

1 MR SMITH: Good morning, everybody, and welcome to today's preliminary
2 meeting for the Lower Thames Crossing. Before we introduce ourselves,
3 can I deal with a few preliminary matters? Can I first check with the case
4 team AV that we can be seen and heard outside the venue and that the
5 meeting recording and live stream have now started? Excellent. We are
6 receiving the thumbs up from the sound desk. Can I also ask everybody
7 attending in the venue today, please, to put their mobile phones into
8 silent mode?

9 And finally, in terms of a little housekeeping, there are no fire drills
10 planned today so if you do hear the fire alarm going, then it is the real
11 thing. London Stadium security is provided by Group 4 and there are
12 Group 4 colleagues wearing their Group 4 vests at each end of the room.
13 They know this venue very well indeed, and the best fire advice that you
14 can receive is that if we do have to evacuate, congregate near the
15 nearest member of Group 4 staff, who will ensure that the building is
16 safely evacuated.

17 So, ladies and gentlemen, to introductions now. My name is Rynd
18 Smith. I'm a chartered town planner and I was appointed on 2 December
19 2022 under section 61 and 65 of the Planning Act 2008, as amended,
20 under delegation from the Secretary of State, as the lead member of a
21 panel, which is the Examining Authority, to examine the Lower Thames
22 Crossing application, reporting to the Secretary of State, setting out our
23 findings and conclusions in respect of the application and a
24 recommendation as to the decision that the Secretary of State should
25 make on the application in due course.

26 You'll note that I have been vetted by the Planning Inspectorate to
27 ensure that no specific conflicts of interest arise in relation to my service
28 on this panel. What I'm now going to do is to introduce my panel member
29 colleagues and I will draw your attention to version two of our frequently
30 asked questions that accompany the rule 6 letter dated 25 April 2023.
31 And if you need detail you'll find biographies of myself and each of my
32 panel member colleagues there. But with no further ado, I'm going to
33 start by introducing Ms Janine Laver.

34 MS LAVER: Thank you, Mr Smith. Hello, everyone. I'm Janine Laver. I'm a

1 chartered town planner. I joined the panel on 3 February 2023. Prior to
2 this, I was the manager of the planning service at Bedford Borough
3 Council. My role today at this preliminary meeting is primarily observant
4 and it is therefore unlikely that I will be making a major speaking
5 contribution to the meeting. However, I will be listening carefully and you
6 will see me making notes. For those watching online, you may not see
7 me on your camera on the screen very often but I shall be present
8 throughout. Like my colleagues, I've also been vetted by the Planning
9 Inspectorate to ensure that I have no conflicts of interest from serving on
10 this panel. I'll hand you back to Mr Smith. Thank you.

11 MR SMITH: Thank you very much, Ms Laver. So now, I turn to the remaining
12 panel members who were appointed as I was on 2 December 2022. And
13 I'll first ask Dominic Young to speak. Mr Young.

14 MR YOUNG: Good morning, everybody. I'm Dominic Young. I will be leading
15 today on agenda item 4, and that's the initial assessment of principal
16 issues. I am too a chartered town planner and a member of the Institute
17 of Highway Engineers, and I have also been vetted by the Planning
18 Inspectorate to ensure that no conflicts of interest arise from my serving
19 on this examination panel. My sole employment since June 2015 has
20 been with the Planning Inspectorate as an inspector. I will now hand over
21 to panel member, Ken Taylor.

22 MR TAYLOR: Thank you. Good morning, everyone. My name is Ken Taylor. I
23 will be leading today on the introductions so introducing everybody else
24 in the room, and then I'll also be leading on agenda item 5, which is all
25 the matters relating to the timetabling of the events and written deadlines.

26 I'm a chartered town planner as well. I have been vetted by the
27 Planning Inspectorate to ensure that my involvement in serving on this
28 panel is appropriate. My sole employment since 2013 has been with the
29 Planning Inspectorate and from 2017 as a planning inspector. I will now
30 hand over to my colleague, Mr Pratt.

31 MR PRATT: Good morning, everybody. My name's Ken Pratt. I'll be leading
32 today on agenda item number 3; that's the matters arising from
33 procedural deadline B. Now, I'm a chartered engineer, I'm a chartered
34 environmentalist and I'm a chartered manager. And I've been vetted by

1 the Planning Authority as have all my colleagues to ensure that there are
2 no conflicts of interest. My sole employment since 16 January this year
3 has been the Planning Inspectorate, but previously I was employed by
4 the consultants WSP and I was fully embedded in Lincolnshire County
5 Council dealing with drainage and lead local flood authority work so
6 there's no conflict of interest there.

7 At this point I will hand you back to our panel lead, Mr Smith.

8 MR SMITH: Thank you very much, Mr Pratt. This is Rynd Smith, panel lead,
9 speaking again.

10 Now, in relation to the appointment of the panel members and the
11 interests that my colleagues and I have spoken about being declared and
12 vetted by the Planning Inspectorate, we do need to place on record that
13 examining inspectors are obliged to examine all applications for
14 development consent within the framework provided by relevant current
15 legislation and policy, and that everything we do is underpinned by the
16 values of the Planning Inspectorate, which require us to be customer
17 focused, open, impartial and fair, and we intend to live by those values
18 in all the processes that we design for this examination and all of the
19 events that we hold for it. And we are continuously mindful of the quasi-
20 judicial nature of our work and we come to all of our casework afresh and
21 with an open mind.

22 So, finally, before we move onto introducing those of you in the
23 room, I will just briefly mention Planning Inspectorate colleagues working
24 with us to make this event happen today, particularly Eleanor Church and
25 Ted Blackmore, jointly the case managers leading the case team in the
26 room. And there are a number of people, probably too many to mention,
27 also working behind the scenes. The Examining Authority is also
28 supported by Alice Humphries as a planning officer, who is employed by
29 the Planning Inspectorate.

