

LTC Programming Meeting_16_May_2023_PT1

Created on: 2023-05-17 12:57:14

Project Length: 01:59:41

File Name: LTC Programming Meeting_16_May_2023_PT1

File Length: 01:59:41

FULL TRANSCRIPT (with timecode)

00:00:03:20 - 00:00:15:21

Good morning and welcome, everybody, to today's programming meeting for the Lower Thames Crossing. Before we introduce ourselves, I will now just recheck with the case team that can be heard and that the meeting, recording and live stream have started.

00:00:17:00 - 00:00:20:27

Yes, Mr. Smith. You can be heard. And the recording of Live Stream is all underway.

00:00:22:10 - 00:01:05:11

Thank you very much. So to introductions, my name is Ryan Smith. I'm a chartered town planner and I'm an inspector appointed on the 2nd of December 2022 under sections 61 and 65 of the Planning Act 2008 as amended, and a delegation from the Secretary of State as the lead member of a panel, which is the examining authority to examine the Lower Thames Crossing application to report to the Secretary of State on the application, setting out findings and conclusions in respect of the application and to make a recommendation as to the decision to be taken by the Secretary of State on that application, I'm now going to introduce my panel member colleagues.

00:01:05:13 - 00:01:08:00

I will start by introducing Ms.. Janine Laver.

00:01:09:08 - 00:01:39:08

Hello. Good morning. My name is Janine Laver. I'm a chartered town planner and I've been in the profession for over 20 years. I was appointed as an examining inspector to the Lower Thames Crossing panel on the 3rd of February 2023. I shall not be making a major speaking contribution to today's meeting, but I can assure you I will be listening and will be taking notes. I shall probably keep my camera off whilst I'm not speaking. I shall now hand over to my colleague, Mr. Ken Taylor.

00:01:40:21 - 00:01:57:15

Hello. Good morning. So my name is Ken Taylor. Um, I am a chartered town planner. I was appointed to this panel on the 2nd of December last year and I will be leading on item agenda item three.

00:02:00:26 - 00:02:06:18

I'll now hand over to my colleague, Mr. Pratt. He's also slightly confusingly called can.

00:02:08:21 - 00:02:39:18

And it's a Kensho. Good morning, everybody. My name is Ken Pratt. In a similar manner to Miss Lever, I'm not going to be making a major speaking contribution to this meeting. However, as with Miss Lever, I will be listening and taking notes throughout and we'll probably have my camera switched off when I'm not speaking. I'm a chartered engineer, a chartered environmentalist, a chartered manager and a chartered water and environmental manager, and I was appointed to this

00:02:41:18 - 00:02:49:26

examination on the 2nd of December 2022 and will now pass across to my colleague, Mr. Young.

00:02:51:09 - 00:03:11:12

Morning, everybody. My name is Dominic Young. I will be leading today on agenda item number five. I'm also a chartered town planner and a member of the Institute of Highway Engineers. I've been employed with the Planning Inspectorate since June 2015 and will now pass back to the panel. Mr. Smith.

00:03:12:11 - 00:03:39:14

Thank you very much, Mr. Young. This is Ryan Smith, Panel lead speaking again. Now, I'll just briefly introduce our Planning Inspectorate colleagues who are working with us on this event, some of whom those of you in the room will have met and spoken to already. Eleanor Church and Ted Blackmore jointly are the case managers leading the Planning Inspectorate case team for this application. And the Examining Authority is also supported by Alice Humphreys, a planning officer employed by the Planning Inspectorate.

00:03:41:03 - 00:04:11:18

This programming meeting is taking place virtually online. Participants who have requested to speak are joining us using Microsoft teams. This event is also being live streamed through a link available on the national infrastructure planning website, Lower Thames Crossing Landing Page. It's being recorded and the recording will be published on the website. So anyone who is interested in it and unable to attend in real time can follow it too. So you know who we are and why we're here.

00:04:11:24 - 00:04:22:08

It's now time for us to find out who you are. I'll ask my panel member colleague, Mr. Ken Taylor, to introduce all of you. So over to Mr. Taylor.

00:04:23:18 - 00:04:43:26

Thank you, Mr. Smith. So, um, I'm going to shortly ask you to introduce yourselves individually, but before I do so, there's just a few things I want you to remember. So we've already advised you that this meeting is being recorded and live streamed because this is a virtual meeting.

00:04:47:02 - 00:05:03:08

The digital recordings that we make are broadcast by live stream and are also retained and published. They form a public record and can be and contain your personal information.

00:05:22:17 - 00:05:57:10

I think we may have lost Mr. Taylor. On that basis, I will deputise for him on this section of the agenda. And now he'd already remarked that the meeting is being recorded and live streamed and it is a virtual meeting. So that enables it to be viewed and listened to by attendees in different locations, both during and after today. And because we're taking digital recordings, these form of public record that can contain your personal information and to which the General Data Protection Regulation applies.

00:05:57:12 - 00:06:28:17

The GDPR. We've provided you with information about this and about your privacy in our frequently Asked Questions document, and I'll very briefly summarize that information here so that everybody has the same information in front of them. The planning inspectors practice is to retain and publish recordings of events associated with examinations. Under the Planning Act of 2008 for a period of five years from the Secretary of State's decision on the development consent order.

00:06:29:21 - 00:07:02:05

If you participate today, you're aware of the retention and publication of this digital recording. If you prefer not to have your image and your background recorded, you can keep your camera switched off and turn on your microphone to speak. To avoid the need to edit the digital recording, please try your best not to add information to the public record that you wish to be kept private and confidential. What that means in practice is ask us before you put any potentially private information into the public domain.

00:07:04:01 - 00:07:37:24

If you are, we consider that there's no alternative to the disclosure of private information. Then we can agree a process to enable it to be made available without it forming part of the oral public record. This the normal way to do this would be to ask you to make general oral submissions, but to include any private or confidential information that you need to support them in a written document. And whilst the written document would need to be published, it can of course be redacted a process in which personal and private content can be removed before the publication takes place.

00:07:38:04 - 00:08:00:13

So if anybody here begins to make oral submissions that appear likely to include information that would normally kept private or confidential, the inspector leading that session will check with you to ensure that you are content with the recording, retention and publication of that material. And if you're not, you will be offered the opportunity to submit that material in writing.

00:08:01:29 - 00:08:19:14

Does anybody have any questions about the terms on which our digital recordings are made or concerns that they wish to raise at this stage? If you do, please press your yellow, raise your hand button, switch on your camera and we will see your face and we will respond to the question that you raised.

00:08:22:05 - 00:08:43:03

I am checking the virtual room and I'm seeing no requests to speak on that item. On that basis, noting that Mr. Taylor has had some internet problems, can I just check, Mr. Taylor, Are you safe to resume this part of the meeting and run introductions? Can I just check or would you prefer that to be done by myself? Yeah.

00:08:43:05 - 00:08:45:02

No, I think. I think I'm good now. Yeah.

00:08:45:05 - 00:08:53:04

Excellent. Right. In which case, ladies and gentlemen, I will return the meeting to Mr. Taylor, who will continue with the introductions.

00:08:55:07 - 00:09:37:12

Yeah. So apologies for that, everyone. Um, so yeah, if we, if we move now on to into introductions, I'm going to, I'm going to do this in terms of we're going to go to the local authorities and then other interested parties, and then finally we're going to kind of go back to the applicant. Um, and in terms of local authorities, I'm going to take this broadly speaking in alphabetical order. So could I ask for Essex County Council, first of all, to introduce themselves? Um, and, and who's going to speak if there's a number of people going to speak? Then it would be helpful if one person could take the lead.

00:09:37:24 - 00:09:44:04

But but also, if you could just introduce anybody else who's likely to speak on this live stream.

00:09:46:11 - 00:09:46:29

So.

00:09:48:26 - 00:10:15:05

Good morning. Good morning. Planning Inspectorate. Good morning. Examining authority. My name is Mark Woodyatt. I'm a principal planner and I work in the growth and Development team, Essex County Council. I've registered to speak today. Should that be necessary? And have a number of my colleagues sitting in the lobby also watching this live stream. Nice to meet your acquaintance and thank you for your introduction this morning. Thank you.

00:10:17:06 - 00:10:22:03

Thank you very much. So if I could move over to Gravesham Borough Council, please.

00:10:23:26 - 00:10:34:23

Good morning. Um, thank you very much for this opportunity. My name is Wendy Lane. I am the assistant director for planning at Gravesham. And if I can introduce you to my colleague.

00:10:35:15 - 00:10:37:05

I'm Tony Chadwick, principal.

00:10:37:07 - 00:10:40:00

Transport and project manager at Grayson.

00:10:40:15 - 00:10:42:16

And it's just the two of us in Grayson today.

00:10:44:09 - 00:10:49:12

Thank you so much. If I could move over to the London borough of Havering, please. Havering. Sorry.

00:10:51:18 - 00:11:04:05

Good morning, everyone. My name is Daniel Douglas. I head up the transport planning policy team at the London borough of Havering. And I'll be the the only representative from Havering speaking today. Thank you.

00:11:05:07 - 00:11:08:13

Thank you very much. And Kent County Council, please.

00:11:10:07 - 00:11:22:28

Good morning. My name is Joseph Ratcliffe. I am the transport strategy manager at Kent County Council. And I'm here with my colleague Nola Cooper, principal transport planner, Kent County Council, who will be speaking today.

00:11:23:00 - 00:11:28:17

If necessary, to summarize our position on the program. Thank you very much. Thank you.

00:11:29:18 - 00:11:32:03

And Maidstone Borough Council.

00:11:34:18 - 00:11:43:24

My my name is Jenny Cullen. I'm a principal planning officer at Maidstone. And it's just me here today on a listening brief as we currently have hearings taking place for our local plan.

00:11:44:21 - 00:11:50:06

Thank you very much. And swale borough council of the in the room.

00:11:56:15 - 00:12:00:18

Okay. So not think not so. Thurrock Council.

00:12:05:02 - 00:12:43:22

Uh, good morning, sir. Represent the council. My name is Douglas Edwards. I'm a barrister in King's counsel, and I'm instructed by the head of legal services at the council. There are three other representatives of counsel participating, present and participating this morning. Mr. Chris Stratford, who sits to my right, is a clerk of town planner and he's the consensus and senior consultant with the Council. To my left is Dr. Colin Black, who is a transport planner, and he is strategic lead for this project with the council and also present but elsewhere is Mr.

00:12:43:24 - 00:13:01:11

Mark Bradbury, who is a chartered surveyor and is the director of Place with the council, can see Mr. Bradbury's camera is on. So I anticipate that myself, together with the three other representatives of Thurrock Council, will participate as necessary in the discussion this morning.

00:13:03:16 - 00:13:14:18

Thank you so much. Um. So moving on to other other interested parties, Is anybody here from Sean Parish Council?

00:13:17:02 - 00:13:19:02

Yeah. Yes. That's me.

