

LTC Programming Meeting_16_May_2023_PT2

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00:00:03:12 - 00:00:17:06

Welcome back and good afternoon, everybody. My name is Ryn Smith. The panel lead in relation to the Lower Thames Crossing examination. And I will just briefly reintroduce my panel colleagues, starting with Miss Laver.

00:00:18:03 - 00:00:20:12

Hello again, Mr. Nienaber, Panel member.

00:00:24:06 - 00:00:28:11

I'm Ken Taylor, panel member. I'll pass over to Mr. Pratt.

00:00:29:18 - 00:00:33:23

Good afternoon. It is now it's Ken Pratt, panel member.

00:00:37:02 - 00:00:39:11

And Mr. Young, I'm afraid you're on mute as well.

00:00:41:21 - 00:00:43:04

Prominent young panel member.

00:00:44:15 - 00:01:22:13

Thank you very much. That's the panel reintroduced. And so without any further ado, we will resume on agenda item four. I'm very conscious in terms of order of business that we have yet to hear substantively from Sean Parish Council on that item and the possibility of hearing also briefly from Thames Crossing Action Group. And however, just before I go to Sean Parish Council will flag that. Once we have heard the in-principle submissions on this agenda item, we will then go to the applicant. So if the applicant could be in a state of readiness to present its responses to the issues that have emerged so far this morning, I'd be very grateful to.

00:01:22:15 - 00:01:26:28

So can I then call on Sean Parish Council, please?

00:01:31:26 - 00:01:37:29

And I believe this is Miss Susan Lindley. Miss Lindley. Thank you very much, Miss Lindley. You're on mute, I'm afraid.

00:01:41:29 - 00:02:12:18

Okay. Thank you. Yes. Susan Lynn. Sean Parish Council. Thank you very much for the opportunity to address the panel and think the problems that we have in Shawn as regards the DCO are the same as for all parish councils. We want to do the best to the communities that we're elected to serve. Certainly, as far as Shawn is concerned, and and certainly south of the river and we've got the bulk of the proposals within the parish.

00:02:13:15 - 00:02:56:12

Parish councillors are volunteers with next to no supporting resource. Just our personal time and donate onto this. So the impact of the processes is just as massive as for higher level councils. It's very difficult to deal with all the documents and the responses. We will of course try to meet all timetables and deadlines as required. But our main concern is that sometimes there are sort of very tight clusters of deadlines or events and there can be kind of almost simultaneous different topics to deal with, which does make it very hard to participate.

00:02:56:25 - 00:03:12:21

And we've heard, obviously what people have said about and requesting relaxation to the timetable. And I suspect that most parish councils would also welcome some relaxation and to some extent, thank you.

00:03:13:10 - 00:03:34:23

Thank you very much. Um, in relation then to my to my one common question that I've asked to all participants so far and. I'm assuming that whilst it doesn't make you dance for joy, you at the because you haven't said otherwise at the moment. If needs be you could proceed within the timetable as currently drafted.

00:03:35:28 - 00:03:51:14

Well, we'll do what we can as as we can mean think we won't necessarily be able to attend. So some so some of the comments would be sent in in writing retrospectively. But yes, we'll try and get something in for everything.

00:03:51:18 - 00:04:23:12

And that does actually make a very good point. Every single procedure in this timetable, if it's oral, there's a deadline afterwards. And the purpose of that deadline is to to meet exactly that point that that you make them as Lindley. It gives people who can't necessarily immediately attend on the day of an oral event the opportunity to put their views in in writing and we we equally consider matters put in in writing with matters raised orally. Thank you very much. Now I will just briefly check with Thames Crossing Action Group.

00:04:24:18 - 00:04:34:06

Um, because. Oh, hang on. Just before I do, bear with me. I have Mr. Edwards for Thurrock. Sir. Did you know?

00:04:36:01 - 00:04:51:28

Be right. It's almost Mr. Edwards. It's Mr. Stratford. I just wanted to draw your attention to the fact that the Emergency Services and Safety Partners Steering Group made a submission. Indeed.