30 So, you know who we are and I'm now going to hand over to my
31 colleague, Mr Ken Taylor, and his function will be to introduce all of you,
32 to all of you. So, Mr Taylor.

33 MR TAYLOR: Thank you, Mr Smith. So I'm going to shortly ask you to introduce
34 yourself but, before I do so, there's just a few things that we need to deal

1 with. So, as you're aware, this meeting is being recorded and live
2 streamed – and we have people attending both in person here in the
3 room and virtually – so it is important that when you speak that you don't
4 put on record information that you don't want to be recorded or seen in
5 the public domain. So if you can be aware that we need to be in
6 compliance with the general data protection regulations. By participating
7 in the meeting, we're taking it as you're accepting to be recorded and live
8 streamed.

9 The digital recording will be retained and so we would just ask that
10 you don't add information that is private and confidential. If you feel you
11 have to, then if you could let us know and it might be a means that we
12 can actually do that by a written submission, rather than it being on the
13 live recording, and it may be possible that certain elements of our written
14 submission could be redacted. If we feel that anyone's straying into
15 territory where you might be releasing personal or private information, we
16 may well stop you and have a conversation about whether that's
17 appropriate in this particular setting.

18 Does anybody have any questions about the nature of the digital
19 recordings or the live stream that we're making today before I move on?
20 No. Thank you.

21 Okay. So I'm now going to do introductions. The way I'd like to
22 handle this, I think I'm going to go around the horseshoe table that we
23 have in the room, starting with the local authorities. I will then seek other
24 people in the room who wish to speak but who are not sat at this
25 horseshoe table at the centre of the room. I'll then turn to anyone who is
26 appearing virtually, and then finally I'll move over to get applicant to
27 introduce themselves.

28 It would be helpful, if there's more than one of you appearing for
29 your organisation, if one person takes the lead and then hands over to
30 the other people in your team who are intending to speak today, but I
31 think it would be nice to hear and see everybody who is going to speak,
32 rather than just the lead person naming them. And if you could provide
33 your name, the organisation that you're representing, if you are
34 representing one.

1 Okay, so can we start here? I think it's Transport for London,
2 please.

3 MR RHEINBERG: Hi, it's Matthew Rheinberg, major projects and urban design
4 manager at Transport for London.

5 MR TAYLOR: Thank you very much. Can we move on? Is it Thurrock Council
6 next? And do we have someone appearing virtually for you as well?

7 MR STRATFORD: Yes, we have a number of people. There are two people I
8 believe virtually, our senior barrister George Mackenzie and Colin Black
9 who are there now. Mark Bradbury is trying to find the correct entrance
10 to the stadium and will be here shortly. And myself, Chris Stratford. So
11 do you want us to each introduce ourselves?

12 MR TAYLOR: Yes, if you could each introduce yourself, I think that would be
13 helpful.

14 MR STRATFORD: George, do you want to start?

15 MR MACKENZIE: Good morning, sir. I am George Mackenzie of Counsel for
16 Thurrock Council.

17 MR STRATFORD: Colin.

18 MR BLACK: Hi, good morning. Colin Black, strategic lead for Lower Thames
19 Crossing at Thurrock Council.

20 MR STRATFORD: Chris Stratford, also a town planner with 50 years' experience
21 and RTPI member – fellow, in fact. Mark Bradbury – who will be here
22 and could introduce himself, I'm sure – is the director of place for
23 Thurrock Council. And he'll be here very shortly. Thank you.

24 MR TAYLOR: Thank you very much. Okay, if we could move on, sir, please.

25 MR HUMPHRIES: Good morning, sir. My name is Michael Humphries and
26 Humphries is spelled H-U-M-P-H-R-I-E-S. I'm King's Counsel and I'm
27 instructed by Kent County Council. I do have two Kent County Council
28 transport team members with me but I'm not expecting that they will need
29 to speak today.

30 MR TAYLOR: Okay, thank you. If it turns out they do, then we can just introduce
31 them at that point.

32 MR HUMPHRIES: I will introduce them at that point. Thank you, sir.

33 MR TAYLOR: Okay, thank you. Havering Council, please.

34 MR DOUGLAS: Good morning, sir. Good morning, everybody. My name's

1 Daniel Douglas. I head up the transport planning and policy team at the
2 London Borough of Havering.

3 MR WHITE: Yes, good morning, sir. Lee White from Sterling Transport
4 Consultancy, instructed by the London Borough of Havering.

5 MR DOUGLAS: I'll just ask Lynn to introduce herself.

6 MS BASFORD: Good morning, sir. I'm Lynn Basford from BasfordPowers on
7 behalf of Havering. And I'm a chartered town planner and a chartered
8 transport planner.

9 MR TAYLOR: Thank you. Is that everyone from your team? Brilliant.
10 Gravesham Borough Council, please.

11 MS LANE: Thank you very much. I'm Wendy Lane. I'm the assistant director
12 for planning at Gravesham and then my colleague will introduce himself.

13 MR CHADWICK: Good morning. I'm Tony Chadwick, Gravesham Borough
14 Council.

15 MR TAYLOR: Thank you. And is that everybody from your council that you're
16 expecting to speak? Thank you. Essex County Council, please.

17 MR WOODGER: Good morning, sir, and thank you. My name is Mark Woodger.
18 I'll spell that for you. It's W-O-O-D-G-E-R. I'm a town planner and a
19 member of the Royal Town Planning Institute. I'll just introduce my
20 colleague. Thank you.

21 MR MACDONNELL: Morning, sir. My name's Gary MacDonnell. I'm a
22 programme manager at Essex County Council working in highways and
23 transportation.

24 MS DILLISTONE: Good morning, sir. I'm Alex Dillistone. I'm a partner at the
25 law firm Winckworth Sherwood and I'm here representing the Port of
26 London Authority.

