation***

The Applicant advised that it intends to conduct statutory consultation in early 2021 and is currently liaising with the relevant Local Planning Authorities (Castle Point Borough Council and Essex County Council) on its draft Statement of Community Consultation (SoCC). The Inspectorate advised the Applicant to consider how it can draft the SoCC flexibly whilst ensuring it clearly describes the opportunities for parties

to engage in the consultation given the current Covid-19 restrictions whilst ensuring it clearly describes the opportunities parties would have to engage in the consultation.

The Applicant asked if the Inspectorate was able to advise how consultation should take place given the COVID-19 restrictions. The Applicant was encouraged to continue with their current approach exploring ways to support electronic working whilst ensuring opportunities for all participants and to ensure their approach is clearly demonstrated in its consultation report. The Inspectorate referred the Applicant to the [Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Coronavirus\) \(Amendment\) Regulations 2020](#)

### ***Scoping Opinion***

The following was discussed between the Applicant and the Inspectorate with regard to the Scoping Opinion and progression of the Environmental Statement (ES):

The Inspectorate advised the Applicant to clearly define the current operations of the site and the proposed operations to facilitate understanding of any overlap. The Inspectorate considers that the ES should either include an assessment of the decommissioning impacts of the Proposed Development or provide a detailed and justified explanation of why this is not necessary. The Applicant confirmed that they would address this in the ES.

The Inspectorate highlighted that the basis for some study areas defined in the Scoping Report was not sufficiently explained. The Inspectorate advised the Applicant to adequately justify their study areas and have appropriate regard to the Zone of Impact (ZOI).

The Applicant confirmed that it had not initially intended to consult with Highways England on an informal basis but had changed its view in light of the scoping opinion. The Inspectorate advised that Highways England must be consulted during the statutory consultation stage as they are a statutory body which the Applicant confirmed it will be.

In relation to health and safety matters, the Applicant explained that it is in regular contact with the HSE and EA (in their capacity as the Competent Authority) to ensure that its current operations meet the requirements of The Control of Major Accident Hazards (COMAH), and were also talking to these bodies about the OMSSD project. The Inspectorate recognised that it may not be possible for sensitive documentation to be provided but that the ES would need to evidence such matters sufficiently and appropriately.

The Applicant confirmed that various additional bird surveys are being undertaken following advice in the Scoping Opinion and indicated that they will be completed in advance of the ES but not for the PIER. The Inspectorate advised generally that COVID-19 may have altered baseline conditions so that surveys carried out in 2020 may not be representative and the Applicant will need to provide robust methodologies to give the Inspectorate confidence in their approach. The Inspectorate advised that consultation with the relevant bodies and methods such as sensitivity testing could be employed.

The Inspectorate queried whether there has been a consideration of the impacts on marine traffic due to industrial activity at the jetties. The Applicant confirmed that it

will be undertaking an assessment of potential impacts on commercial and recreational navigation.

The Inspectorate advised that the Applicant must justify the omission of any assessments that were not agreed to be scoped out of the ES in the Scoping Opinion.

The Applicant indicated it was in the process of consulting with the EA regarding the approach to the assessment of flooding impacts. The Inspectorate strongly advocates this consultation, confirming that it will provide greater confidence in their assessment of flood risk in the ES. The Inspectorate clarified that all agreements with the EA with regard to flood defence must be included in the ES.

The Applicant indicated it was looking at sites, both within the bounds of the land it controls and elsewhere in the vicinity of the site, for ecological mitigation and potential creation and/or enhancement.

The Inspectorate advised that any documents containing confidential or sensitive information (i.e. badgers) should be marked clearly as redacted or unredacted.

### ***Compulsory Acquisition***

The Inspectorate queried whether there will be any Compulsory Acquisition (CA). The Applicant indicated that at this stage it does not anticipate the need for CA as the site for the proposed development is already leased to OIKOS and there is currently no intention to change this.

The Inspectorate queried how Category 3 persons will be considered. The Applicant advised it will ensure that Category 3 persons are considered as a part of the consultation. A clear statement must be made as to why Category 3 persons will not be considered if that is the case.

### ***Summary of actions/follow-up***

The following actions were agreed:

- The Applicant anticipates submitting draft versions of some application documents to the Inspectorate for review prior to submission. The Inspectorate advised that the review of draft documents can take up to three months although this will depend on what is submitted and whether there are any novel issues. The Applicant was advised to build this into their project timescales.
- The Applicant and Inspectorate agreed to hold quarterly meetings to discuss the progress of the project.