00:04:53:02 - 00:04:54:12

And indeed there was.

00:04:54:17 - 00:05:17:29

I and my and and my colleague Tony Chadwick from Gravesham are both on that steering group. And as the detective chief superintendent can't attend today, he is asked us to speak on his behalf. So if you could fit in a few moments after the Thames Crossing Action Group for that, I'd be most grateful.

00:05:18:07 - 00:05:24:23

Absolutely. That that that we will we'll grant that time. But I will just briefly return to the Thames Crossing Action Group.

00:05:25:28 - 00:05:26:17

Now, let's.

00:05:27:07 - 00:06:03:15

Welcome what I will just say before I introduce you is that, as you'll have seen from the agenda here and the principle behind this meeting was to try and get on the front foot, as it were, by providing local authorities with an opportunity to surface a broad range of timetabling and resource considerations. Now, Thames Crossing Action Group is not a local authority, and we do have a principal, a preliminary meeting in mind very shortly where you will be able to raise all of your principal concerns and will have the full rights in front of the floor of that maybe you don't have today.

00:06:03:17 - 00:06:17:27

Now, for that reason, I haven't sought to involve you in detailed terms in this agenda. You know, are there any brief matters that you wish to respond to? Um, before we move on?

00:06:18:26 - 00:07:04:08

Thank you, sir. Laura Blake, chair of the Thames Crossing Action Group. Yes. Appreciate. I'm very mindful of the fact that we have got the preliminary hearing to make representation on behalf of the Action Group. Just what I'd like to touch on very quickly, if I may, is the fact that we do have a say on Thurrock Council's task force committee, and that's a monthly meeting that's been going on since September 2017 with regular attendance from national highways, residents, representatives like ourselves and local business representatives. And what I'd like to just make the observation of, sir, is the fact that it's been very apparent over the years that the applicant has been delaying and withholding a lot of information that has been requested and often referring to the fact that it would become available at DCO.

00:07:04:10 - 00:07:39:05

So it is public perception that maybe the applicant is actually. In a way putting this extra pressure on the by not providing that information on going over the years and that a lot has been left to this stage and that we we would like to say also that the request by Thurrock Council for the delay is something that we would respectfully request and support, because we feel, especially after listening to other authorities today, that with your obligatory question, they may not be particularly happy about it.

00:07:39:07 - 00:08:00:00

And as it is a very obviously fast paced and full on procedure for all of us, but I would respectfully point out that whether or not it would actually hinder. I would say it would probably benefit everybody more so than hinder them to actually consider that delay. So that's all I really would like to say. And thank you very much for that, sir.

00:08:00:09 - 00:08:24:07

And thank you very much. And thank you for taking the time and and engaging with this process on behalf of the members of your organization, in which case, let us return to the Emergency Services Group as represented by Thurrock Council. I believe there's a representative from Gravesham who may also be associated with that group as well.

00:08:24:18 - 00:08:27:19

That is correct, Sir Tony. Tony Chadwick.

00:08:29:05 - 00:09:06:14

If. If I may start or buy me or Wendy, feel free to chip in. Um, you've obviously have the written submission. I didn't want to say very much other than the fact that it seems to have been slightly forgotten, this steering group. It has been in existence for two and a half years. We have made as part

of the group, um, submissions at Community Impact Consultation, which was the very large consultation back in September of 21 with 56 recommendations.

00:09:06:21 - 00:09:36:21

We've also made recommendations, responses to the local refinement consultation and we did draft a statement of common ground. However, um, it was offered in draft rather late in the process. There were elements of it that the group did not agree with and um, consequently we asked National Highways as a group to not submit it.

00:09:37:24 - 00:10:15:10

So you may have omitted the fact because it's not there, that it was going to be there. So what we've asked for is, first of all, recognition of the group by the examining authority to request the statement of common ground from the group rather than only the three elements of the police that you have set out in your rule six. And we hope to make the first draft certainly by either 13th of June or the 18th of July.