27 MR TAYLOR: Thank you very much.

28 MS OWEN: Good morning, sir. I'm Lucy Owen. I'm the deputy director of
29 planning and development at the Port of London Authority.

30 MR TAYLOR: Thank you. Okay, so I think that's everyone we have around the
31 table. I am expecting some other people who wish to speak. So I
32 understand we have people from Higham Parish Council. Is that correct?
33 Could you come up to this desk over here and turn the microphone on
34 and introduce yourself?

1 MR MARTIN: Good morning, sir. My name's David Martin and I'm a councillor
2 for Higham Parish Council.

3 MR TAYLOR: Thank you. Is there anybody else speaking on behalf of your
4 parish council?

5 MR MARTIN: No.

6 MR TAYLOR: Just you today.

7 MR MARTIN: Yes, yes.

8 MR TAYLOR: Thank you very much. I also understand we have someone
9 representing London Gateway Port Limited. Yes. Would you like to
10 come to the table please? Thank you.

11 MR SHADAREVIAN: I'm Paul Shadarevian KC, representing DPWLG. I have
12 two other people with me today who won't need to speak today.

13 MR TAYLOR: Fine. Thank you very much. Is there someone here from Lumen
14 Technologies who wishes to speak as well? Again, if you could come up
15 to the table and turn the microphone on.

16 MR VAN GRAAN: Hi, morning. My name is JJ Van Graan. I'm the senior
17 manager for field operations for UK and Ireland.

18 MR TAYLOR: Thank you, and are you the only person speaking on behalf?

19 MR VAN GRAAN: Yes.

20 MR TAYLOR: Yeah. Thank you very much. I'm expecting Karen Howard who's
21 representing a number of affected persons.

22 MS HOWARD: Karen Howard from Gateley Legal. I was a bit overzealous and
23 registered to speak, but I don't want to say anything at this stage I'm
24 afraid.

25 MR TAYLOR: Fine. Well, if you do, then there'll be an opportunity. Thank you
26 very much. If there is anybody else in the room who is wishing to speak
27 today, could you raise a hand? Yes, please, Madam. Could you come
28 up to the table?

29 MS O'LEARY: Good morning. My name is Aarti O'Leary. I work at Lawson
30 Planning Partnership, and I'm representing a landowner who's an
31 interested party, who has land within the development site.

32 MR TAYLOR: Thank you. Okay. Sorry, just do one last check. Is there anybody
33 else in the room that wishes to speak today? No. Okay. Now I'm going
34 to turn my attention to those attending solely virtually. So it would be

1 helpful at this stage if people who are could perhaps turn their cameras
2 on, or raise your hand. If you could use the little 'raise the hand' function
3 in the Teams discussion, that would be helpful. Thank you. Okay. I see
4 a number being raised. So can I have a representative from the Port of
5 Tilbury London Ltd first, if you could turn your camera on, and introduce
6 yourself?

7 MS DABLIN: Hi, it's Alison Dablin. I'm a solicitor with Pinsent Masons, and I'm
8 the only person here representing Port of Tilbury, primarily to answer any
9 questions that you may have. Thank you.

10 MR TAYLOR: Thank you very much. Okay, I also understand we've got one or
11 two representatives from the Emergency Services and Safety Partners
12 Steering Group, if we could have those on the screen, please. Good
13 morning.

14 MR CRONIN: Good morning. My name's Morgan Cronin. I'm a chief
15 superintendent of Essex Police, and I'm the chair of the Emergency
16 Services and Safety Partners Steering Group.

17 MR TAYLOR: Thank you.

18 MR HUNT: Good morning. My name's Ben Hunt. I'm a chartered town planner
19 with Browne Jacobson solicitors, who are assisting the Emergency
20 Services and Safety Partners Steering Group.

21 MR TAYLOR: Thank you very much, and are you two the only ones representing
22 your group today?

23 MR HUNT: Yes.

24 MR CRONIN: We are, but we're supported by some of the other parties who
25 have introduced themselves in the room.

26 MR TAYLOR: Okay. Thank you. I think we have Ms Blake, who's the chair of
27 the Thames Crossing Action Group. Could you introduce yourself,
28 please?

29 MS BLAKE: Thank you, sir. My name's Laura Blake. I'm chair of the Thames
30 Crossing Action Group. We represent those who are opposed to the
31 proposal of the Thames Crossing. Thank you.

32 MR TAYLOR: Thank you very much. Do we have representatives from St
33 Modwen Developments Ltd?

1 MR MANSELL: We do. Hi. Hi there, sir. My name's Nick Mansell from Pinsent
2 Masons LLP on behalf of St Modwen Developments Ltd. I've got nothing
3 specific to say today, but available to answer any questions if needed.

4 MR TAYLOR: Thank you. Are you the only one representing today?

5 MR MANSELL: I am, yep.

6 MR TAYLOR: Okay. Thank you very much. Do we have Dr Hilary Newport in
7 the virtual room? [James Willis?]? Okay, just going to turn my attention
8 again to the virtual room. Can I just double-check by the raise of hands:
9 is there anybody else who wishes to participate by speaking today? Yes,
10 sir.

11 MR STRATFORD: I'm sorry to interrupt. I've noticed on the call another officer
12 from Thurrock Council who hasn't yet been introduced. It's Leigh
13 Nicholson, if we can ask.

14 MR TAYLOR: Yes. Yes, please.

15 MR NICHOLSON: Good morning. Thanks, Chris. Leigh Nicholson, assistant
16 director for planning, transport and public protection at Thurrock Council,
17 part of the Thurrock team that's not planning on speaking this morning.
18 Thank you.

19 MR TAYLOR: Okay. Thank you very much. Okay. I will just do one final check
20 in the virtual room, and I'm going to take that as we've had all the
21 introductions, and yes, again. Sir, could you introduce yourself to the
22 room? Just your name and who you're representing, please.