00:13:20:22 - 00:13:42:09

Good morning, everyone. Thank you very much for the opportunity to attend and meet you all. My name is Susan Lindley. I'm a parish councillor in Sean where I'm chair of the Planning and Highways Committee, which isn't quite as grand as the title suggests. And I'm here largely to observe what's happening and to input on behalf of the parish Council, should that be necessary. Thank you very much.

00:13:43:24 - 00:13:51:01

Thank you very much. Um, and also think we have a representative from the Thames Crossing Action Group.

00:13:53:12 - 00:14:12:06

Good morning. Thank you. My name is Laura Blake. I'm chair of the Thames Crossing Action Group. We're a community action group that represent people that are opposed to the proposed Lower Thames Crossing. And within that role, we also have a seat on the committee of Thurrock Council's task force. We're here to observe and to speak, if requested. Thank you.

00:14:13:00 - 00:14:21:14

Thank you very much. And and then finally, I just want to move over to the applicant. Could could the representative from the applicant introduce their team?

00:14:23:15 - 00:14:45:21

Good morning, sir. My name is Andrew Tate King's Council, and I'm appearing together with Miss Isabella Tafur. If you are instructed by Pitman's and I'm accompanied today by Dr. Tim Wright, who's head of consents for the Lower Thames Crossing, and Mrs. Anna Marie Compton,

00:14:47:09 - 00:14:52:17

who is Negotiations lead, who can deal with any factual matters as they arise.

00:14:56:29 - 00:14:57:23

Thank you. Thank you.

00:14:59:09 - 00:15:05:13

So I'm not going to hand it back to Mr. Smith for the next part of this session.

00:15:12:02 - 00:16:02:22

Thank you very much, Mr. Taylor. Now, if I could just briefly pick up on the end of that introductory session and note that we did have a little bit of auditory feedback from the applicant group together in the room. So whilst we are then moving through the remainder of the introductory session, if if they can just do a quick technical check, see if they can fix that. This is Ryan Smith, Panel lead speaking again. The introductions are now complete, but before I move to item two of the agenda, can I just ask, does anybody have a burning question of an introductory or preliminary nature that needs to be resolved now because it won't necessarily arise clearly under any of the other agenda items for today's meeting or any outstanding questions about how to participate or to use the technology or systems that we're using for today's meeting.

00:16:02:24 - 00:16:10:24

Again, if you want to speak, please rate press the icon and raise your hand or switch on your camera and I will see you.

00:16:14:17 - 00:16:33:21

And again, scanning the digital room. I'm not seeing any raised hands, either of the yellow or the real physical variety. So on that basis, I'm now going to move on to agenda item two. Remarks about the examination process and preparation for the preliminary Meeting.

00:16:36:02 - 00:17:07:05

I want to start by making some remarks about this meeting and its relationship with the preliminary meeting and the examination of the Lower Thames crossing, examination examination of the Lower Thames Crossing application. And what I'll be aiming to cover here is essentially in a nutshell, what is a programming meeting? Why are we holding one? How does it relate to the preliminary meeting and the examination? I want to cover briefly who can attend and speak today and cover what we aim to achieve.

00:17:07:07 - 00:17:11:13

And then finally just remark very briefly about what we won't be doing today.

00:17:13:22 - 00:17:45:28

In opening, I will say that a programming meeting, so-called, is not a standard part of the preparatory and preliminary arrangements for an examination of a nationally significant infrastructure or ends up held under the Planning Act of 2008. In fact, it's our understanding that no such meeting, so-called, has been held in any previous case. Given that this meeting is an innovation, I will say a few words about the legal framework under which it is being held.

00:17:46:12 - 00:18:34:15

This programming meeting is a statutory meeting referred to in the ACT as an other meeting. It's being held under the Planning Act 2008, section 88 five and under Rule six brackets three of the examination procedure rules. It is subject to the provisions of the Planning Act, Section 95 brackets two E on the conduct of hearings in relation to disruption, supervision and costs. What does that mean in plain English? Well, in addition to preliminary meetings and hearings, examining, authorities have a power to hold what are referred to in the legislation as other meetings where necessary, in the interests of ensuring proper and fair arrangements for an examination.

00:18:35:16 - 00:19:15:13

Should we decide to do so? And we have decided to do so in this case, then there are elements of the rules relating to hearings that also apply to such meetings to ensure that they are fairly and well run. These rules provide that the examining authority can regulate the conduct of this meeting, that all participants must broadly behave reasonably and that if they do not do so, there are circumstances under which those who have behaved unreasonably and can be made subject to an award of costs sought by those who have behaved reasonably and whose participation has been adversely affected by the unreasonable behaviour.

00:19:18:11 - 00:20:05:01

We've decided to hold this meeting. And because of the geographical extent and scale of the lower Thames Crossing application and because of the large number of local and public authorities involved in it, there are a lot of local and public authorities involved, many more than even in a typical case. And as all ends, it's a large developments. This is large on top of large. And it became apparent to us that there were a number of procedural issues and questions being raised by local and public authorities that were very particular to their standing and that related to particularly to resourcing, to participation in the examination and the means by which the examination timetable might support public authority involvement.

00:20:05:24 - 00:20:34:00

And rather than have a long and detailed conversation about these matters at the preliminary meeting, it made sense to hold a preparatory programming meeting that enabled these issues to be discussed in the round without having the clock against us to the same extent and without that discussion needing to be limited and in the interests of ensuring that it didn't limit involvement by other interested parties who are not local or public authorities.

00:20:35:27 - 00:21:06:08

Now in relation to the other interested parties who are not necessarily with us today, and there are a lot of people potentially involved in the Lower Thames Crossing examination who are not local and public authorities and who may not be represented or supported by professionals. And we wanted to ensure that we could run a preliminary meeting that was as clear and straightforward as possible involving them as fully as possible and retaining as much time to address the issues and questions raised by them as possible.

00:21:06:10 - 00:21:25:17

And in that context, it made sense to make an early start on our conversation with everybody in this room about procedural arrangements and to get some potentially complex resourcing and timing issues onto our table and into our minds to be deliberated upon as soon as we reasonably could.

00:21:27:19 - 00:21:33:23

These were the considerations that led to our decision to hold a programming meeting as an input to the preliminary meeting.

00:21:35:27 - 00:22:04:11

Think need to say, and then that it follows that this meeting is a meeting that has an agenda that is focused distinctly on the procedural issues and questions that emerge from local and public authorities. It is a meeting where there is enough time for these matters, including matters of detail, to be explored and if necessary, for competing considerations between different local and public authorities to be reviewed and balanced.

00:22:06:06 - 00:22:35:03

In managing this meeting. We will keep the discussion to the items on the agenda that was circulated in Annex C to our Rule six letter, but be alive to the fact that this is a public meeting. Any interested party was welcome to attend virtually and in common with all of the meetings and hearings that will be held by this examining authority. It is being livestreamed and recorded. And so again, that discharge is our obligation that this meeting is held in public.

00:22:36:19 - 00:23:15:29

Importantly, this is not a meeting where any final procedural decisions about how to examine the Lower Thames Crossing application will be taken. This is a meeting where those in the room can present their positions on the draft procedural arrangements that we have circulated for comment. You can ask questions about how the examination will be run and we can ask questions of you about how you will participate. That will, as I say, pour information into our tanks, our minds, so that we can boil all of that information down and make better procedural decisions at the end of the day.

00:23:16:05 - 00:23:45:21

But do note all of the procedural decisions about the examination will be taken at or after the preliminary meeting itself in the round once all interested parties have been heard. So there's no issue of prejudgment here. This meeting is an input to that meeting. It does not preempt or prejudice any of the decisions that will be taken with all of the information to hand carefully and equally balanced and at or after that meeting.

00:23:47:24 - 00:24:19:09

It probably barely needs saying, but it is worth making a point for the record that this meeting is not a meeting to discuss any of the planning merits or the effect of the proposed Lower Thames Crossing development. This is a meeting purely about procedure to enable us to design the best and fairest examination process for the application. We will not start to hear and discuss the merits and effects of the proposed development until the examination itself begins.

00:24:22:19 - 00:24:28:02

So how does this meeting relate to the preliminary meeting?

00:24:29:22 - 00:24:33:27

It comes before the preliminary meeting and as an input to it.

00:24:35:29 - 00:25:06:19

It should ensure that by the time we hold the preliminary meeting, we understand the issues and the questions that local and public authorities are bringing to the table today. And it's clearly useful that we have that conversation here today before we introduce the additional layers of complexity and competing considerations that might emerge at the preliminary meeting as to how this meeting is going to work in practice. We will review the draft procedural arrangements for the examination and ask for your comments.

00:25:07:15 - 00:25:44:27

And we intend to do that in two main chunks in the agenda. I will be running through essentially broadly the timetable provisions around oral hearing and written processes supporting the examination. And then my my colleague, Mr. Young, will be talking very particularly about the processes that are used to formulate a local impact report by local authorities. And because we're very conscious that that's quite a resource consumptive process and we want to talk about that individually and.

00:25:46:14 - 00:26:17:26

And what we will do if there are changes to timetabling, changes to procedural arrangements that you seek. As I've said, we won't be making decisions about those today, but we will note your points. If

there are then matters that need to be brought forward within the framework of the preliminary meeting, then we will bring forward potential changes to procedural arrangements that have emerged in this meeting for general discussion in the preliminary meeting in due course.

00:26:19:08 - 00:26:52:26

We're holding the preliminary meeting in parts. Part one will be held on Tuesday the 6th of June, and that is where matters discussed at this meeting will be drawn into the discussion. There's then a procedural deadline. Procedural deadline. See, on the 13th of June 2023, where parties wishing to comment in writing on matters that were raised in part one of the preliminary meeting may do so. And at present, we would intend that preliminary meeting part two will be held if required on the 20th of June 2023.

00:26:53:14 - 00:27:18:05

I say if required because it will be held if there are matters that need to be discussed between the parties and people request to be heard at procedural deadlines. See? Now, if that's the case, part two will be held virtually and speakers will be invited. But if there are no such matters and no such requests because everything was discussed and resolved during part one and there are no requests to be heard of part two, then part two can proceed.

00:27:41:13 - 00:27:43:12

Well, it appears that we have.

00:27:43:14 - 00:27:44:07

Lost.

00:27:44:17 - 00:28:23:05

Mr. Smith for the time being, so we're just going to see whether we can get him back into the meetings promptly. Um. Right. Appears Mr. Smith has had a power cut. So what I'll do. Keep the momentum moving. She'll step in and take over. Um, so just picking up on where we were once we have decided. That we were able to commence examination, we move to move on to closing the preliminary meeting at the end of or immediately following the meeting.

00:28:23:07 - 00:28:30:29

The examination and examining authority will take the procedural decision necessary to govern the examination of the Lower Thames Crossing application.

00:28:32:15 - 00:28:50:29

The procedural decisions taken at or after the closure of the preliminary meeting and a confirmed examination timetable would then be circulated to all interested parties in our Rule eight letter taking account of and balancing matters raised at this meeting and at the preliminary meeting.

