



Meeting note

File reference	TR010032
Status	Final
Author	The Planning Inspectorate
Date	4 February 2021
Meeting with	Highways England
Venue	Virtual Teams meeting
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.

Environmental Impact Assessment approach

The Applicant set out that following a review of the s51 advice issued after the withdrawal of its application, it was working on elements of its approach to Environmental Impact Assessment (EIA). The Applicant presented examples of how the Inspectorate's advice with regard to EIA had been 'mapped out', how it had been interpreted and whether it led to any changes to its current application. The Inspectorate queried whether the Applicant had adopted a similar approach to comments from local authorities and feedback from other stakeholders. The Applicant confirmed it had.

The Applicant provided more detail on the new documents it was preparing with the objective of seeking comfort that the approach adequately addressed its concerns. The Inspectorate advised that the approach looked to have taken positive steps, but this was without prejudice to its decision making at the application stage. The Inspectorate will review consider the Applicant's EIA approach and provide any feedback where necessary.

The Applicant set out that in response to the Inspectorate, local authorities and key environmental bodies' advice, additional application documents are being drafted to supplement the application suite, which include: an outline Construction Traffic Management Plan, Materials Handling Plan, outline Site Waste Management Plan,

Preliminary Navigational Risk Assessment, outline Landscape and Ecology Management Plan and Community Impact Report. The Applicant explained the on-going engagement with key stakeholders that was underpinning the preparation of this material, including for example Port of London Authority, and how it was looking to strengthen the narrative around certain topics throughout the application documents. There was discussion on the associated timescales for when drafts of the documents could be shared for feedback. The Inspectorate advised it would look into providing a good practice example of a Community Impact Report used in a consultation.

The Applicant provided an overview of the documents within the Environmental Statement (ES) that are in the process of being updated in response to updated survey work, minor Order Limit amendments, updated Habitats Regulations Assessment regulations and new DEFRA emissions toolkit. The Inspectorate queried the potential extent of changes to the Order limits. The Applicant explained the changes were in response to ongoing landowner and stakeholder engagement and amended environmental mitigation proposals. The Applicant offered to share a plan showing the extent of the changes since the previous application's Order Limits.

There was discussion on how the Applicant should explain the methodologies used in the environmental assessments, including providing relevant information on the use of available guidance in addition to that within the DMRB.

Supplementary Consultation

The Applicant explained that from analysing the local authority 'Adequacy of Consultation Representations' (AoCRs) and from subsequent discussions with stakeholders, that stakeholders considered that previous consultation exercises may not have provided the level of detail that some stakeholders may have expected on the construction phase as it had for other phases (ie operation and design). The Applicant is proposing a further supplementary consultation exercise for Spring 2021 with the 'core theme' being the construction proposals. In addition, the consultation documents will also provide an update on the Order limits changes and feedback on previous consultation exercises. Any newly identified affected landowners will also be consulted under s44 of the PA2008.

The Inspectorate emphasised the importance of clearly setting out how the responses to previous consultation exercise had been considered and whether the consultation responses led to changes in the scheme. Consultation was a dual process that both provided the information for the public and Statutory Consultees to clearly understand the impacts of the scheme whilst also providing the opportunity for comments in response to shape and improve the scheme. The Inspectorate noted that further work being undertaken now may suggest additional changes, evolution or updates to the application that the Applicant may wish to consider if these elements, individually or collectively, could form part of any planned consultation.

The Inspectorate advised that alongside the Consultation Report, local authority 'Adequacy of Consultation Representations' (AoCRs) are how the Inspectorate gains further understanding of how the consultation was received by the local community as well as by statutory consultees. The Inspectorate was interested to understand how the Applicant was engaging with the local authorities in respect of any planned consultation events and material. The Inspectorate emphasised the importance of

providing a clear feedback loop during Pre-application to help stakeholders understand where their comments have been considered.

The Applicant explained that it would look at its approach to how the Preliminary Environmental Information Report (PEIR) was presented for the statutory consultation to understand which areas it may supplement in the forthcoming consultation. The Applicant queried whether there any areas of the PEIR which the Inspectorate considered could be supplemented with further information. The Inspectorate explained the PEIR is not typically a document that it reviews as part of its draft document service but advised the Applicant to look into reviewing the application's narrative in respect of how responses to the PEIR had been considered to aid the understanding of the progression of the scheme from consultation to submission.

Programme update

The Applicant outlined its current programme was still working towards submission for Summer 2021.