23 MR BRADBURY: Apologies for lateness. Mark Bradbury, director of place at
24 Thurrock Council.

25 MR TAYLOR: Thank you very much. Okay, so just before I turn to the applicant,
26 just one last time, just check if there is anybody else intending to speak.
27 No. No. Fine. Okay, so I'll move over to the applicant now.

28 MS TAFUR: Thank you, sir. Good morning. My name is Isabella Tafur, and I'm
29 a barrister instructed by the applicant, and I will ask the others at the table
30 to introduce themselves.

31 DR WRIGHT: Dr Tim Wright, head of consents for the Lower Thames Crossing
32 for the applicant.

1 MR HENDERSON: Good morning. My name is Tom Henderson, partner and
2 solicitor at Bircham Dyson Bell and Pitmans, instructed by National
3 Highways on the project.

4 MR TAYLOR: Thank you.

5 MR LATIF-ARAMESH: Good morning. My name is Mustafa Latif-Aramesh, also
6 from BDB Pitmans, instructed on behalf of the applicant. Thank you.

7 MR TAYLOR: Okay. Thank you very much. I just want to check: have we got
8 any members of the press in the room? Thank you. Okay, thank you all
9 for your introductions. That's really helpful. I will now hand back to Mr
10 Smith.

11 MR SMITH: Thank you very much, Mr Taylor. This is Rynd Smith, panel lead,
12 speaking again. The introductions are now complete, but before I move
13 on to the second item of this agenda, does anybody have a burning
14 question of an introductory or preliminary nature that really needs to be
15 resolved now because it won't arise under any of the other agenda items
16 for today's meeting, or any remaining outstanding questions about how
17 to participate or use the technology, before we move any further? I'm
18 scanning the room for both physical and virtual hands and I'm seeing
19 none.

20 So I am going to move on, and move us to agenda item 2: remarks
21 about this meeting and the examination's process, and if I could just
22 briefly ask for the agenda for this meeting to be shared on the screens in
23 the room, and for those of you outside of the room, it would be useful to
24 have the agenda that was circulated with the rule 6 letter on the screen
25 beside you, or have a printed copy. I'm now aiming to provide a summary
26 of key points about the structure and purpose of the preliminary meeting,
27 and of the examination that will follow it.

28 Firstly, a preliminary meeting does what it says on the tin. It's
29 preliminary. This is the place where we start a journey towards the
30 examination of the application that has been submitted for consideration
31 by the Secretary of State. We decided to hold this meeting in two parts.
32 Part 1 is being held here today. You're sitting in it. Part 2 will be held
33 after an adjournment, and the concept is that that enables us to respond
34 flexibly to a range of views that might arise from people outside the room,

1 who may wish to correspond with us before we make final decisions
2 about the arrangements for the examination and commence the
3 examination itself.

4 We have listed the resumption of this meeting after the adjournment
5 for those purposes, part 2, to be held on Tuesday 20 June 2023. Now,
6 what I would draw to your attention is that that is, of course, a provisional
7 listening, because this a real process. We are here to hear you, to listen
8 to you, and to hear the issues that you raise about the procedural design
9 for the examination, and the timetable for the examination, and the later
10 agenda items that we will flow through will give everybody an opportunity
11 to speak on all of the arrangements.

12 Now, of course, what we must not prejudge is the proposition that
13 matters arise and are spoken of in this meeting that provide a basis for
14 arrangements other than those in the draft timetable. Now, if on outside
15 chance such matters arise, the way that we will deal with that
16 procedurally would be that we would reserve the resumption of this
17 meeting after the adjournment to a date other than 20 June 2023, and
18 we will correspond with all of the parties as soon as we can to say that
19 the meeting is being resumed on a different date for reasons, and we
20 would articulate those reasons in writing if we need to go there.

21 Now, this is very much like the safety announcement at the
22 beginning of an airline flight. I am not saying that that is what we will do,
23 but what I am saying is that is what we can do, and it's important that
24 everybody appreciates those matters.

25 Now, before we get stuck in, I will also refer to a little bit of innovative
26 practice that occurred in the preparation for this examination, which is
27 that we held a thing that we called a programming meeting, on Tuesday
28 16 May, and that was a meeting that was preparatory for this one, and
29 we held it because we wanted to hear from local and public authorities
30 about their involvement in the examination, about timing and resourcing,
31 and we made the decision to deal with those matters in front of a separate
32 meeting because we were conscious that there were a lot of local and
33 public authorities with a lot of issues to discuss involved in this project,

1 and we wanted to make sure that there was fairly adequate time to deal
2 with all of those issues without this meeting needing to go on for too long.

3 We held that meeting, and I'm very grateful to all of the local and
4 public authorities who attended it. I think it's important to make two
5 remarks about the process emerging from that meeting. The first is that
6 that meeting was a public meeting, that all of its transactions were
7 recorded and published. So anybody here has had the opportunity to
8 make written responses of procedural deadline B before this meeting, if
9 there were matters arising at that meeting that they felt they needed to
10 draw our and other interested parties' attention to, and they will also be
11 provided with a brief opportunity to speak here about the transactions of
12 that meeting.

13 What I would like to say, though, is this as my second point, and
14 that is if the position of any of the participants in that meeting has not
15 materially changed, then we do not need to, essentially, relitigate the
16 subject matter of that meeting. Those points are noted, they are due
17 input into all of the decision meeting that will take place around and after
18 today, and everything that was said at that meeting will be taken fully and
19 fairly into account, doesn't need to be said again if circumstances haven't
20 changed.

21 However, we must be alive to the fact that we live in a dynamic
22 world. Circumstances may have changed, and if any circumstances
23 have materially changed, such that they alter the perspectives and
24 positions of parties that participated in the programming meeting, we will
25 make space in this meeting for those material changes of position to be
26 summarised and put in front of us, and we will provide the applicant with
27 an opportunity to respond to those.