00:28:52:17 - 00:29:27:24

We aim to make this meetings focused and efficient as possible and to assist us. We issued the following documents to you all, which you should have. But if anybody hasn't, please raise your hand. You should be in possession of the Rule six letter, which included the invitation to this meeting and set out the agenda for it in Annex and a set of draft procedural arrangements for the examination which we will be discussing today. The draft examination timetable was attached to an Annex D and that will be the focus of our discussion here today.

00:29:28:28 - 00:29:46:19

There was also a frequently asked questions linked to and from the royal letter and on the website, which aimed down to many of the questions that involved that anyone involved in examination of a nationally significant infrastructure project might have.

00:29:48:11 - 00:30:02:04

We will be assuming that the documents have been read and whilst we can answer questions that might arise, will only be providing a summary of the key points arising from the document in a meeting today.

00:30:04:12 - 00:30:35:15

I won't summarize the application before us now because I'm sure that you all know it too well, other than to say it's for a dual carriageway road proposed to connect the A2 and M2 motorway in Kent by a pair of tunnels beneath the Thames to Thurrock in Essex and to the M25 orbital motorway. It has been proposed by National Highways, which is a government owned company which manages the National Highway Network in England.

00:30:37:11 - 00:30:41:12

They are here today and we will refer to them as the applicant.

00:30:43:11 - 00:31:08:18

You will find information about the application and documents produced for the examinations on the Planning Inspectorate, National Infrastructure website, and a website has a landing page for the project and tabs that set out the examination procedure, the timetable for the examination, relevant representations and the library of examination documents. You'll find the link to that on our Rule six letter.

00:31:10:16 - 00:31:18:17

Do become familiar with a website. We will be using it to communicate with all interested parties and to provide access to documents throughout the examination.

00:31:20:04 - 00:31:27:17

Right. You can see that Mr. Smith has now rejoined us. Mr. Smith, do you want to jump back in at this stage?

00:31:28:03 - 00:32:03:08

Thank you very much, Mr. Young, and apologies, everybody. That is a classic example of the technical issues that can assail a virtual event. Um, there was a power cut in my road and I'm now joining you courtesy of mobile Internet. Let's let's hope that that continues at least until the point where the power is restored. Um, now then, um, I would like to speak briefly about the agenda for today's meeting.

00:32:03:10 - 00:32:07:23

Could could I ask the case team to share the agenda, please, on screen?

00:32:13:29 - 00:32:46:10

Thank you very much. And you can see the agenda. Hopefully you've got one beside you on your own screen. We will move through the agenda items. And as we move to each agenda item, I or the inspector leading that item will check with the interested parties present in this meeting on teams and find out who wishes to speak on each item. And we will move through before we resolve each item. And we will we will normally pass through speaking to each local authority in turn.

00:32:46:12 - 00:33:07:06

I'll then ask if there's anybody else who wishes to speak, and then we will finally go to the applicant for any observations. If the applicant introduces anything new in their observations, we may then have a brief final cycle around the room before we close the item. This church, Can I ask you to remove the agenda from the screen now?

00:33:11:27 - 00:33:50:14

Thinking then about how this meeting will be run. In procedural terms, all submissions, whether made in writing at procedural deadline a orally today or in writing afterwards up to an including procedural deadline b will be given equal consideration. And what we will then do is to take all of those matters into account. And at the preliminary meeting, what I will say is that if you do wish to raise a general matter, something that goes beyond the remit or agenda of this meeting, please don't be offended if we ask you essentially to park that and bring it in due course to the preliminary meeting.

00:33:53:20 - 00:34:07:17

Okay. And there's just one final set of observations that need to make before we actually get stuck into the business of the meeting itself. And that relates to contingency arrangements and.

00:34:09:12 - 00:34:44:22

These are arrangements in case anything happens that makes it difficult for this meeting or indeed any meeting or hearing in this examination to continue. And we've just had an example of that this morning. And virtual participation can, of course, be affected by personal, local and general issues that restrict participation. A personal issue classically like the one that affected me this morning, such as your laptop or phone or the WiFi that you're using to connect to the meeting, failing as you have seen. If that happens, any of the inspectors individually in the virtual event have a second who will follow and take their business.

00:34:44:24 - 00:35:30:15

And thank you very much to Mr. Young for demonstrating that very well this morning. And. If you are participating as an individual and you don't have somebody who can participate on your behalf, all is not lost because everything is recorded. You can review the recording after the event on the national Infrastructure Planning website and you can make the written submissions covering what you would have said orally and you can send them in by procedural deadline B Every meeting or hearing during the examination has an equivalent deadline set for written submissions after the event in order to cover up that need, if it should be there and for the larger represented organizations in the virtual room.

00:35:30:17 - 00:36:03:00

Of course, if you've got a colleague who can step in on your behalf, as Mr. Young did for me just then, again, that will be the best way forward and moving then to to sort of slightly more widespread issues that are not personal, slightly more local or general issues. A local issue might be something like the Wi-Fi failing in a venue that the examining authority is using to conduct a meeting. And as you have already seen, we have backup systems in place and we will do our best to resume the event using those systems as soon as we can.

00:36:03:02 - 00:36:36:03

So even if all of the inspectors disappear off the screen, virtual attendees, please should stay online in the meeting and watch the national infrastructure planning website Lower Thames Crossing Banner for any messages that will tell you how soon we're able to get back online. And we will do our best to resume service in a few minutes. An even broader issue might be something like a flood or a fire or something of unexpected scale or impact affecting particularly a venue where we are holding physical events such as the main preliminary meeting.

00:36:36:18 - 00:37:09:18

If things of that nature happen, then again, the examining authority has contingency plans in place to resume the event as soon as possible using backup systems even outside of venue if we have to evacuate. If there is general disruption of that nature, we will provide adjournment, advice and a time at which any event will resume again. On the national infrastructure planning website Lower Thames

Crossing Banner. If necessary. That will include a new live stream link and individual speakers in the event.

00:37:09:20 - 00:37:49:15

If we needed to move an event from a physical event into a virtual event for contingency reasons, then individual speakers in the event would receive an email providing them with any new joining instructions that were necessary. So, ladies and gentlemen, that hopefully gives you a sense of what we will do if things go wrong. And those are standing arrangements that we aim to use throughout the examination. Now, before we end this agenda item, does anybody have any final questions or need any clarification on any of the arrangements around the conduct of this or indeed other future meetings or hearings moving forward? Again, I will watch the room for raised yellow hands or cameras coming on.

00:37:54:14 - 00:38:08:16

And I see none. So I'm now going to hand back to my colleague, Ken Taylor. And Ken is going to take us through agenda item three Matters arising at procedural deadline A. So over to you, Mr. Taylor.

00:38:13:07 - 00:38:23:01

Thank you, Mr. Smith. Um, so, yes, just to cover off agenda item three matters arising from procedural decision A.

00:38:24:27 - 00:39:02:29

So we asked you to provide us with a written submission about the arrangements for the participation of in the in this examination, the preparation of local impact reports and resourcing and timing considerations. And we've received eight responses from, from from you all in terms of that. Um, that's included the Emergency Services and Safety Partners Steering Group, which I think I'm going to just refer to as the steering group from now on.

00:39:03:01 - 00:39:16:02

Gravesham Borough Council, Kent County Council, the London borough of Havering and Mason Borough Council, Medway Council, Thames Crossing Action Group and Thurrock Council.

00:39:19:07 - 00:39:25:28

And. And. And when we received the response from council that that also included their.

00:39:27:24 - 00:39:33:27

That relevant representation and and an updated version of their.

00:39:35:13 - 00:39:37:06

At. That.

00:39:43:18 - 00:40:07:12

As an example of 40. We have read all these submissions. But primarily these matters raise issues that are relevant to items four and five on the agenda. So item four, in terms of the participation in the in the hearings and item five in terms of the local impact report.

00:40:09:10 - 00:40:31:18

There were a number of matches that have been raised in the submissions that are relevant to the merits or the principal issues for this project. These are not matters that we can discuss or raise today or indeed at the preliminary meeting, and there matters that will need to be resolved and to to be discussed at the in the hearings for this event.

00:40:38:10 - 00:41:02:17

However, I am aware that some of those issues have been raised because they relate to resourcing and timing implications. And so those matters that we can discuss today. We also have scope in agenda item six to cover other matters that have not been raised. In terms of the main the main issues of this agenda.

00:41:06:02 - 00:41:12:27

And ask for any interested parties at this stage would like to take the opportunity to raise matters.

00:41:14:27 - 00:41:24:17

On this particular agenda item, but if not, reserve them to. The relevant agenda items that have to follow.

00:41:30:12 - 00:41:31:18

Excellent.

00:41:32:00 - 00:41:32:15

Okay.

00:41:35:06 - 00:41:58:29

On that basis, it seems that we've got a clear understanding of who's here and the issues that are to be brought forward, and nobody is wishing to bring forward other issues. So on that basis, we will move to agenda item four and local authority participation. My name is Rin Smith again, panel lead and I'll be leading for this agenda item and.

00:42:01:11 - 00:42:36:23

What I will do then is introduce firstly the local authorities who are requesting involvement in alphabetical order and. And. Essentially just before I do so, I'll provide you with a very brief pen picture of the nature of the matters that appear from our reading of the representations are likely to be emerging in the discussion matters around examination, commencement and timing and matters relating to resourcing, particularly managing overlap with local plan examinations.

00:42:37:19 - 00:42:46:19

Matters around procedural fairness in process design matters around the coverage of PPAs and.

00:42:48:07 - 00:43:20:26

Questions about additional consultation and non-material and or material changes to the application during the examination period by the applicant and requests that the examining authority provides the best possible advance notice of hearing topics via its agendas and some requests about the timing of deadlines. So can we go first to Essex County Council and the floor is yours. Put the issues to us as you see them.

00:43:26:06 - 00:43:32:07

Thank you very much, Mr. Smith County Council. Um. No pressure going first.

00:43:33:25 - 00:44:15:06

Apologies in relation to the the specifically item for obviously Essex County councillors has been a key consultee in this particular process moving forward. You'll be aware of the fact that this proposal has been mooted for some considerable time. You'd be aware that it was submitted previously. Think if memory serves me right in 2021 and coming back and we've obviously submitted our relevant representations to you moving forward in terms of resource requirements, I can confirm that we have signed an extension to our um, our PPA which was in place planning performance agreement to its.

00:44:17:05 - 00:45:17:00

We've, we've obviously now signed an extension to that and that goes a long way in meeting our resource costs. You will be you will, you will also be aware the county inspector is aware of the significant number of national infrastructure projects as its county Council has on its books at this moment in time. And in terms of resource considerations, that obviously plays very heavily in terms of our availability and our stakeholders availability to be able to comment in detail on these schemes, in particular, bearing in mind this is a um, a road based scheme, you will be aware of the A12 development consent order which is currently is think about 60% through its its examination by the inspectorate and that is causing us huge issues in terms of resources and in terms of officer timetables, um, any deadline that is given to us.

00:45:17:09 - 00:45:17:24

Um.

00:45:18:24 - 00:45:20:13

It's going to be a challenge, but.