00:10:16:13 - 00:10:47:11

So and the reason for that is that National highways, because of your request in the Rule six letter, have indicated that they only want to pursue the individual statements of common ground from the three police authorities as opposed to the group. Whereas we believe the group is representative of certainly all the blue light services and the various local authority emergency teams. So that's that's the request.

00:10:47:13 - 00:10:54:25

You've received it. I just thought I'd put it on the record, so to speak. Don't know whether Tony or Wendy want to add anything.

00:10:57:15 - 00:11:01:05

Tony Chadwick. Great. Had nothing to add to what Chris has fully set out.

00:11:01:21 - 00:11:39:16

Excellent. Right. Well, look, thank you for those submissions. They're plain. They make the point that they make, so there are no questions from me. I'll just check to see if my colleagues have any matters that they wish to raise. But all considerations that need to be taken fully into account before we make our final procedural decisions. Thank you very much. Now then, everybody we have heard from those requesting to speak on this agenda item. And so it's time now to turn to the applicant and ask for the applicant's statements in response to those matters.

00:11:39:21 - 00:12:04:18

As I have previously indicated, if the applicant responds in terms that doesn't introduce anything kind of new or debatable, then that will lead to the end of the item. However, if the applicant raises matters that essentially require response from any of the individual parties here, we may go briefly round one more cycle, but let's hear from the applicant first. So if I could introduce the officer.

00:12:06:16 - 00:12:10:07

Thank you, sir. Um, would you like me to deal with.

00:12:10:09 - 00:12:31:12

The point first? As it's the doesn't quite fit under item four. Thought it might have crop up in item six, but as it's fresh in the mind, would they be helpful if I briefly address that first and then turn on to both resource considerations and timing in relation to local authority participation?

00:12:31:23 - 00:12:34:10

Absolutely. Let's do it first. First.

00:12:34:22 - 00:13:16:25

Thank you, sir. There are three points to make. First of all, sir, it's not correct to say that in H or other the applicant will not be progressing. A collective draft statement of common ground that's found in the statement at paragraph eight B because in fact the position is that the applicant is seeking to prioritise engagement with the police stakeholders, given the request by the panel and that it wishes to work with other stakeholders either individually or through a joint according to what they wish.

00:13:16:27 - 00:13:48:18

So that's just the factual position. The second point is that the applicant provided a draft steer statement of common Ground to the steering group in September 2022, but had no feedback until April 23rd, and even at that stage there was nothing endorsed or approved in what was sent back. And we've heard from Mr. Stratford that they're contemplating June and July.

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So the concern is that if statements of common ground are only pursued via the steering group, the speed may be dictated by the slower ship in the convoy. And we want to avoid that. And the third point, plainly, we the applicant will continue to engage with the steering group, but we don't think that should extinguish the panel's request for statements of common ground with the police where there have been separate meetings and of course that can be incorporated into collective statement of common ground in due course, if that's thought appropriate.

00:14:25:17 - 00:14:32:02

So we don't think it should be one or the other. And that's all I would wish to say in response to that.

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Indeed, it should not be one or the other, but you are content with the prospect that it's both. Yes. Now, a couple a couple of housekeeping matters and Mr. Andrew Tate, KC of counsel for the applicant. I'm just introducing you because we didn't have your name on the record at the beginning of that piece. And then there is also, I'm afraid, a little bit of auditory feedback occurring from, from your group. So, um, if, when I'm speaking, your microphone is switched off.

00:15:03:03 - 00:15:10:04

Perfect. Um, you can then turn your microphone on when you speak. I will turn mine off and we won't have that problem.

00:15:12:02 - 00:15:14:16

But I can't hear you now because your microphone has been switched on.

00:15:14:21 - 00:15:18:21

Will activate my finger more deliberately.

00:15:25:05 - 00:15:38:28

We're all learning the ropes here, using equipment that we don't use every day we'll get there. Okay, Mr. Tate, um, on then to submissions from the applicant in relation to the matters that we've heard on agenda item four.

