



Meeting note

File reference	TR030004
Status	Final
Author	The Planning Inspectorate
Date	24 May 2021
Meeting with	Oikos Marine and South Side Development (OMSSD)
Venue	Microsoft Teams Meeting
Meeting objectives	Project Update
Circulation	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. The Inspectorate introduced changes to the case team.

Update on Statutory Consultation

The Applicant provided an update on its statutory consultation, which concluded on 18 May 2021. Approximately 450 responses had been received, the majority through the virtual consultation online questionnaire. Some positive responses to the letter-drop to all residents of Canvey Island had also been received. Due to relatively low attendance at earlier webinars the Applicant sought advice from Castle Point Borough Council and Essex County Council and took steps to promote the remaining webinars via the website and posters in the local area. Social media groups also highlighted opportunities to participate. The remaining webinars saw a higher number of people attend.

The Applicant also offered individual telephone surgeries to further explain responses to questions raised at the webinars. A number of such surgeries had taken place. Some feedback had been received about the lack of physical consultation events, which had not been possible due to Covid-19 restrictions. Where possible, such queries had been followed up with the offer of an individual telephone surgery. Some queries had also been raised during the consultation as to why neighbouring authorities had been consulted. It had been explained that this was to comply with the relevant requirements of the Planning Act. The Inspectorate advised the Applicant

to set out in the Consultation Report the different stages of consultation and approaches taken in accordance with the Statement of Community Consultation (SoCC). Feedback had been received from Castle Point Borough Council that they were satisfied that the consultation undertaken had been appropriate. The Applicant highlighted the ability for people to continue to ask questions via email and telephone after the formal close of the consultation. The virtual consultation documents and virtual exhibition room were still and will continue to be available for information.

Consultation responses were still being analysed, but key issues of traffic and safety had been identified from initial scrutiny.

The preliminary assessment of traffic and transport matters had been undertaken by relevant experts in consultation with external bodies, including the local Highway Authority and Highways England. This assessment was made available within the Preliminary Environmental Information documentation during consultation. Consultation responses on traffic and transport matters were being scrutinised to identify specific concerns and points to consider as the project moved forward.

General safety concerns had been highlighted during the consultation, and the Applicant had identified that some incorrect/misleading information had been circulated about safety at the site. For example, incorrect comments were being made about the Health and Safety Executive (HSE) designated consultation zones around the Oikos site. These zones had been accurately reproduced in the Preliminary Environmental Information Report (PEIR) and they did not extend significantly beyond the site boundary. As part of the consultation process, the Applicant had sought to explain the requirements of both the Control of Major Accident Hazards (COMAH) Regulations (including the ongoing compliance checks undertaken by the HSE and Environment Agency (EA)) and the Hazardous Substance legislation of relevance to both existing operations and the Proposed Development. The Applicant indicated that it was considering explaining these requirements further within its application as a standalone document. The Inspectorate advised it would be useful to cross reference such a document where relevant in the Environmental Statement (ES) chapters. The Applicant advised it was considering its approach to the ES generally and intended to continue with the approach taken in the PEIR.

In this context, the Applicant also explained that some concerns had been raised locally about the off site plan of relevance to the Oikos facility. The Applicant referred to the COMAH requirements which included producing both on-site and off-site reports and plans. Whilst the production of the on-site safety report and emergency plan were the responsibility of the operator of the site (working with the HSE and the EA), the COMAH requirements for an off-site emergency plan fall under the responsibility of the relevant Local Authority (working with the operator and other relevant bodies as necessary). Both on-site and off-site plans had to be subject to regular testing. The Applicant indicated that these matters had been explained during its consultation, but that it would be further explained in the application documentation – as noted above.

The Applicant also highlighted that some COMAH related information was confidential, albeit that the HSE held the responsibility for disclosure if legally appropriate. The Inspectorate requested that the Applicant make it explicit when submitting confidential information. It would provide further guidance on any requirements for submission and how this information would be displayed on the project page.

The Applicant highlighted that a protest at the terminal had been held during the consultation period however due to Covid-19 restrictions it was understood that this had been dispersed by authorities.

The Applicant indicated that during the consultation it had outlined how individuals could become involved with the examination of the application once it had been submitted and validated, and the role of the Inspectorate in facilitating the opportunities available in this respect.

The Inspectorate reminded the Applicant of the importance of demonstrating where regard has been had to consultation responses. The Applicant explained that it was already undertaking the exercise of evaluating the responses received which will also not only be taken into account, but will be detailed and recorded within the DCO application documentation.

Following an audit of consultation responses, a programme of actions required to be undertaken prior to submission of the application would be developed, to include any survey or modelling work required. Any new queries received by telephone/email would also be taken into consideration. Continued engagement with Natural England (NE) and EA (amongst other bodies) was expected, particularly surrounding the off-site mitigation package for reptiles and terrestrial invertebrates that the Applicant intended to deliver. It was indicated that an element of net gain was anticipated to be included in this package.

The Applicant would be engaging with EA for the completion of the flood risk assessment.

The Applicant highlighted that during its consultation there had been some minor examples of confusion between matters relating to the current examination of the Castle Point Local Plan and the proposed Oikos Development. It have clarified this where needed.

The Applicant confirmed that it was not currently the intention for the application to include powers for the acquisition of land as the majority of the development would be located on land already leased by Oikos Storage Limited.

Update on submission

The Applicant queried requirements for submission. The Inspectorate acknowledged the work involved with application preparation. It requested documentation to be as clear and concise as possible, with a means of version control. The Inspectorate referred the Applicant to Advice note six, which provided further information on the preparation of application documents and included a template for an electronic index. The Inspectorate also highlighted the requirement to redact certain information, e.g. signatures, and advised, therefore, that the removal of this information before submission would be helpful.

The Applicant indicated that it intended to liaise with statutory parties to identify points of agreement to feed into early development of statements of common ground (SOCG). It was engaging with Port of London Authority (PLA) as the land owner and port harbour authority in relation to river works licences. It would meet with PLA to clarify works and identify the most appropriate means of clarifying PLA's statutory harbour responsibilities.

The Applicant confirmed that submission was still planned for Q3 2021. The Inspectorate advised the Applicant to consider whether any draft document review will be required, and if so to build it into their programme timeline.

Summary of actions/follow-up

The following actions were agreed:

- The next meeting would be arranged for the beginning of July 2021.