00:45:20:15 - 00:45:49:16

Nevertheless is something that SEC will will endeavor to meet going forward and use the goodwill of the applicants and particularly national highways in in obviously part funding our time at at hearing. Um, that's all I have to say at this particular time, if I may. But obviously if there are anything else that's raised by any of the other Consultees would be very pleased to, to comment on that maybe at the end of this particular agenda item.

00:45:50:02 - 00:46:21:01

Yes. Yes. Mr.. WOODRUFF. On that final point, I would you know, that's the very, very purpose and function of this meeting. If what we want to do is to allow everybody to put their in principal positions and then if there are interactions between you. So, for example, an authority asking for something different and we will come back to the other authorities and we will put the point. So, you know, if somebody is asking for deadlines to change or commencement dates to change or anything of that nature, we'll have that conversation in the round. Okay.

00:46:21:03 - 00:46:41:08

So I take it in that respect then, that whilst nobody ever particularly enjoys an examination timetable and there are challenges that your authority faces, you are broadly able to deliver within the framework of the timetable that accompanied our Rule six letter.

00:46:42:09 - 00:46:47:03

Thank you, sir. Again, Mark. Essex County Council. Broadly speaking, yes.

00:46:47:24 - 00:47:13:11

Okay. Thank you very much for that. Moving on then, can I then ask representatives of Gravesham Borough Council? I'm going to be alphabetic here. So. So not springing this on anybody in any cruel or unusual way. But. But, you know, Alphabet is as good as any means of introducing a range of parties into a meeting. So, Ms.. Lane, are you are you leading this item?

00:47:13:22 - 00:47:53:05

I am, yes. So Wendy Lane, I'm the assistant director for planning at Gravesham. Um, Gravesham has been involved obviously with this project for a very long time. Um, we are not supportive. Um, but decisions have been made that it's much better for the council to be actively involved to ensure that the project is aware of our concerns and for us to try to get project amendments so far as possible. Um, that hasn't always been clear. Um, we had raised issues in the past about feedback, particularly to

local residents, and we feel that has reduced people's active involvement in the proposal as it's moved forward.

00:47:53:16 - 00:48:23:19

Um, exacerbated by multiple stages of consultation with a lack of general understanding about how the project has and hasn't evolved. Um, we are a district, obviously we have county council above us, um, very much leading obviously on the highway side, but our concerns are around the impact that he's having on our borough as a whole. So that is our residents, our businesses and our environment and we want to ensure that we can be involved.

00:48:23:28 - 00:48:58:24

Um, the planning performance agreement that we have had with national highways has not remotely covered all the costs that we have had to put into this. So that is a direct cost on our taxpayers. Um, which has been challenging, particularly, as I say, we are not supportive. Um, we are, um, we work in quite a small, there's quite a small team and we are very much relying on colleagues throughout the council to give input. Um, but the benefit I suppose, of being a fairly small team, primarily, um, myself and Mr..

00:48:58:26 - 00:49:33:15

Chadwick work. Um, it does mean that we understand the project and that's quite important because of the scale of the material. Even when we are asking for colleagues to provide feedback, we are finding the submission documents material is very much spread around and you can't just look in one place. Um, it's actually quite hard to do searching because you, you can obviously searching the document. So that really has made things much more complicated for us. Equally, we have in the past asked for additional plans around the complexity of the junction, particularly 3D models.

00:49:33:17 - 00:50:06:07

We haven't necessarily got that, although there is always new material being supplied in draft form. So we we feel quite on the back foot a lot of the time, as I say, because of the scale of it. Um, some of the terminology doesn't necessarily assist Wayfaring. Um, for us and obviously we are very pleased that Sean Parish Council is attending this meeting as one of the affected parishes within the borough. Um, going forward, obviously we want a planning performance agreement that very much, um, meets our concerns.

00:50:06:09 - 00:50:40:29

We have agreed one. Um, we are now wondering if that was a bit premature as we are understanding that there seems to be discussions with others. Um, we have, it is done as an, um, so it's confidential. We're not sure that's helpful. We feel that it should be much more transparent with everyone having the same components that are funded rather than this hidden agenda of discussions that are taking place. And equally, we have been involved with other nationally significant infrastructure planning projects Tilbury, two London resorts, various others, and the logic is much different.

00:50:41:01 - 00:51:17:21

It's very much the logic that we get from those promoters as being we need you to be actively involved and as long as obviously your costs are reasonable and you are transparent in what you're doing on the work packages, they will do that. Um, Lower Thames Crossing as a national highways project does very much hide behind its public money. And therefore there isn't that expectation that they fund the things that are expected. We feel that has been unhelpful for us. Um, whilst we haven't had obviously quite the same budgetary challenges as Thurrock, we are in a challenging budgetary position as our public papers will make clear.

00:51:18:02 - 00:51:51:26

Um, and as highlighted earlier, this does cause issues for us. At the same time, we don't want the ongoing uncertainty for our residents. We feel that they have had that for long enough. We don't feel

that's fair for our residents. And so we are actively working to trying to move things forward. We are awaiting feedback from national highways on statements of common ground, our principal areas of disagreement. Obviously that's been submitted and our Section 106 asks that's also been submitted. So very much. There is lots of things at the moment that we are waiting to hear back from.

00:51:52:11 - 00:52:27:01

The data from national highways to then see how they see us moving forward. But we, like you, recognize the need for a timely and fair process. We are going out of our way to try to ensure that resourcing and hence, as you will notice, we have met your deadlines to date and we will continue to do so. We equally do hopefully recognize that you are our key focus. We need you to understand the challenges that our area and our population and our environment is going to suffer. And therefore, the clearer we can be, the more succinct we can be, the better we feel.

00:52:27:03 - 00:53:03:09

That's also more transparent for the public. So we are going, as I say, our way to try to assist you to truly understand because we recognize the impartiality and the value of your role. So we are committed that we will meet that deadline. Um, I have had to informally advise staff that don't think I'm going to be very supportive of summer holidays because there is so few of us. But we recognize, as I say, that we want to do our best, but we do feel that greater assistance would be reasonable and we want that equality for us if other things are being done for colleagues.

00:53:03:11 - 00:53:12:29

And as I say, hopefully I've covered the key issues and obviously we talk about the local impact report later, but obviously, as always, happy to assist in any way I can. Thank you.

00:53:13:07 - 00:53:38:03

Okay. A couple of observations from me, but firstly, a question again, the same question that I asked of of Kent, and that is that in principle up front, um, the timetable as we set it out in draft in the rule six. And whilst it may not be a thing that causes drawing your heart is something that is at least capable of being delivered to.

00:53:39:25 - 00:54:09:27

Um, yes, we did. We did make that statement in our submission that we can meet the deadlines in the current timetable. The only issue that we thought we might be raising in the preliminary meeting is that we are not happy about the lack of a physical open floor session south of the river not being in Gravesham because we feel that we are most directly affected and we notice there is a session booked for the 5th of July. So I have provisionally booked our council chamber and another meeting for that day.

00:54:09:29 - 00:54:18:17

If that was an option and I understand there will be more detailed discussion later, but that will be we really feel a local meeting is needed.

00:54:18:20 - 00:54:57:27

On that date. And thank you very much for that point. And it's a point well made. And what I will do is ask the case team to continue to have conversations with you about venue availability issues and in relation to that. So there's then a sort of slightly high level observation I wanted to make about the relationship between provision and this examination. And as you very rightly said, people are essentially contractual. They are the convention around them is that they are private and confidential between the authority or entity making them and the applicant or proponent offering them.

00:54:57:29 - 00:55:55:27

And they are sometimes subject to non-disclosure agreements, NDAs. And you know, that's the nature of the conversations that you have been having in a range of parties have been having in this case. It is not our role as an examining authority to lift the curtain forcibly and by order and kind of gaze in to the hidden spaces of your arrangements with this applicant. However, I will place on record and note for the applicant equally and all other parties as you're the first to surface this, that we are distinctly interested in the degree to which planning performance agreements for state effective and fair engagement in this examination and do not give rise to concerns about the adequacy of an examination process, concerns about procedural fairness or concerns about the rules of natural justice.

00:55:55:29 - 00:56:40:29

At the end of the day, it we have to conduct a fair and lawful examination that includes one at which those coming to the table on behalf of their communities as local authorities are coming with broad equality of arms. Now make that point. As I say, not because I'm about to engage in a curtain lifting exercise, but so that it is on record and the applicants are clear that it is our expectation and our ongoing conversation about these matters will be that there is that broad fairness and that there is an overarching objective towards the provision of equality of arms.

00:56:41:01 - 00:57:18:00

And in the local authority community, the large local authority community affected by this scheme. And it would be remiss, as we see it, of a range of arrangements that they facilitated the extensive involvement of one particular local authority at default or exclusion or reduction of involvement by another authority. And so what we will say to you now and we will ask you and all local authorities to refer to us is that if there are concerns of that nature and again, without us.

00:57:20:26 - 00:57:42:12

Lifting curtains that we shouldn't lift. That is a conversation that we will wish to continue and both with local authorities and with the applicant. Okay. Thank you very much for those interventions. All all noted. Are there any other points that you need to make or can I move then on to the London for.

00:57:42:14 - 00:57:43:22

You to move on? Thank you very much.

00:57:43:26 - 00:57:50:10

Thank you very much. In which case will move on to the London borough of Havering. And I believe we have Mr. Douglas.

00:57:51:02 - 00:58:25:18

Thank you, sir. Daniel Douglas from the London borough of Havering. So London Borough of Havering has been involved in this project ever since, ever since its inception. And our continuing involvement continues to be a key priority for for the Council in terms of our involvement in the examination going forward. The councils in the process of finalising an updated planning performance agreement with the applicant.

00:58:26:00 - 00:59:02:29

That's we're in the final stages of, of, of getting the I's and T's kind of crossed and dotted, as it were, which will and provide limited support financially for the Council for aspects of the of of the examination process. Um, I've also got some internal financial support from the council to, to support myself and the, the, the wider team as, as the examination develops. Um, in terms of um, how Havering will be kind of resourced during the examination.

00:59:03:06 - 00:59:38:14

Um, I'll be the kind of, the lead contact if you like, for the, for the project, but I'll be supported by a wider technical team, um, that can provide more technical support on some of the, the, the, the issues

that the examining authority raised as the principal issues for consideration. Um, in terms of our resources, um, people aren't working full time on this project. Clearly there are other, other, other work that the council is doing that, that, that, that my colleagues are also being involved in.

00:59:38:22 - 01:00:09:27

So it's not a team that's working full time on the project, but it is a team that can support the examination process. Um, and in terms of the, the deadlines that the, the panels set out, um, Havering secured a delegated authority approval process for signing off submissions, um, which is something that, that I'm aware that the Planning Inspectorate advise local authorities try and get in place before an examination takes place.

01:00:10:12 - 01:00:49:21

Um, the process that we've got in place is one that we've used for an earlier development consent order. Um, that took place a couple of years ago, the M25 Junction 28 Capacity Improvement Project, um, which, which we found worked. And we're proposing to, to use that approval process again this time round. Um, clearly we don't yet know how the examination is going to pan out and how that's going to work in practice. But as it currently stands with that approval process in place, I'm confident that we can meet the the deadlines that of that have kind of been been set thus um, thus far.