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Thank you, sir. Andrew Tate for the applicant

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dealing, first of all with resources.

00:15:47:25 - 00:16:50:02

Wish to make five points, having heard the matters raised this morning and read the material. The first is that the position with PPAs was set out as at March 23rd. In the examination document as 66 zero, which is the summary statement. And that confirms that there were PPAs for the Pre-application stage for the host authorities, Essex and Kent Gravesham, Havering, Medway and Thurrock and the IT also records the applicant agreed to abide by the scope of those PPAs beyond the application period pending agreement on the terms of the new purpose and picking up the point made by Thurrock this morning.

00:16:51:03 - 00:17:01:15

The position is as recorded by Mr. Bradbury in the document he provided, which is 80. Uh, that.

00:17:03:04 - 00:17:05:07

The applicant has been covering

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costs pursuant to that understanding. Ever since.

00:17:15:13 - 00:17:16:16

I'll come back to that.

00:17:17:21 - 00:17:51:24

So the current position now is that there are agreements PPAs have been completed with Essex and this is updating the position in A60 with Essex County Council, with Gravesham Borough Council, with Medway Council, with the Transport for London, with Brentwood Council, where it's agreed, signed by Brentwood, but awaiting signature by the applicant.

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With Havering, where the scope has been agreed and some detail on the applicable rates is awaited before that is signed. With Kent where the scope is agreed and signed by Kent County Council.

00:18:11:15 - 00:18:12:00

Uh.

00:18:13:12 - 00:18:40:03

With Tonbridge and Malling Borough Council where the scope is agreed, but it is paused. And where and with Thurrock, where the scope was agreed on the 26th of April. And I'm going to ask Miss Dr. Wright to deal with this briefly. And so far as the applicant is concerned, it is awaiting a forecast of the costs that Thurrock

00:18:42:02 - 00:19:15:13

are anticipated to incur before it is signed. So that is at a very advanced stage. And I should add, sir, that we are more than happy to seek to provide a joint statement with Thurrock joint position statement with Thurrock, if that assists to identify the precise position in relation to the progress and the anticipated signature date with that PPA.

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So I'll just go briefly come in on that point with the tape, which is that can you just put your microphone off? Apologies.

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Yes. Um.

00:19:29:07 - 00:19:29:24

On that.

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The usefulness to us of a joint statement because, you know, there is enough work going on in this in this process we fully appreciate. So we're not trying to create work where work is not necessary. If you find yourselves moving to procedural deadline be and the is. Complete or almost complete executable, etcetera, then there's not much utility in a joint statement. What a joint statement of procedural deadline be or indeed earlier, if it's possible to form it earlier, will be most useful for us to do will be to highlight circumstances where there is maybe a two week or three week or four week lead time, and when it is anticipated that it then might be put into place.

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And in those circumstances it will be a very useful document indeed.

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Thank you, sir. That's understood.

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Andrew Tate for the applicant.

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So that was my first point under resources. The second point is that the requests for further resources from the applicant is only raised in the submissions at this deadline by Kent, by Tonbridge and Malling and also by Gravesham, all on the same basis, which will come to in a moment. But bearing in mind that both Kent and Gravesham have agreed and signed PPAs.

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Kent Actually, the applicant is yet to sign it off and Tonbridge and Malling that the scope has been agreed by it. So then turning to the third point, which is that the basis of the request by those authorities is that they should be treated in the same way as Thurrock Council. And. In this

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context,

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it's perhaps most useful to look at the submission by Kent County Council. And it's the same in the others, which is 002 at the top of the second page.

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It's also an 88 the temperature malling Borough Council and.

00:21:54:09 - 00:21:58:11

Uh, that refers to what is not.

00:21:58:13 - 00:22:41:24

Within the scope of the PPA, the agreed between KCC and national highways. And it says the preparation of the local impact report review of the application documents unrelated to matters within the SCG. And thirdly, preparation for an attendance, the examination, witness submissions responding to written questions and the like. So that actually is not correct because Thurrock the PPA with Thurrock without in any way lifting the veil and dealing only with the principal does not extend to that third bullet point preparation for an attendance and participation at the examination.