28 So just a quick check: all of those who participated in that meeting,
29 does that make sense? Is everybody reasonably happy? That's good.
30 Okay, now, finally returning to the two-part element of this meeting, and
31 the resumption after an adjournment at part 2, and we've made provision
32 in our procedural arrangements in the rule 6 letter, for part 2 of this
33 meeting to be held virtually if required.

1 There have been a number of examining authorities that have held
2 two-part preliminary meetings, where in fact, after a part 1 preliminary
3 meeting, all matters are clearly ventilated and discussed, everybody's in
4 broad understanding and as close to agreement as they can get, and
5 nobody requests to make oral submissions at part 2. If that were to
6 occur, we have reserved to ourselves the capacity to close this
7 preliminary meeting in writing and we wouldn't hold an oral process for
8 part 2, but to be clear, we'll only do that if there are no subsequent
9 requests to be heard.

10 If you do wish to put further matters to us, and this is particularly a
11 request to people who are outside this room today, listening on the
12 livestream, who can't participate orally, if you do wish to put matters to
13 us that you wish to be taken into consideration, and specifically, if you
14 wish to speak about those matters, then we must hear a request to be
15 heard from you by procedural deadline 3 – C, rather – on 13 June 2023,
16 and if we receive one or more such, then there will be an event held as
17 the resumption of this meeting, part 2, but it will be online. It will be virtual.
18 We won't be coming back to this venue.

19 Now, either way, with part 2 of this meeting held as a virtual
20 meeting, or closed in writing, once a closure decision is taken, that is
21 what triggers the beginning of the examination, and that is when the
22 examination will start, so either on the appointed day of 20 June, or a
23 date to be set if we are persuaded that there are good, valid reasons why
24 that date will be changed.

25 So moving on, all of that is summarising material that has been
26 provided to everybody in the rule 6 letter, which I hope everybody has
27 seen, read, absorbed, and is reasonably content with, and what I will also
28 flag is that all of our communication, copies of the rule 6 letter, all of the
29 examination documents, any information you need to enable you to
30 participate today, or in the examination due course, are posted on the
31 Lower Thames Crossing landing page of the National Infrastructure
32 Planning website. If you haven't been there yet, please do take a look,
33 because it is the place that we will routinely be using to provide you with
34 all of the information you need to participate.

1 Okay, let's move on. Talking about the purpose of a preliminary
2 meeting, I said at the outset that a preliminary meeting does what it says
3 on the tin. It's preliminary, and so what we are going to do is we are
4 going to review all of the proposals for examination, the draft proposal
5 that was set out in the rule 6 letter, and there probably isn't a great deal
6 more that I need to say about that. That is a pretty obvious remit for a
7 meeting, and we will continue and forge ahead until that remit is
8 discharged and we've dealt with all the items on the agenda.

9 In terms of your involvement, again, I need to be clear that all
10 submissions made in the programming meeting, orally today, or in writing
11 at any of the procedural deadlines, up to and including procedural
12 deadline, will be given fair and equal consideration. I would ask
13 everybody's interjections, whether they be in writing or orally, to be clear
14 and relevant to the agenda item at hand, and also a request that I'm sure
15 we all will be polite to our fellow speakers, and we won't interrupt others.
16 This meeting, and indeed any hearing that we hold in the examination
17 that follows, is issues based. If somebody speaks before you, said
18 something you agree with, you don't need to repeat it. You can just say
19 you agree with X, or agree with Y, and we can all move on to the next
20 point.

21 In the unlikely event that anybody interrupts or is discourteous, then
22 I will warn from the chair, and in such circumstances it's important to be
23 aware that an award of costs can be applied for and made against a
24 person who behaves unreasonably, and in that respect, any repeated
25 interruption or disruption of a meeting after a fair warning or in first
26 request to stop, is in principle deemed to be a form of unreasonable
27 behaviour, and then for those who are attending on Microsoft Teams,
28 please note the chat function is not in use. So if you're used to typing
29 matters into the chat, please don't. We can't access the chat. We can't
30 see it. We're not using the chat in this forum at all. Everybody has to be,
31 in this meeting, stated for the record, recorded, by way of oral
32 submissions, or put in writing at the later deadline.

33 Now I'm just going to briefly then speak about two final matters.
34 Firstly, matters around legislation, policy and guidance, and then some

1 matters about examination process. In terms of legislation, policy and
2 guidance, my guess is that everybody in this room physically and those
3 virtually have now had a good chance further to our frequently asked
4 questions document to interrogate the legislation that applies, the policy
5 that applies in this instance. I will only note that a key piece of policy, the
6 national networks national policy statement, clearly applies to the
7 application and to the examination.

8 We will also be giving consideration to the role and remit of national
9 policy statements applicable to energy imports infrastructure, which may
10 take effect as operating designated national policy statements, or
11 alternatively, may be matters that are taken account of as important and
12 relevant considerations where important and relevant. That's a
13 conversation that we're going to have with the applicant and with
14 interested parties in our earliest issue-specific hearing around project
15 definition, but we clearly must consider the proposed development within
16 the parameters of the designated and relevant components of national
17 policy statements that are designated, and then we must give account to
18 other important and relevant matters, which can include policy and a
19 range of other matters too.

20 I will refer to the fact that the national networks policy statement
21 itself is quite old. It was designated in December 2014, and in March
22 2023 the government opened a consultation on a draft revision. I think
23 it's important to be clear that the 2014 version remains the designated
24 policy. Now the Secretary of State can resolve to take it off the table by
25 suspending it in whole or part, those powers are in the act. If that
26 happens in the tenure of this examination, or if it's replaced by a new
27 designated national networks national policy statement in the course of
28 this examination as a decision made by the Secretary of State, like all
29 good examining authorities, we will swing to deal with the matters in front
30 of us within the framework of what is now designated policy.