01:00:50:13 - 01:00:53:21

Um, those are the main points I wanted to raise at this point.

01:00:53:27 - 01:01:21:05

Thank you very much. Um, very useful that you made reference to that standing delegation process. As you've said, it is one that the Planning Inspectorate recommends local authorities involved in and zips to, to form. Um, and really just to flag that if there are any other authorities in the room who haven't yet put such a process in place. Um. There may be somebody who can tell you how to do it.

01:01:22:29 - 01:01:50:16

Sorry. Um. However, it is a useful process. And then my general question, which you've already heard me ask, I know it's a little bit like reading the bands at a wedding. We probably know what the answer is because you'd have said it in your written submission if it was not the case. However, you are broadly content to live with, as I take it, the the framework, the procedure of arrangements and the deadlines and dates set out in the draft examination timetable.

01:01:51:03 - 01:01:52:11

Yes, that is correct. Yep.

01:01:52:26 - 01:02:00:23

Thank you very much. In which case, unless there's anything else that you wish to add, I will then draw in Kent County Council.

01:02:03:26 - 01:02:06:15

Now then who will be leading for Kent?

01:02:08:02 - 01:02:38:27

Thank you, Mr. Smith. My name is Nola Cooper, principal transport planner, representing Kent County Council as a host authority. And I'll be leading on this item. Um, so like the other local authorities, we have been involved in this project for a number of years, and within our written submission we have outlined the key points that we wish to make around arrangements needed to participate in the examination. Whilst we will endeavour to do our best to respond to the examination within the means of our current resources. We would like to raise the following four points for consideration.

01:02:40:00 - 01:03:19:16

Firstly, our request for an enhanced planning performance agreement with the applicant. And whilst we appreciate purpose and not within the gift of the examining authority. Like Gravesham, we would like to bring to your attention our concerns regarding the applicant's inconsistent approach to PPAs and the need for local authority purpose to be urgently reviewed to ensure a fair and equal approach is being adopted. Local authorities are under significant budget and resource pressures and sufficient financial support from the applicant will ensure we have the capacity and capability to respond in a meaningful and timely way throughout the examination.

01:03:20:15 - 01:03:52:24

We do have a in place with national highways, but it currently does not cover us for work in preparing our written representation Local Impact report or responding to the Examining Authority's questions. Only our costs incurred in dealing with issues in the applicant's statement of Common ground are reimbursable and the existing PPA does fund study work into the wider network impacts arising from National Highways Scheme. Secondly, our request to reduce the need for additional consultation during the examination.

01:03:53:12 - 01:04:19:24

Whilst we recognise the importance of consulting statutory bodies and local communities on proposed changes to the application. Additional consultations place further burden on local authorities to review the proposed changes and provide meaningful response within the limited time frames. Therefore, we would fully encourage the applicant to reduce as much as possible the need to undertake additional consultations throughout the examination.

01:04:21:18 - 01:04:51:26

Thirdly, our request for advance notice of the issues to be discussed at each issue specific hearing. We recognise the importance of local authority, officer attendance, at issue specific hearings and will endeavor where possible to attend these. However, as the timing of the examination means, some of the deadlines and hearing dates fall over the school summer holiday period, we would welcome advance notice of the exact dates and topics to be discussed at each issue specific hearing.

01:04:52:05 - 01:05:23:00

This will assist us in planning resources to ensure there is representation by Kent County Council at relevant hearings. And finally, we would like to politely request for the examining authority to consider the issue of local local authority officer availability when seeking responses to written questions and comments. It would be welcomed if the examining authority could be mindful of the number of questions being issued at once to each particular authority and ensure that the questions are as clear as possible.

01:05:23:27 - 01:05:45:20

In addition, it would be welcomed if deadlines two and three could be extended into September to give a better chance of staff availability for providing responses. Thank you for the opportunity to speak. And both myself and my colleague Joseph Ratcliffe, transport strategy manager at Kent County Council, are happy to take any questions the examining authority may have. Thank you.

01:05:46:04 - 01:05:52:18

Thank you very much. Um, moving backwards through through a couple of those. Um.

01:05:54:14 - 01:06:06:08

One issue that will flag is that this timetable is not conventionally structured with a very, very large number of written questions immediately at the outset of the timetable.

01:06:07:28 - 01:06:42:05

It's worth making clearer logic in terms of taking that decision. And the logic was this. We felt that. Quite often large numbers of written questions at the outset, although the endemic process is meant to be principally written, end up partially answering issues that then end up being drawn out and much more satisfactorily resolved around a table in a hearing room. And so it was our resolution that we weren't going to issue written questions until we have seen a number of written products and absorbed them, written representations and comments upon them.

01:06:42:07 - 01:07:22:05

And that also we have at least made a good go at starting to unpack issues in the hearing process. The proof of that pudding will be in its eating, however, and can't make promises at this stage. But what I can say is that hopefully the numbers of questions should be smaller as a consequence. They should be much more targeted, much more focused, and essentially now then dealing only with the issues that are being dealt with in writing, because it's very clear that they don't approach the threshold of necessity to be grappled with in hearings later on in the examination.

01:07:22:16 - 01:07:56:06

I hope that that might address some of your concerns. It's certainly an issue that the Planning Inspectorate are very alive to, and we are busily trying a range of different innovative practices to try and address that issue and. The summer holidays. The issues are noted, the deadlines, the issues are noted. As indicated, we will not be making decisions on those matters today. And then finally, in terms of the PPA issues, those are essentially very similar in nature to those that were raised by GRAVESHAM.

01:07:56:08 - 01:08:38:22

You heard my remarks there. I reiterate them and you know, we're not pulling any curtains aside, but equally we are urging upon the applicant the desirability of equality of arms, the desirability of fairness and also the desirability of their not being, I guess, into positions around the management of public money. Yes, it's public money. It has to be managed prudently. But if that management process in and of itself becomes a blockage in delivery by the local authorities, whose participation is in the best interests of the public in terms of making a good decision about the project, then the tail is beginning to wag the dog.

01:08:38:24 - 01:09:09:09

So yeah, we will be we will be trying to make sure as we can without lifting that curtain that we keep our eyes on the fairness of the issues emerging there. Then the obligatory question, of course, you've seen the timetable, the draft timetable attached to the Rule six letter. I take it from your written submission that had you subject to your reservations about August and deadlines two and three not been able to live with it. You would have said so in stronger terms.

01:09:09:13 - 01:09:12:15

So I take it that you're content broadly to live with it?

01:09:13:01 - 01:09:16:06

Yes, it will be difficult, but we will do it.

01:09:17:00 - 01:09:32:00

Okay. Thank you very much. In which case, unless there's anything further that you wish to raise, can I then just check? Do we have Maidstone in the room? Do we have Miss Cullen?

01:09:36:00 - 01:09:37:06

Hello? Yes, hi.

01:09:37:26 - 01:09:40:23

Hello. Right. The floor is yours.

01:09:41:13 - 01:09:42:06

Um. Okay.

01:09:42:15 - 01:09:51:17

Don't think I was instructed to speak today by my colleagues at Maidstone. Was told that the written representations we made should cover where we stand for the issues.

01:09:52:01 - 01:09:55:17

Okay. In which case I will go to. Um.

01:09:55:26 - 01:09:56:12

Thank you.

01:09:56:26 - 01:10:05:12

My obligatory question, which is, um. That you are broadly able to live with the draft timetable as circulated.

01:10:05:29 - 01:10:19:18

Unfortunately, I don't think we can answer that question because it's, um, it falls within our local planning examination. Until we know the outcome of that, we're unable to confirm whether the timescales will work for us. I'm afraid.

01:10:20:07 - 01:10:21:06

Okay.

01:10:21:16 - 01:10:45:13

Slightly difficult one, because at some point we're going to have to make a judgement. However, we will not be making the judgement until we've had the preliminary meeting. But you know, all I can say to you there is keep our case team informed about anything that emerges from your local plan examination process in terms of timing and impact. So. So they, they have a running understanding of what your resource commitments are.

01:10:45:27 - 01:10:56:11

Yeah. I mean, as far as I'm aware, we're going to, you know, endeavor to attend the meetings and make representations during the examination process. Um, but it's just a bit of an uncertainty with the, with the local plan.

01:10:56:14 - 01:11:21:24

Yeah, no, I do appreciate that. Okay. If we then move on. Thank you very much. Um. Now, Medway Council didn't wish to speak that it's worth placing on record that we are alive to Medway Council's equivalent issues with those of Maidstone, an overlap in relation to local plan examination and the Lower Thames crossing examination. Um.

01:11:24:12 - 01:11:26:12

And I then.

01:11:28:26 - 01:11:46:25

We do not have with us. It was anticipated that John Johnson would attend for Swale Borough Council, but she has not attended. So I'm then going to move to Thurrock Council and I'm assuming here that Douglas Edwards KC will lead for the Council.

01:11:47:21 - 01:12:22:12

It's a good morning, sir. I will lead for the council. I'm going to ask Mr. Bradbury, who's the council's director of place, and then Mr. Stratford, who is the consensus consultant with the council, just to participate after I've introduced the position. So can I begin by answering your obligatory and general question on behalf of Council? Thurrock Council are not in a position practically or realistically to meet the future procedural deadlines in the draft programme.

01:12:22:24 - 01:13:03:22

So what I propose to do, with your permission is to begin by summarising the Council's position, how it has arisen and what we ask for in terms of adjustment to the draft programme. And then, as I've indicated, going to ask Mr. Bradbury to explain in a little more detail why the circumstances are as they are, and then Mr. Stratford, to explain where Thurrock Council is now at what its current programme for scrutiny of the application and engagement with the process is and what it can achieve and when.

01:13:05:08 - 01:13:36:12

So you and your colleagues have, by way of background, the Council's submission on program for the purposes of this meeting that explains where Thurrock Council is at and what it's requesting. The background to the statutory limitations on expenditure by Thurrock Council will be familiar to you, to your colleagues and to others, and they are set out in that document and Mr. Bradbury will address you a little further on those as necessary in due course.

01:13:37:06 - 01:14:31:25

But in practice, the circumstances have been such that from early January of this year until the 17th of April, all work by and for Thurrock Council in respect of this project was suspended. A skeleton team comprising the core consultant group was re-engaged on the 17th of April of this year and was commissioned to prepare the relevant representation, the PADS, summary statements and the statement for the purposes of this meeting and effectively in respect to the first two of those documents, the relevant representation and the package summary, the Council was seeking to catch up with the deadlines that had already passed and the Council is very grateful for the examining authority's acceptance of those documents.

01:14:32:21 - 01:14:53:11

And will play the record that we're grateful for their provision. We note, we note the labour that went into producing them, we note the circumstances. And, you know, we we therefore are very grateful for the effort that went into ensuring that we have that platform that we can start from. So thank you very much.