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So the position is that in relation to the PPAs, they're all on the same basis as between as Thurrock except and as between them all, except and so far as the Thurrock PPA includes preparation of the and the unrelated documents. That's in the second bullet point unrelated to the SCG. Um, so that's just the factual position.

00:23:19:10 - 00:23:19:25

Um.

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Uh, fourthly. That difference is not in any way unfair, but is a proportionate response to the exceptional financial situation of Thurrock Council having regard to the use of public funds. Bearing in mind that Thurrock is essentially in special measures, having evoked the procedures of Section 114 three of the Local Government Finance Act, which applies where the express process is followed.

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A chief financial officer makes a report that the expenditure and proposed expenditure of the authority is likely to exceed the resources available to it, including by borrowing. So that is a unique financial circumstance which does not apply to other affected local authorities and there is no unfairness in the applicant. Having recognised that in the PPA, which has been tailored to reflect that particular acute financial.

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Difficulty, and that is not a basis for departing from the terms of the agreements or the agreed scope in every other case of the other P A's. So there is no

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disparity

00:25:02:03 - 00:25:39:04

leading to any unfairness. The there is no evidence that any other authority won't have the resources to provide a local impact report or otherwise participate fully in the examination. And that is all. Fifthly. In the context of advice. Note one which makes it clear that the examining authority won't get involved in the such negotiation.

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It's a matter for negotiation, but standing back the principles. That the applicant has followed in crafting the GPAs are fair and proportionate, and the financial extreme circumstance of Thurrock is not one which should lead to the application of those matters to all the other authorities.

00:26:11:02 - 00:26:27:15

There is an even and fair basis. So that's all I wish to say on the point, which is the first part, rather the middle part of item four, which is resource considerations before turning to timing. Unless at this stage, say you had any questions.

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And indeed, yes, I think it probably is useful just to break there, Mr. Tate. And we can just examine 1 or 2 of the issues that emerged in the submissions from the various other local authority, interested parties. And first, getting to the veil or the curtain. Yes. You know, we are very clear for the reasons that you have set out, that that is a veil that we do not wish to lift. And you've already heard us on on the point that our concern is around equity, fairness and

00:27:03:24 - 00:27:59:15

procedural fairness throughout the examination and that nothing occurring around the implementation of PPAs should in any way be preventing the reasonable involvement of a local authority party. And if matters are, as you say, then. We would not expect to be lifting that curtain any further. What I do urge upon the applicant, though, is attention to various of the concerns that have been raised today around probably mechanical matters, around the timings of requests for payment out, the level of justification for particular requests for payment out to ensure that there is a clear, consistent, efficient and above all, timely set of responses in place.

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And.

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I'm raising this simply because I got a sense from the room that some of the parties here had been engaged in par with other applicants and had found them maybe somewhat easier to navigate in efficiency and timing terms than these ones were being. And when all is said and done, once we are on this vehicle pedaling, as hard as we will be once we start examination, we need to know that everything falls into place smoothly, efficiently. We need to operate as a well-oiled machine, and that includes the applicants consideration of the mechanics underlying drawdown under the CPAs.

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So I did just want to kind of wrest that one on the table without necessarily even asking for a response from yourselves. We don't want to know the detail of those mechanics, but we just wish you to be clear that we would like them to be beautifully oiled and running smoothly henceforward. Um.

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Is that a matter that we we need to discuss further? Or are you content that that that point is is made some content?

00:29:10:04 - 00:29:33:09

The point is made. We continue to be in listening mode. I think I'd probably only just say that we're following the normal approval process for control of expenditure. Yeah. And we don't think there should be any less control with some authorities than others. But we we are in listening mode. Thanks.