31 However, if at the closure of this examination, the 2014 policy
32 statement is still the designated policy, that will be the policy on which
33 we base our report to the Secretary of State. The boom gate for us
34 comes down on the day that we close the examination. If we were to be

1 in circumstances where a new policy statement were to be designated
2 after closure but before the Secretary of State's decision, measures
3 would be taken administratively to make sure that the Secretary of State
4 was alive to the consequences of that change, and it may well be that
5 the Secretary of State might opt to consult the parties in those
6 circumstances.

7 Mr Humphries, I see your hand rising.

8 MR HUMPHRIES: Sir – sorry, Michael Humphries for Kent County Council. Sir,
9 obviously in the context of the draft national networks NPS which you've
10 mentioned, as you will know and is common in most draft NPSs, is that
11 there's a paragraph – in this case, paragraph 1.17 – that says, 'Any
12 emerging draft NPSs, or those designated but not having an affect or
13 potentially capable of being important and relevant in the decision
14 making process,' and the extent to which they are is for the Secretary of
15 State, obviously, through you, in the National Infrastructure Planning
16 Action plan from a couple of months ago, the government made it clear
17 that certainly its intention is to designate the national networks NPS, the
18 new one, this year.

19 MR SMITH: Indeed.

20 MR HUMPHRIES: And bearing in mind the start date for this examination, it's
21 quite likely, if they meet that target, that that will be the NPS, and in any
22 event, even if it isn't, by the time the Secretary of State makes a decision,
23 up to six months later, it is anticipated that it would be policy. Do I
24 understand, therefore, it would be perfectly appropriate for parties to
25 draw that to your attention, because clearly you may need to report to
26 the Secretary of State on the implications, if any?

27 MR SMITH: Yeah. Mr Humphries, that is a very clear and well-made submission,
28 and yes, you are completely correct, and it was that that I was,
29 essentially, trying to draw everybody to in the introduction to policy
30 matters that I just spoke to. So –

31 MR HUMPHRIES: Sorry, sir. Sometimes I make obvious points. You'll get used
32 to that over time.

33 MR SMITH: Well, indeed, and sometimes I make obvious points poorly, and
34 sometimes benefit from the interjection from other parties, but hopefully

1 we all have a shared understanding. If anybody thinks that we should be
2 doing something different, please speak up, but that's how we would
3 propose to proceed.

4 Then speaking very, very briefly about legislation, and that is simply
5 to say that because we have at least one designated national policy
6 statement in force, and the intention of the government is that that will
7 always be true, be it the current one or a replacement, it appears to us
8 that this examination is proceeding under section 104 of the Planning Act
9 of 2008, which deals with decision making in circumstances where a
10 designated national policy statement, one or more such, applies. So
11 again, making sure that everybody's clear that that's the framework we're
12 operating in. We're not operating in the less policy banded environment
13 of section 105.

14 Now I said I'd speak about policy and legislation and then speak
15 about examination process. In terms of the examination process, an
16 examination is primarily a written procedure, and we will be, obviously,
17 dealing with an immense amount of written material that's been put into
18 us, in the form of the application itself, in the form of a range of additional
19 submissions that the applicant has already made around supporting the
20 application, and we have deadlines for the provision of written
21 representations that amplify the written statements of case that all
22 interested parties have already made in their relevant representations in
23 order to get here as interested parties in this matter. We will also be
24 sending out written questions.

25 We will, throughout our interrogation of that material, be taking an
26 inquisitorial approach, as opposed to an adversarial one. This is slightly
27 different from typical English legal procedure, in that – somewhat French,
28 a bit like a juge d'instruction. It's our role to ask the questions. We don't
29 normally permit cross-examination in these fora. We will ask the
30 questions.

31 We may, at our discretion, admit cross-examination if we are
32 convinced that there is a good argument why we ought to do so, and it
33 will be useful to illuminate the issues in front of us, but we will not normally
34 do so, and what we hope we have therefore done is provided you with a

1 draft examination timetable that includes very clear opportunities for you
2 to provide comments and evidence in writing, and for us to ask the
3 interrogatory questions that we need to discharge our inquisitorial duty,
4 and we obviously would pursue all of those written procedures up until
5 the point where we believe we have all of the information to hand that we
6 need in order to report to the Secretary of State.

7 Examinations normally run for six months. We can close early if
8 possible. I do have to foreshadow: in a case such as this, it is distinctly
9 unlikely that we will be closing early.

10 So that's the written procedure, but examinations do include some
11 hearings, and the draft examination timetable has also provided for these
12 three broad types. Any registered interested party can request an open-
13 floor hearing to make oral representations about the application, and
14 we're deliberately holding a varied pattern of these, on different days,
15 different times of day, to facilitate those who can't attend during the
16 normal business day, for example. Some in person, some virtually.
17 Some in historic Essex, and some in historic Kent. So the idea is that we
18 provide a range of opportunities for people to participate.

19 As the applicant's draft development consent order provides for, or
20 requests, the compulsory acquisition and temporary possession of land
21 and rights, then people who are affected by that, known in shorthand as
22 affected persons, are entitled to request to be heard at a compulsory
23 acquisition hearing.

24 In our draft timetable, we've set out two types of these: one
25 strategically to interrogate the applicant's justification for taking land and
26 rights in the round, and one type of compulsory acquisition hearing to
27 hear from individuals who object to the specific taking of individual plots
28 of land, individual parcels of rights, in particular places. We find it's useful
29 to subdivide our considerations to those two sets of tasks for compulsory
30 acquisition.

31 Again, those hearings can be commissioned by anybody who is an
32 affected person, whose land or rights propose to be taken, and who
33 wishes to be heard. We set a deadline in the timetable for people to
34 request such a hearing, and then finally, it is at our discretion that we can

1 hold issue-specific hearings where they assist us so we can interrogate
2 the issues in front of us, and we typically hold such hearings where a
3 discussion around a table will be more helpful to us than a reliance on
4 written evidence alone, particularly where it's a complex – or a complex
5 of multifactor issues that are also typically multiparty issues. They're
6 issues that engage or bare on more than a pair of parties just in dispute.