01:14:53:27 - 01:15:31:22

I'm sure the officers of the council who are involved in this will be gratified to hear that. Thank you. So far as the wider consultant team, the re-engagement of that team, which is required to consider and to properly respond to the application and the technical material in support began on the 5th of May of this year and is ongoing. Some consultants are already engaged and are proceeding with their instructions from the council and the process of contractual engagement with the of the remainder is expected to be completed shortly.

01:15:31:25 - 01:16:05:24

And with that, the Council will be fully up and running again in terms of its engagement with the process. However, Borough Council have lost the best part of four months at a critical stage of the process in terms of being in a position to consider and scrutinise the application. And given the loss of those four months, the process of detailed assessment and scrutiny of the application and supporting material has only now meaningfully been begun.

01:16:05:26 - 01:16:38:14

And therefore the Council is substantially behind where it would expect to be at this stage of the process. To for completeness and Mr. Stratford will explain this in due course. There is no PPA presently in place between Thurrock Council and National Highways. Nor has there been since the end of last year. It is fair to say that there has been discussion and a broad framework is now in place, but the agreement is yet to be completed.

01:16:39:01 - 01:17:14:27

And in addition, again, as Mr. Stratford will explain, the council has considerable concerns about national highways performance in terms of its obligations under that agreement, in terms of meeting requests for funding properly and efficiently when they are made. But in terms of where the council is. A start date for the examination in late June or early July of this year with a consequential first deadline as proposed on the 18th of July.

01:17:15:08 - 01:17:56:05

And that includes for the delivery of the local impact report cannot practically or realistically be met by the council. And the council has particular concerns in terms of not being in a position to prepare and submit a comprehensive local impact report on the date currently anticipated. And as such, on the current program, the Council will not be able to participate. So are using a phrase that you used earlier on in the discussion fairly and effectively in the examination process and would be substantially and significantly prejudiced.

01:17:57:11 - 01:18:33:00

What the Council therefore requests is that the examination starts later than presently anticipated and in particular the first deadline currently and provisionally indicated to be the 18th of July, including for the delivery of the local impact report is put back to the 5th of September with the consequential and subsequent deadlines extended accordingly. So that essentially is a seven week extension to the first deadline.

01:18:34:07 - 01:19:07:07

And so that is the request that the Council make. Now the Council of course accepts and recognise that it is just one of a number of local authorities and one of a number of interested parties, albeit it is the largest of the host boroughs in terms of the extent of the scheme. And the council obviously understands and accepts that the interests of all need to be considered and to be balanced by you and your colleagues in setting out the procedure and deadlines for the examination.

01:19:07:21 - 01:19:38:16

However, we have not seen, nor has it been suggested today, that there would be any prejudice, let alone unacceptable prejudice, to any interested party, or we anticipate the applicant, by the modest extension to the draft programme that we have requested. Similarly, and we accept that the process is geared towards pace and expedition for is used in the examining authority's letter of the 6th April.

01:19:39:05 - 01:20:16:13

However, that must not be resubmitted at the expense of allowing proper and fair participation by all concerned, including in particular, local authorities. So. So that is an overview of the Council's position and what it requests, unless I can be of any further assistance at this stage. What I was proposing to do with your permission is ask Mr. Bradbury just to explain and confirm the circumstances of the Council and where it now is. And then Mr. Stratford, as I've indicated, to confirm what the Council's programme is in terms of its ongoing engagement thereafter.

01:20:17:00 - 01:20:59:04

Can I just briefly place on the table before you hand over? And I anticipate that that my colleagues also will be interested in to a degree, the mechanics of why we are where we are, which is that we're looking at the need to bring, in your words, Mr. Edwards, some contractors on to complete the formation of the council's professional advisory team in order to participate in the examination. And what would be really helpful to us would be to understand essentially which elements of your team are in place and operating, which elements are not, and to the extent that they're not.

01:20:59:06 - 01:21:32:21

And. How much additional time is necessary in an appointment process in order to get you to a point where that part of the team is also up and operating and then finally wrapping the whole together. Given that you do have to take an overview across the entire project. At what point do you anticipate earliest availability of an entire project team able to operate as such? That I think would be very, very helpful if we can get a sense of that, if that has to follow in writing in terms of the detail, it can follow at procedural deadline.

01:21:32:23 - 01:21:34:26

BE Yes, Thank you.

01:21:34:28 - 01:21:55:27

Thank you, sir. That's all noted. What I'm going to suggest is that Mr. Bradbury and Mr. Stratford seek to assist to the extent that they can. In terms of the detail of that, think we have at least broadly an answer to your question. But some of the precise detail that may be necessary may have to follow in writing, as you've indicated.

01:22:04:14 - 01:22:09:00

So with your permission, sir, I've seen Mr. Bradbury is now on screen. Hand over briefly to Mr. Bradbury.

01:22:09:02 - 01:22:12:25

That is entirely in order. Mr. Bradbury, welcome.

01:22:13:26 - 01:22:30:25

Thank you for your welcome and thank you for all of the prelude to this. My role today as director of place at Thurrock Council. My name is Mark Bradbury, as you have already stated. My role is to give you those

01:22:32:11 - 01:23:03:16

elsewhere in the meeting and viewing some background as to why Thurrock Council is in the position that it is in, why it is for legal and statutory reasons, rather than a choice of the Council, and to respond to any questions that you have in regard to that. So by way of background, on the 2nd of September 2022, the government appointed Essex County Council as Best Value Commissioner for Thurrock Council.

01:23:03:26 - 01:23:42:24

This intervention was in response to concerns about a level levels of financial risk and debt and clear best value failure in relation to Thurrock financial functions. The commissioner has full control of the financial functions of Thurrock Council and powers to assess what action may be needed to limit any risk to Thurrock services. By law, councils must have a balanced budget. If a council cannot find a way to finance its budget, it must issue a section 114 notice under the Local Government Finance Act.

01:23:44:02 - 01:24:10:09

On the 19th of December 2022, Thurrock Council issued a Section 114 notice. It was necessary because Thurrock was unable to balance its budgets for the financial years of both 2022, 23 and 2024. The notice is in force until at least March 2024.

01:24:12:02 - 01:24:29:27

This Section 114 notice means that aside from some specific exceptional reasons, Thurrock Council are required by law to stop all spending other than required to provide statutory services at a minimum possible level.

01:24:31:14 - 01:24:45:21

Or any proposed spending must now be reviewed on a case by case basis by strategic spending review panels. This clearly has a significant impact on the appointment or reappointment of consultants

01:24:47:06 - 01:25:09:23

following the Section 114 notice, the council's Lower Thames Crossing consultant team was asked to prepare a budget outlining the expected costs of proceeding to the council and a draft business case for proceeding. At that point, it was noted that the existing PPA had expired on submission of the

01:25:11:29 - 01:25:51:08

national highways had increasingly been challenging expenditure claims under the prior PPA. It should be noted that the submission of costs for approval for July to September 2022 and October to December 2022 were only approved yesterday, the 15th of May 20, 23, over four months after the latter was submitted and after lengthy toing and froing questioning, many of the items claimed. This place is a significant financial burden on the Council as it must incur expenditure first and wait some considerable time for this to be reimbursed.

01:25:52:29 - 01:26:30:01

At that point, no new had been agreed and there was only informal agreement from national highways to meet expenditure as covered by the original PPA up to December 2022. Significant areas of expenditure were not covered by the original PPA and there was no agreement at that time that these would be covered in any new PPA. It should be noted, as has already been mentioned. The new PPA still excludes significant areas of cost to counsel in property, properly representing itself through the process and remains to be signed.

01:26:31:06 - 01:26:46:06

In view of the high potential costs to the Council. Uncertainty over the position and the associated financial risks around that and the section 114. I took the decision to instruct the consultant team to stand down.

01:26:48:05 - 01:26:59:16

Following this further negotiations with national highways over the were undertaken to see if the net costs the Council could be further reduced to support a business case for approval.

01:27:01:24 - 01:27:31:04

This carry on together with a number of conversations with Thurrock Council directors, including the Section 151 officer and our Interim Chief Financial Officer. The leader of the Council and Commissioners. Notwithstanding all of this, the case for proceeding was formally rejected by the strategic panel on the 21st of February 2023. There is no statutory requirement for Thurrock to participate in the process.

01:27:33:10 - 01:27:40:27

A meeting was convened by on the 24th of February 2023, which included representatives from DFT,

01:27:42:22 - 01:28:00:13

National Highways, Thurrock Council and Essex County Council. This meeting stressed to council the importance of Thurrock Council as a host borough and, as has already been said, the host borough with the largest impact of the proposals engaging in the process.

01:28:02:02 - 01:28:15:26

On behalf of Thurrock Council, I agreed to work with Essex County Council and Deluxe to agree how this could be progressed in spite of the Section 104 and in view of the longer term strategic implications for Thurrock.

01:28:17:12 - 01:28:26:17

It was only following that meeting that Thurrock Council received from DFT and National Highways written confirmation of what was proposed to be offered in New.

01:28:29:02 - 01:29:09:04

Further discussions with Thurrock council directors. The commissioners and dealer followed over the ensuing period before I was able to confirm agreement to progress finalising the proposed terms of the PPA and to commence the process of reappointing the consultant team. There remains a significant net cost to the council and its residents as a result of emissions from the PPA and significant risk as the remains to be completed. Others have raised the question of equality regarding purpose, and we would continue to argue that it is not equitable that the Council and its residents bear any of the costs of the process.

01:29:10:13 - 01:29:19:17

Federal authorities have raised the issue of strained resources and competing priorities, both generally and specifically related to the upcoming summer holidays.

01:29:21:03 - 01:29:45:21

In addition to the delays created by the legal requirement to address the Section 114 notice, Thurrock is facing a number of other local development orders and major applications at this time, along with the work required to bring a report on 18 consultation on the local plan to Cabinet in September. This is placing a significant burden on our limited resources.

01:29:46:28 - 01:29:47:13

Thank you.

01:29:50:24 - 01:30:02:26

Thank you very much. Now. In relation to a number of the issues there. Firstly, can I go to the.

01:30:03:13 - 01:30:05:15

Current status.

01:30:05:17 - 01:30:41:16

Of the of the new PPA? Now I note that it was your submission there that it hasn't been completed. Um, can you give me a little more insight into, you know, what remains outstanding and essentially why it has not been completed and whether there's a target date in mind for its completion? Again, I'm mindful of the curtain here. I'm trying not to. I'm trying not to pull it up. But what what I'm trying also to get is programmatically the best information that we can have that will allow us to understand.

01:30:42:24 - 01:30:47:13

The extent of blockages and what they are on when they might possibly be resolved.

01:30:48:25 - 01:31:07:07

And it is potentially not far from being concluded. But we have only in the last few days received a latest draft with the schedules of various expenditure categories

01:31:08:23 - 01:31:19:12

appended. So subject to us doing a detailed review of that, potentially it could be resolved relatively shortly. But as I say, we've only just received that in the last few days and.

01:31:19:29 - 01:31:34:07

Relatively shortly at the end of, of next week or is relatively shortly in two weeks time, really, we really are getting down to, you know, days mattering think at present. Um, can you wrap a little more detail around that?