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I must respond to that. No point properly. Should shouldn't examining authority ever ask for anything that amounted to less than the normal rigor over the control of public funds? Because that would be inappropriate. Nor would we ever ask for any differential standard of diligence or care to be applied as between one authority or the other. No, those two things must be the same and the same. And however, all of that being drawn into the pot, I think the sense we had from the rest of the room was that certain of the recipients had formed a view that things weren't as smoothly managed maybe as they had been in previous experience with other applicants around other people's.

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And that's the element of listening that's important.

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Thank you, sir. Could I just very briefly bring in Dr. Wright to to see if he can add anything to that? Dr. Retos, head of consents for the LGC. Maybe he can just assist very briefly on that.

00:30:42:09 - 00:30:43:05

Thank you, Dr. Robert.

00:30:43:25 - 00:31:16:02

Dr. Wright for the applicant. First of all, I'd just like to respond by saying we absolutely hear your request to move forward. The EPA's in an expeditious manner, and that is our intent as well. What I would say on that, we do have a responsibility to manage appropriately and nothing that we are asking for we would consider to be disproportionate in the management of any contract or similar agreements. So we believe that we're entirely proportionate in what we're asking.

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I did want to respond on the there was a statement made earlier about an invoice that had taken some time to process, and that's an indication of how we need to control this. There were elements of that that did not reflect an upfront agreement and therefore we had to go through an internal review process to ensure that we were satisfied to make that payment, which we now have to confirm that we had. But clearly we want to agree upfront the intent of the scope of the performance agreements and that's necessary for the right financial control.

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And in relation to that, in relation to the outstanding point on the Thurrock Council, we are currently waiting for cost forecasts to meet that need, but wanted to make it clear in relation to some of the points made earlier that this is simply to seek a forecast and we recognize that as works progress, there may be changes to that and we will work with the local authority involved and other local authorities to go through that normal change process as the examination proceeds.

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What we need up front is an understanding of the intent of the expenditure so that we can manage budgets appropriately. I think that's all I want to say on that. Thank you.

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Thank you very much.

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So as then going to address the second part under item four, which is the question of timing of local authority participation, unless there's any other matter on that. Yeah.

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Mr. Tape, just before we segue on to timing, and this is a timing related point, but it flows out of the P after the point, which is essentially this concern that I expressed to Thurrock that, you know, we might be sitting here in n number of weeks with a PPA still unresolved and therefore questions about the availability of that authority to to properly participate in the examination moving forward.

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Now you heard me say it to them, so it's no surprise and I'm not going to reiterate it, but we make the same point essentially to the applicant, which is, yes, you're going to provide us with a progress update if things are still running behind at procedural deadline B, but equally, if things are still running behind, if you are putting in that progress statement and there is a there is every indication that. Anything more than immaterial. Small amounts of time are needed to to resolve the position.

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And things are going to get somewhat difficult. So any efforts that you, the applicant, can put into the expedition now of the resolution of matters would be greatly appreciated because of course, there is a feedback loop into timing considerations.

00:34:22:05 - 00:34:35:15

Thank you, sir. Andrew Tate. Yes. And there are two strands essentially here. The first is the formal in agreeing that and there we are awaiting to hear from

00:34:37:01 - 00:34:51:07

Thurrock in relation to the forecast of costs. That's what we're waiting for. Um, but the second strand is that, as Mr. Bradbury acknowledged in 80, um,

00:34:52:24 - 00:35:22:00

the applicant has been covering the costs in any event, and that remains the position both prior to the downing of tools in January and subsequent to the lifting of the tools, again following the internal processes that Thurrock have adopted in this case. So that's all I've planned to say. So in relation to to that in response, unless there's anything else on that.

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No, but means do proceed onto the next element of your submissions.

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Thank you, sir. So this is timing. And here I think there again, five points. Um, the first point well, as an introduction is, is to say that there has not been a fundamental change in circumstances since your decision in 12 on the 6th April 2023 such as to justify, we say, delaying commencing the examination.