7 So a discussion around the table is a very useful thing to do. That's
8 the broad selection criteria that we use for bringing a matter into issue-
9 specific hearings and you'll see in the draft timetable that we are starting
10 wide, with an issue-specific hearing on the definition of the project, and
11 a wide range of environmental effects flowing from it, and economic
12 effects, indeed, and then we're proposing a second issue-specific
13 hearing to unpack the development consent order that provides the
14 applicant with an opportunity to say, 'We wish to make a statutory order
15 to do this for these reasons,' and to really walk us through the explanatory
16 memorandum, and the underlying justification for all of the provisions.

17 And I will flag that when we interrogate the draft development
18 consent order in a hearing, we will always do so on a without prejudice
19 basis. What that means is it can be the position of an individual
20 interested party, that consent will not be granted, but we still have an
21 underlying duty to provide the best order we can in a recommendation
22 that we make to the Secretary of State, because we recommend. We
23 don't decide.

24 So we always have to put a recommendation to the Secretary of
25 State, then hand over a draft order, and say, 'This is the best form of
26 statutory order that we think we can achieve in the circumstances, having
27 regard to all of the positions of the parties in front of us.' So that's what
28 we'll do, and you're allowed to ask for a change to the order, even if
29 you're in principle position is, 'The order shouldn't be granted,' and it
30 won't prejudice your position. I think that's a very important point to
31 make, and so, yes, we'll be holding those issue-specific hearings, and
32 the topics and nature of the ones later in the timetable will evolve, and
33 we will provide the best notice we can of the nature of those as we move
34 through the remainder of the examination.

1 I'll also flag that we will be holding site inspections. It's important to
2 relate the examination process to land and to people, places, and we've
3 commenced a range of unaccompanied site inspections already.
4 Whenever we do an unaccompanied site inspection, we'll publish a note.
5 But you've also been given an opportunity to ask us to specifically to
6 attend particular sites on an accompanied basis. The applicant is putting
7 together a first draft of a potential agenda for accompanied site
8 inspections, and there are deadlines provided in the timetables for
9 interventions by interested parties before we settle those inspections.

10 But if you're asking us to visit a specific site, do bear in mind: if it's
11 in the public domain, we can go there ourselves, so we don't necessarily
12 need it to be accompanied. Also bear in mind we've done a reasonable
13 amount of work already. Look at our published site notes. If we've been
14 there already, the only reason we will go back is if there is a very specific
15 issue, if there is something new that we need to see to inform ourselves.

16 So drawing all of that together, at the conclusion of the examination
17 at that six-month magic point, we will make a recommendation to the
18 Secretary of State for transport, who will then consider all of the evidence,
19 and review our recommendation, before making the final decision on the
20 application. That really concludes all of the key points that I wish to draw
21 out of the rule 6 letter and the draft arrangements and timetable.

22 Please do look at the rule 6 letter and the frequently asked
23 questions if you seek further detail, but is there anybody, given that this
24 an opportunity to ask questions openly, want to ask any general
25 questions about the approach we've taken to the draft examination
26 arrangements and timetable? I'm very conscious that there are specific
27 matters arising to the programming meeting that we will get to about
28 dates in due time with my colleague, Mr Taylor, but questions about how
29 it works.

30 I see a gentleman with a raised hand. Sir, will you please come to
31 the empty chair, and switch on the microphone so a red light is showing,
32 and then introduce yourself by name?

33 MR MARTIN: This may be a silly question. David Martin, Higham Parish Council.
34 Obviously, as a councillor, I'm a layperson. When you talk about national

1 policies, are you just talking about highways transport policies, or are you
2 including other matters such as food security, food strategy, policy that
3 was introduced last summer?

4 MR SMITH: There is a distinction to be struck. There are two forms of national
5 policy that you are alluding to, and that we'll be referring to. There are
6 statutory national policy statements made under the Planning Act of
7 2008, and if you're familiar with the town and country planning system at
8 all, you'll be aware that each local authority has its plan where it sets out
9 its policy for its area. The national policy statements created by the UK
10 government are probably the closest we get to the development plan for
11 England, for specific topics of national infrastructure relevance.

12 So there is one on national networks, there's one on energy, etc,
13 etc. Now, they have a privileged status in the decision making, in relation
14 to nationally significant infrastructure projects, because such decisions
15 should normally proceed in compliance with the policy unless there are
16 very good, strong, weighty reasons – 'important and relevant' is the
17 language used in the act – that drive the Secretary of State to conclude
18 otherwise. There are then a whole range of other national policies.
19 Government has policy on all manner of things. Those are, depending
20 on their relevance to the decision, capable of being important and
21 relevant.

22 So yes, we can take them into account, but no, they do not have
23 that statutory primacy that says the decision should be made in
24 accordance with them unless other considerations indicate otherwise.
25 Now, it's fair to say there's a whole load of stuff that goes into that broader
26 important and relevant basket, and it is all of those other national policies
27 that are not policies formed under the Planning Act of 2008, and equally
28 are regional, sub-regional, or local policies, including everything from the
29 London plan, right the way through to a neighbourhood plan, or an
30 individual strategy prepared by a parish council. If you think it's relevant,
31 bring it in front of us.

32 MR MARTIN: Okay. Thank you very much, sir.

33 MR SMITH: Thank you very much. Is there anybody else with any other general
34 questions before we move on? No.

1 Now finally, everybody, before the end of this agenda item, I will
2 speak very briefly about contingency arrangements, in case things
3 happen in this event, or indeed in any of the events we hold throughout
4 the remainder of the examination period, that make it difficult for an event
5 to continue.