01:31:34:23 - 01:32:08:15

Well I have I can I defer to my colleague who will follow on the current position. Yes. For more specifics. But as I say, providing the schedules are in line with what we have discussed. I do believe that it could be resolved within a matter of days, if not a week or so. Thank you. But my colleague, who will speak about the current position and has been more actively involved in the negotiations and me will clarify that.

01:32:09:26 - 01:32:16:17

Now I've got another question, which in relation to a response that Thurrock Council.

01:32:16:19 - 01:32:49:06

Provided to one of our procedural decisions, we have kind of some insight into, but maybe don't fully understand as well as we should, and that is the issue of the approvals process now within Thurrock Council in terms of approving specific positions, mandating positions to be taken in front of an examination. And we heard from London borough of Havering that they have a scheme of delegation in place and that enables them to to approve matters that need to be brought before this examination and.

01:32:50:19 - 01:32:53:12

Is that something that you have in place or.

01:32:54:09 - 01:33:26:03

Are you needing to receive committee or cabinet approvals and or the role of the commissioners in this and the role of Essex County Council? Now we understand that at the moment all the subject matter of this doesn't need to go in front of of Essex and doesn't need to go in front of the commissioners, but a little, a little bit more of a picture of where you are on those matters would be massively appreciated.

01:33:27:02 - 01:34:07:04

Okay. Um. Under normal circumstances, yes. We have a scheme of of delegation. And to a degree that continues to be the case. But I will reiterate that the commissioners have full control of our financial functions. And as a result of Section 104, we have a due process with regard to expenditure. Now, to be clear, the Section 114 notice is a decision that has been made by Thurrock Council and the review panels are within Thurrock Council.

01:34:07:17 - 01:34:52:05

The engagement of Essex County Council's Commissioner is in providing oversight and assurance to the Secretary of State that we are making all necessary, legal and reasonable steps to minimise our expenditure. So normally Essex County Council would not get involved in detailed discussions regarding specifics of expenditure. However, in this instance they were consulted, as were colleagues

in the ministry, regarding our ongoing engagement, because technically and as confirmed by the panel, this expenditure was not a statutory requirement to deliver a statutory service.

01:34:52:18 - 01:35:41:27

So there have been engaged in the process going forward, once the reintroduction of all of our consultants has been engaged and approved through the panels, I will revert to having delegated authority to spend under those purchase orders and to make reasonable decisions within that as regard to the Council's position. Should the costs to Thurrock rise at any stage because of the process, I may have to go back and seek further approvals and should our position need to change? I may have to go back and seek, um, political and other approval to changing our position should that case.

01:35:41:29 - 01:35:47:21

But as it stands, once we have completed the re-engagement of consultants,

01:35:49:09 - 01:35:59:21

we we should be able to move forward based on our current cost estimates, um, and our current view of the process. Um, and.

01:36:01:15 - 01:36:03:24

With the appropriate authorities in place.

01:36:05:03 - 01:36:26:06

Thank you very much. Now, I take it then that there is some underlying embroidery to this tapestry, some more detail that we will hear from from your colleague shortly. So it's probably best if I don't explore that further until we've heard from them. Is that is that probably the best way forward?

01:36:26:21 - 01:36:42:27

Yeah, think so. And of course you are able and welcome to come back to me. Should there be outstanding questions for me? Um, once Chris has presented his position on where we are at currently in taking this forward.

01:36:43:22 - 01:36:47:16

Okay, well, in which case shall we move to Mr. Stratford?

01:36:48:07 - 01:36:48:28

Mr.. Thank you.

01:36:49:15 - 01:37:00:18

Thank you very much. Um, as I say, my name is Chris Stratford. I have been working on the project now for close to five years, and it's nice to meet you all.

01:37:00:22 - 01:37:04:09

Mr. Stratford, can I just interject briefly and say that we.

01:37:04:11 - 01:37:07:14

We hear you loud and clear, but I'm afraid we don't have you on camera.

01:37:10:07 - 01:37:11:10

You just. Yes.

01:37:11:15 - 01:37:13:09

Yes. Yes. It's your hand.

01:37:14:16 - 01:37:15:14

That's my hand.

01:37:15:29 - 01:37:31:24

So can I just indicate. Think it's. The camera is not moving around the room to focus on to what I'm going to propose that do. It's obviously important that you and your colleagues see Mr. Stratford, not just hear from him. I'm going to just turn the camera off. We're just going to swap places. So. Mr. Stratford screen and then continue.

01:37:32:02 - 01:37:34:09

Let me do that. Very grateful. Do you want to say it so.

01:37:34:11 - 01:37:35:06

You'll be on screen?

01:37:36:24 - 01:37:37:14

And just.

01:37:40:00 - 01:37:42:05

Yes. No. Do do proceed with that move.

01:38:04:00 - 01:38:04:20

Okay.

01:38:04:28 - 01:38:06:18

Excellent, Mr. Stratford.

01:38:06:26 - 01:38:41:06

So I'm not sure it's an improvement, but you can now see me. Um, okay. I'll try and deal up front with some of the questions you've you've raised. But let me say, first of all, thank you for your gratitude that we managed to get the three submissions in within three weeks of being re-engaged. It was important think to the whole team to do that in order to catch up and to demonstrate that we can respond to deadlines.

01:38:41:15 - 01:39:26:14

Um, with some alacrity. Um, notwithstanding the comments that Douglas has made earlier. So if we deal with the question you raised, first of all, we only received the well, we received the original variation back in December. However, because of the suspension, no action was taken on it. Then about two weeks ago, we received an updated version following our comments on the earlier version and only last week did we receive the full version with all the schedules which is being reviewed now.

01:39:26:16 - 01:40:30:18

Um, the process to actually get that approved through the council processes does involve that whole contractual process of the consultant team. So need to explain why that's the case. Um, and why it may not be date certainly won't be days, it may be several weeks before we can get to that point. So, um, in order to get approval for the funding that we've got through the section 114 processes as Marcus said, the, the detailed business plan was prepared, um, and using that detailed business plan for each of the consultant groups involved and there are several from those using those estimates, we need to create scopes of work for estimates for each one and timeframes for each company to operate.

01:40:31:11 - 01:41:14:06

And then once that's done and agreed between the parties, the council then issues the contracts accordingly. So that process takes several weeks. Now why does that mean it affects the PPA? This particular PPA for us certainly involves a national highways. I've asked for a confirmed um, estimate that we cannot exceed for the coming couple of months and then a range of estimates for the rest of the examination given the uncertainty of questions and issues, specific hearings, etcetera.

01:41:14:22 - 01:42:00:28

And therefore we have to be extremely clear that the number that we put in the PPA reflects all the contracts that we have to agree an issue and therefore there's a sequence of events and we can't give the National Highways team the numbers until we've got the contracts agreed through the council processes and that's why it takes several weeks Now. Consequently, the main group that is employed by the council, um, is engaged, although elements of it have yet to be detailed up in terms of scopes and timeframes and estimates.

01:42:01:01 - 01:42:29:16

So things like the land compensation can see has yet to be reappointed. Um, our legal advisers has yet to be reappointed, um, advisers connected with utilities, climate carbon reduction and construction also yet to be appointed. So there are quite a range of quite important disciplines yet to be appointed. Now

01:42:31:17 - 01:43:02:28

if you're asking, I can't commit, we'd have to have further discussions but can't commit to a specific deadline. But my understanding is that it will take several weeks for this to happen and for the PPA to get first of all commented on by us, which we'll do soon this week. Hope um, and then with numbers in following that. So I don't know whether that answers your question. If I then move on to what has happened since we got re-engaged.

01:43:03:16 - 01:43:40:14

And obviously the first three weeks were in submitting those three representations. Um, subsequently, since early May, we have had a full team meeting with No 40 or 50 people attending and we have issued very, very detailed instructions to the entire team. Details of the Rule six letter. Obviously the process that we want the document review to go through, how it relates to the NPS, how it relates to the various workshops that National Highways are presenting.

01:43:41:05 - 01:44:13:22

Um, it also covers preliminary program for that and it sets out very clear objectives for what review is to be taking place and a template for that review. And we have listed many, many different documents for the team to review in order to to do that process. And it is quite complicated having done the the review. There is the layer to actually then prepare from that review, which all takes time.

01:44:14:26 - 01:44:52:06

So what do we have to do if the current program is adhered to, which Douglas has already commented on? The activities that we only have two months to do are obviously a technical review of the documentation, which is, as you will probably realize, 55,000 pages and over 500 documents. We have to at the same time review and respond to the minor refinement consultation, which may not be as simple as is indicated.

01:44:53:18 - 01:45:27:15

We then have to develop our technical case on modal and design alternatives to benefits, carbon reduction and climate matters. And we have to attend the seven currently planned technical workshops by national highways. And whilst all that's going on, we have the statement of common ground to progress. There are currently about 300 issues in it. And as you realize from the PADS document, we have reduced that by half to 150.

01:45:27:27 - 01:46:06:24

But that does demonstrate the sheer volume of outstanding issues that have not yet been resolved over the last 3 or 4 years. So if you are able to consider the extra seven weeks we've requested, then that allows the council to complete the process to submission in four months, not the two that it currently has. Now, other key stakeholders have all had because they don't have the section one one for nearly six months.

01:46:06:28 - 01:46:42:29

So we are not asking for six months. We are asking for four and not the two we currently have. And clearly all of the fees that we have put and will put in the PPA all need approval by national highways. And past performance has suggested that it takes some months to approve them and then some weeks or months to actually pay them. So extending our deadline from to the 5th of September would be very, very welcome.

01:46:43:01 - 01:47:19:24

However, if you retain the closure of the examination at the 20th of December, then it makes the whole thing extremely compressed, especially when we're trying to deal with evidence for issue specific hearings and answer the often short timescales for the examining authority's written questions. So just to echo what Douglas said, if we don't get an extension, it would mean that the council's case is compromised and it would not be offered a fair hearing.

01:47:19:27 - 01:47:39:21

Given the fact that about 70% of the route is actually in Thurrock, most of it is road and all of the activities related to the tunnelling is all pretty much in Thurrock. So that, I think, covers everything.

01:47:40:21 - 01:47:44:14

Uh, Mr. Stratford, there's a kind of question.

01:47:44:16 - 01:47:47:03

In my mind that emerges from from both.

01:47:47:29 - 01:47:49:04

Your.

01:47:49:07 - 01:47:52:11

Submissions and and indeed Mr. Bradbury's submission.

01:47:53:11 - 01:47:56:26

And that is this and the is still.

01:47:56:28 - 01:47:57:18

Unsigned.

01:47:58:05 - 01:47:59:11

Until the PPA.

01:47:59:13 - 01:48:00:17

Is signed.

01:48:01:02 - 01:48:02:03

Um, there is.

01:48:02:05 - 01:48:05:03

The possibility that it may remain unsigned.

01:48:06:21 - 01:48:08:24

If it remains unsigned.

01:48:09:27 - 01:48:21:25

Will you still be in a position to be ready within the timescales that you have outlined? Approximately seven weeks or so. Or alternatively, would you not be?