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The only

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change that has occurred is one the agreement in principle or the agreement as to the scope of the on the April 23rd after your decision. And secondly,

00:36:22:18 - 00:36:37:12

Thurrock taking up the the tools again and produce its relevant rep and principle areas of dispute. But those are all changes and circumstances

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that

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do not militate against or militate against that militate against deviating from the timetable rather than supporting any change to the timetable. So the five points are really those think addressing those raised by Thurrock because both Essex and Havering, as well as Gravesham and Kent, do not say that they cannot meet the deadlines.

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Maidstone is not saying it can't, but it's maybe coming back to you on that because it has a local plan. Um, inquiry. Um, so none of those are suggesting the deadlines can't be

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met. And the first point is that ordinarily one would expect commencement of the examination within two months of the expiry of the relevant reps, which would mean

00:37:51:14 - 00:37:57:12

commencing in April or at the latest May. And so the.

00:37:59:19 - 00:38:40:01

Draft timetable is already delayed from the norm. That's 0.1. 0.2. Is that. Bearing in mind this is this point is only made by by Thurrock. Um, there has been a long period of understanding and engagement and dialogue with Thurrock, including in and around the application that was withdrawn in 2020.

00:38:40:25 - 00:39:09:21

Um, and the application having been accepted the end of last year. Thurrock continue to work on that and indeed the applicant has recently paid or been billed rather for costs for thorough reviews of the application documentation in November and December. The agreement to provide funding

00:39:11:12 - 00:39:39:07

since notwithstanding the the hasn't been agreed, but in particular the agreement on the 26th of April has allowed Thurrock to articulate its issues in the relevant rep. And the principal areas of dispute. And so converting that into an lir and w r by towards the end of July, the 18th of July.

00:39:40:24 - 00:39:50:19

We do not consider that that presents an insuperable difficulty. So that is the.

00:39:52:21 - 00:40:23:24

Second point. The third point is that it would be desirable to avoid August holidays. The draft timetable already avoids sitting in August, so it responds to that. And a delayed start would of course mean that the examination would need to extend over Christmas rather than concluding on the 20th of December.

00:40:24:25 - 00:40:36:13

And so that wouldn't bring any respite to those looking for breaks at conventional times of the year.

00:40:38:15 - 00:41:04:07

Fourthly, the further consultation that is being undertaken is minor. The non-material changes generally reductive and responding to stakeholders by making improvements so that it does not comprise any compelling reason for delay. And fifthly.

00:41:06:04 - 00:41:53:06

Um, the factors that are set out clearly in PD 12, such as the public interest in pace and expedition, the avoidance of the prolongation of uncertainty with which has effects on landowners and other parties, that all remains. And those are powerful counters to the application by Thurrock, which essentially flows from its internal decision to to down tools between January and April.

00:41:53:08 - 00:41:58:19

And that should not be. We submit the determinative factor

00:42:00:14 - 00:42:12:20

here. So those are the five points I wanted to make in relation to timing. Can I just turn my microphone off for a moment and turn to Dr. Right to see

00:42:14:12 - 00:42:17:14

off microphone whether he has anything to add?

00:42:21:23 - 00:42:29:22

I don't know whether you could see him, but he says no. Unless, of course, we can assist you further.

00:42:30:20 - 00:42:34:15

And indeed. Can I just ask you to place your microphone off briefly and.

00:42:37:20 - 00:43:09:24

In mode of devil's advocacy here because we have no concluded position on any of this stuff and will not until we boil it all down, which reasonably we won't be doing until we have a considerably more substantial layer of information that will emerge from the preliminary meeting part one itself. However, you heard from Thurrock Council its view about essentially the adequacy of its participation in the proposed examination.

00:43:09:26 - 00:43:36:26

Were we to remain on timetable, the degree to which it views itself as being able to properly and fairly represent its communities in front of this examining authority are. Their submissions to us today have been that if we start on the date that we have appointed ourselves to start in the draft timetable, that they do not believe they will be able to adequately deliver and.

00:43:39:09 - 00:43:58:02

Then there is the issue that they have raised about essentially the proportionality of relationship, the weight that ought be accorded to the serious seriousness of that as a representation, having regard to the amount of the scheme for which their local authority area is responsible or carries. And.