01:48:25:14 - 01:48:31:26

Okay. And I think that question might be better asked to answered by Mr. Bradbury.

01:48:32:05 - 01:48:34:23

Thank you very much, Mr. Bradbury.

01:48:36:08 - 01:48:51:24

Thank you. Mark Bradbury, Director of Place at Thurrock. Um, I'm not going to be able to give you a definitive answer, but I. No, you don't want to. It depends on, sir. Um, we are currently proceeding at risk. Yeah. And so that.

01:48:52:18 - 01:48:53:25

Bone. And so.

01:48:53:27 - 01:48:54:15

Are we.

01:48:54:19 - 01:48:55:11

Indeed.

01:48:55:22 - 01:49:37:00

Um, and the longer that risk continues and the greater that risk becomes, um, the more I am personally at risk to use the same word, three times in the same sentence. But, um, I say there will come a point where if the remains outstanding, I may have to take the decision to cease expenditure again simply because of the risk to the Council and the conditions of progressing that I have agreed with colleagues both within the organisation and within the commissioners and the ministry.

01:49:37:10 - 01:50:18:22

Um, I do not have a definitive answer as to what that point is. Um, but um, I can go away and consider that and come back to you. Um, we're not in a position to talk specific figures, but as I've indicated, there remains, even with the that's proposed, a financial cost to the council. And certainly if we were to get close to that cost being met simply because we were unable to reclaim other costs through the PPA, then that certainly would be a definitive point, but I suspect it would be before then.

01:50:19:05 - 01:50:41:25

Um, so it is important that the PPA is either signed or that there is clear comfort that where there are outstanding issues, the other issues. Will not be a barrier or there will not be a barrier in terms of us claiming no costs. Okay.

01:50:41:27 - 01:50:42:12

Okay.

01:50:42:14 - 01:50:42:29

I mean.

01:50:43:01 - 01:50:44:15

I will just respond to.

01:50:44:17 - 01:50:49:07

That briefly on behalf of the examining authority, essentially to say that, um.

01:50:50:07 - 01:50:51:11

Our risk suspect.

01:50:51:13 - 01:50:56:03

Is, is not quite as impulsive as the risk that you face. But nevertheless.

01:50:56:08 - 01:50:57:11

We.

01:50:57:19 - 01:51:12:17

Have to take some decisions at risk ourselves, which is that we're trying to formulate the timetable for an examination, engaging a broad range of stakeholders around this project. Now, you know, Thurrock is clearly a key stakeholder.

01:51:12:25 - 01:51:13:18

However, there.

01:51:13:20 - 01:51:22:21

Are others in this room and others out in the public who will be joining us for the preliminary meeting. In a nutshell, we don't want to be.

01:51:22:23 - 01:51:26:08

Here again In another.

01:51:26:17 - 01:51:38:14

However many weeks time were we to accede to your in principle request and make no judgment on that point, because we will have to hear everybody else at the preliminary meeting in due course before we can judge that point.

01:51:38:16 - 01:51:40:10

However, were we to accede to your.

01:51:40:12 - 01:51:57:24

Request but the were not to be signed? There is a there is a distinct risk that, you know, in August or in September, we could be sitting around a similar table to this in exactly the same place that we are in today. Now, somehow or other, we need to form a view as to.

01:51:58:12 - 01:51:59:24

The likelihood.

01:52:00:00 - 01:52:08:04

In addition to the consequences of that event. Think we know what the consequences are because you, amongst others, have explained them very clearly. But what.

01:52:08:06 - 01:52:09:16
We still lack a sense.

01:52:09:18 - 01:52:10:06
Of is the.

01:52:10:08 - 01:52:11:06
Likelihood.

01:52:11:18 - 01:52:12:17
You may not be able.

01:52:12:19 - 01:52:15:13
To answer that question here and now. It may be something that.

01:52:15:15 - 01:52:18:11
Further conversations out of this room with the.

01:52:18:13 - 01:52:22:12
Applicant or pending what the applicant have to say may resolve.

01:52:22:14 - 01:52:26:00
Publicly in this room, I don't know. But we we may also be looking at something that.

01:52:26:02 - 01:52:26:24
Needs to be put to.

01:52:26:26 - 01:52:29:18
Us in writing for procedural deadline BE.

01:52:29:29 - 01:52:31:05
However, we.

01:52:31:07 - 01:52:33:23
Do need to sort of form a view on that likelihood.

01:52:33:25 - 01:52:35:11
Point because that gives us a.

01:52:35:13 - 01:52:37:02
Sense of, you know.

01:52:37:28 - 01:52:40:08
How can we accommodate this request?

01:52:40:20 - 01:52:42:26
Because, you know, if we.

01:52:42:28 - 01:52:55:14

Do not know that a positive accommodation to your request would result in any significant change because the is still not signed chicken and egg back around the circle we go and that's where we do not want to be.

01:52:56:15 - 01:53:39:28

And that is fully understood and is why we are taking a view on what we should be able to do in terms of reaching agreement with national highways and proposing a a timetable rather than simply proposing that everything is put on hold until we've got it signed. I agree. Depending on the response from national highways later in this meeting and probably with the need for some some sidebar discussions with them between now and the preliminary hearing, we should be aiming to come back to you with greater comfort by that time and and think perhaps that's

01:53:41:27 - 01:54:16:21

going to be, I think, very important to you in making your decisions, having some comfort from us and from national highways as to what what is agreed, what remains outstanding and what the process is, is for resolving it and in fact, for perhaps settling claims in the meantime, because previously, you know, we have reached agreement with national highways to make payments outside of a PPA, albeit for a limited period.

01:54:16:23 - 01:54:32:21

And it is possible that we could reach agreement with them. Again, the ultimate aim is to have the place and you made a clear indication that you'd like us to go away and give you some comfort as to when that might be and what what any further impact on the programme would be.

01:54:34:26 - 01:54:36:02

Thank you very much.

01:54:37:05 - 01:54:42:21

Now, returning then to Mr. Stratford, are there further matters in.

01:54:42:23 - 01:54:45:06

Principle that you wish to put to us, sir?

01:54:46:08 - 01:55:33:23

Yes, please. Obviously, I support what Clarke has explained to you and not wishing to be too pessimistic. I am hopeful that we can reach agreement. We have already set out comments previously on the variation, as is called. Those have come back to us. We are reviewing them and we will review them this week. Maybe the way forward is to come back to you after we've spoken to National Highways with a position statement that sets out a timetable for the stages of agreement of a PPA.

01:55:33:25 - 01:55:45:04

So that by deadline, procedural deadline be or even earlier. We come back to you with with that position statement as soon as it's available.

01:55:46:07 - 01:55:47:02

In respect.

01:55:47:10 - 01:55:49:08

In respect to that position statement, which.

01:55:49:10 - 01:56:29:17

I do have to say I think is a very productive suggestion. I will suggest that although we are normally. Very clear that we only invite submissions on specific deadlines for the avoidance of the examining

authority, losing control of its information stream and being snowed with enormous quantities of data. However, this is important. I will refer back to my colleagues before we deal with this. But in principle, if you were able to resolve before procedural deadline B, I think these would be circumstances that would merit us making a discretionary decision to receive a document earlier than procedural deadline.

01:56:30:03 - 01:56:39:25

Thank you very much. I was I was slightly nervous in asking, given our past experience, but that would be very helpful if you are able to take it in advance of a procedural deadline.

01:56:41:14 - 01:56:44:04

It would be for very special circumstances. And understand.

01:56:44:10 - 01:56:45:06

Do understand?

01:56:45:11 - 01:56:45:28

Yes.

01:56:47:24 - 01:56:51:18

And other than that, I didn't have any. Anything further to add?

01:56:52:07 - 01:56:54:25

Okay. Can I then return to.

01:56:54:27 - 01:56:58:12

Mr. Edwards case and just check if that is.

01:56:59:07 - 01:56:59:22

The.

01:56:59:24 - 01:57:05:06

Conclusion, sir, of your case? Are there any kind of concluding remarks you wish to wrap around this?

01:57:07:25 - 01:57:09:21

Oh, we seem to have lost the live stream.

01:57:09:23 - 01:57:12:13

To think they're just swapping chairs.

01:57:12:17 - 01:57:15:12

Just swapping. Excellent.

01:57:17:16 - 01:57:25:29

The. The digital gremlins have been assailing us this morning. So I'm pleased to say I'm pleased to see you back, Mr. Edwards. Now.

01:57:27:18 - 01:57:31:02

Is that is that the conclusion of your case or are there some concluding remarks that you want?

01:57:31:05 - 01:57:31:20

Yes.

01:57:31:22 - 01:58:03:26

So essentially that is the conclusion. Just one further points, and it's really by way of the gentle suggestion. Stratford has raised the potential benefit of a position statement being provided to you on the progress with the PPA. So you've indicated that that may be in principle of assistance. It occurs to me that that document may be of greater assistance if it can be a position statement agreed jointly between current council and national highways. I offer that as a suggest and certainly thorough counsel would be prepared to engage on that basis.

01:58:03:28 - 01:58:07:00

And so you'll consider that and hear from Mr. Tate and new course.

01:58:07:02 - 01:58:10:23

We will of course, hear from Mr. Tatum. We won't be making any kind of concluded.

01:58:10:25 - 01:58:11:12

Statement on.

01:58:11:14 - 01:58:17:03

What we expect until we've heard from national highways. However, that is again a productive suggestion.

01:58:18:03 - 01:58:26:06

Mr. EDWARDS On that basis, I think we've probably got everything in the can, so to speak. I'll just check with my.

01:58:26:08 - 01:58:37:21

Panel member colleagues to see if there are any further questions that they would like to individually put. Can I just see indications? Is anybody wishing to put anything further?

01:58:39:05 - 01:58:43:09

And I am receiving answers. No.

01:58:45:03 - 01:58:49:19

And that suggests that we can proceed now.

01:58:49:24 - 01:58:50:25

Returning to agenda.

01:58:50:27 - 01:58:52:09

Then, ladies and gentlemen, we.

01:58:52:11 - 01:58:53:01

Still have not.

01:58:53:03 - 01:58:55:06

Yet heard on this agenda item.

01:58:55:12 - 01:58:56:24

Um, which is agenda.

01:58:56:26 - 01:59:01:21

Item four from the other interested parties, namely Sean Parish.

01:59:01:23 - 01:59:03:19

Council and the Thames.

01:59:03:21 - 01:59:05:21

Crossing Action Group. I'm very.

01:59:05:23 - 01:59:08:24

Conscious, however, though, of time, I'm going to suggest.

01:59:08:26 - 01:59:11:00

That we do need to take a comfort break.

01:59:11:02 - 01:59:23:17

So what I'm going to suggest is, is now midday. Can we please resume at quarter past fifteen minutes past midday. And after the break, just come back.

01:59:23:19 - 01:59:36:08

To the meeting that will still be in progress and we will resume with the remainder of this agenda item at quarter past the hour, ladies and gentlemen. So we are now in break.

01:59:36:10 - 01:59:37:16

Thank you very much.