00:43:59:20 - 00:44:34:24

Running to those two very particular points. You know, I take it in general terms that you disagree with those submissions and or consider that if. If they're well founded, they are. They are nevertheless ones on which we should not place a great deal of weight. What I would like to hear from you is, you know, in detail terms in relation to those two points, what do you urge us to do? How do you urge us to to take those submissions from Thurrock into account and what weight should we accord them?

00:44:36:23 - 00:45:07:23

But sir, here may call upon Miss Dr. Wright in terms of the simply the volume of information that an engagement that the applicant has had with Thurrock, the opportunity it's had to provide its relevant reps and principal areas of dispute, which so far as we can see, should not materially impeded from, according with the earlier stages of the timetable, i.e. pre September.

00:45:08:16 - 00:45:24:09

That's particularly, I think the written reps and the ally are. But I may just turn to Dr. Wright to see if he has anything. Again, I'll switch my microphone off and ask him to see whether he has anything to add on.

00:45:25:29 - 00:45:58:22

Sorry dog to write for the applicant. Just like to draw people's attention to our application document. 130 The statement of Common Ground between National Highways and Thurrock Council, which, although caution on the cover due to the status at the time of submission, I think represents the result of a series of years of work with Thurrock Council in understanding the nature of our proposals, the impacts of our proposals, the benefits of the scheme.

00:45:58:24 - 00:46:36:01

And I think that as a document demonstrates the wealth of knowledge that Thurrock Council already have about these proposals. Now acknowledging that our application documents are in some senses a finalisation of the discussions over those years. Um, I think we can conclude that Thurrock Council are not starting from a position of zero information here. They have a long history of engagement and understanding and consultation and input into our proposals, which we've reflected throughout the application.

00:46:37:15 - 00:47:03:13

Again, going back to the point that post the submission of the application, they did continue to work and review the application which which we appreciated at the time, and that we have had the offer to continue to pay them. Now we think that they have got enough information already in place to be well positioned to develop the next stage of responses.

00:47:04:21 - 00:47:30:22

Thank you, sir. Andrew Tate for the applicant. If I can then finally respond on that. So therefore, we would ask you to apply at least a note of caution to that asserted inability to become engaged in the earlier stages of the examination on the current timetable.

00:47:34:22 - 00:47:54:27

And that submission is noted. Um, and at the end of the day, you and Thurrock Council are not in agreement on that point and we are going to have to take this away and deliberate upon it in the light of all other relevant considerations that bear on the timing point that will no doubt emerge at preliminary meeting Part one.

00:47:57:18 - 00:47:58:12

That's understood, sir.

00:48:01:12 - 00:48:02:13

In which case.

00:48:03:03 - 00:48:17:01

In which case, that is all I have to say on item four. There is slightly similar ground to be covered, possibly under item five, but I'm not going to dip into that yet.

00:48:18:13 - 00:48:53:17

And I'm grateful because I think probably the best thing that we can do it is now 1:00. And this process has taken, I think it's fair to say, a little longer than one might have anticipated. But I think it's also been very useful in terms of extracting dialogue around these matters that would otherwise have given us a very substantial challenge in terms of delivering a preliminary meeting in a day. And so what I'm going to suggest we do, everybody, is that it is now 1:00 we break and I'm going to suggest we resume at 2 p.m.

00:48:53:19 - 00:49:23:18

And at 2 p.m., I will turn to my colleague, Mr. Young, who will take agenda item five. Hopefully, agenda item five can move a little more pace because certain of the ground has already been laid in this item. So given that we now have the full examining authority on camera in front of us, I will adjourn this meeting until 2 p.m. All you will need to do at 2 p.m.

00:49:23:20 - 00:49:33:27

is reconnect yourself to the existing joining links. You don't need new joining instructions and the live stream will resume at 2 p.m. as well. So.

00:49:35:06 - 00:49:36:02

Off we go.

00:49:36:13 - 00:49:39:29

Break for lunch. Resume at two. Thank you very much, everybody.