6 There can be issues that affect, firstly, virtual participation, and
7 some of those are personal. If you're trying to participate in a virtual
8 event and your laptop won't connect to the internet, or your phone fails,
9 the means of flexible response that we provide for all events, including
10 this, is that the event is recorded. The recording is placed on the National
11 Infrastructure Planning website, and we always have a deadline after the
12 event for written submissions.

13 So if somebody misses an event for good reason, they can always
14 make a written submission at the relevant deadline, and for this event it's
15 procedural deadline C, and we will take that into account before we make
16 any final decisions that emerge from the event.

17 If we have slightly bigger issues – say, for example, we're in a
18 physical venue, a room such as this at London Stadium, and the entire
19 building Wi-Fi goes down – we will briefly adjourn. We will do our best to
20 resume services in the building to a point. We've had conversations with
21 all of the staff that support us about where that point lies. If repairs were
22 unable to be made within a reasonable period, and we're talking about
23 an adjournment of maybe an hour and half or so, then we have
24 contingency plans to take the event virtually into a different forum, and it
25 would resume online only.

26 We would only do that with due notice that would appear on the
27 banner of this project and the national infrastructure website, and if it
28 were to happen in an event that was ongoing we would leave at least a
29 one-hour-and-a-half stage in between the point where we lost a venue in
30 a physical sense and we returned online.

31 Those are our contingency plans, and they are ones that we would
32 deliver if necessary. They are also ones that we would put into effect if
33 something more difficult like a power cut or a fire or a protest were to
34 occur that were to affect an event, and I thought it was important that

1 everybody participating knows that we've got careful contingency
2 arrangements in place to look this examination in the public interest, to
3 look after all of the interests of all the participants, and again, to say,
4 worst case scenario, we lose an event, you will always be able to respond
5 in writing at the relevant deadline.

6 Okay, any questions about those contingency arrangements? And
7 if not, I will hand over to my colleague Ken Pratt. Ah, just before I do, I'm
8 just having my attention drawn to the fact that we do now have a
9 representative from CPRE waiting to introduce themselves. Do we have
10 Dr Hilary Newport present?

11 DR NEWPORT: Sir, we do. Thank you very much for giving me the opportunity
12 to say hello to everyone this morning, and I'm sorry that I was otherwise
13 occupied at the very beginning of this meeting. We're very pleased to
14 have the opportunity to participate. Thank you.

15 MR SMITH: Dr Newport, that's no problem, and as you will hopefully have just
16 heard, you can catch up on what you may have missed on the recording
17 afterwards and make submissions at procedural deadline C if required.

18 DR NEWPORT: Thank you.

19 MR SMITH: On that basis, unless I see any further hands either virtually or
20 physically in the room, I will pass over to my colleague, Mr Pratt, who will
21 take us through agenda item 3.

22 MR PRATT: Good morning, everybody, again. A change of voice if nothing else.
23 My name's Ken Pratt. I'm a member and my turn to give you a bit of a
24 spiel. Agenda item 3: we're now going to be considering matters arising
25 from procedural deadline B. Now, I think it's fair to say that we've already
26 received a number of representations from procedural deadline A, and
27 as Mr Smith has said, these have been published, and in the examination
28 library, references PDA001 to 010.

29 Now, we've also received a number of submissions in relation to
30 procedural deadline B, where we've asked that we could be provided with
31 submissions, including written submissions, or oral comments made at
32 that programme meeting that we spoke about earlier on. Now, a
33 transcript and recording of that is published on the examination library,

1 references EV001 to EV007, alongside written submissions on a number
2 of matters raised at that meeting.

3 Just briefly, I'm not going to go through them word for word. We've
4 had submissions from a number of individuals, groups, and Gravesend
5 Borough, Kent County, Havering Borough – Borough, pardon me,
6 Shorne Parish and Thurrock Councils, the emergency services,
7 Hutchison Port and Trinity House, and the applicant, and we also have
8 requested written submissions on the examination procedure and draft
9 timetable, and again, we've received submissions from a number of
10 individuals, groups, and London Gateway and Tilbury ports, the maritime
11 and coastguard agency, Essex and Suffolk Water, and the applicant.

12 Now, two apologies, I'm afraid. The Kent County Council
13 submission was published, but it was published late, and I'm told that it
14 was a technical error, so we can blame the computers for that one, and
15 apologies to the applicant: your covering letter was mistakenly not
16 published, but I'm reliably informed that is now published on the planning
17 inspectorate website, and I believe that the examination library
18 references for the submissions is PDB0012028.

19 MR SMITH: Can I also just briefly indicate, in relation to avoiding technical errors:
20 if you're submitting digitally, please try and make the filename as short
21 as possible. We've been told by our digital people that long filenames
22 sometimes cause the portal that draws your submission into us to be
23 rejected for no good reason other than a digital blockage. So nice,
24 succinct, short filenames, please.

25 MR PRATT: Thank you, Mr Smith. One question we do have at this point. Has
26 the planning performance agreement that's between Thurrock Council
27 and National Highways been concluded at this point? Could I have...

28 MR SMITH: Yeah, we'll have Thurrock Council first, and then revert to the
29 applicant.

30 MR BRADBURY: Yes. Excuse me, I've got a bit of a frog in my throat. Mark
31 Bradbury for Thurrock Council. The PPA, the terms of it are agreed, and
32 that is confirmed in writing, but it has been confirmed back to you. The
33 signing of it by Thurrock Council will follow a decision through our normal
34 governance process, which is currently scheduled to go to our cabinet

1 on 12 July. We had hoped to bring it forward sooner than that under our
2 accelerated powers, but our current government's procedures suggest
3 that it is better to take it through full cabinet. There is no suggestion that
4 it will not be signed, but we have a formal process to go through. And
5 we, and I believe the applicant, are behaving as if it is signed in terms of
6 our interactions.

7 MR SMITH: Excellent, right. To the applicant, then.

8 MS TAFUR: Isabella Tafur for the applicant. Yes, so we agree that that is the
9 position. It's currently with Thurrock. I think the position is accurately
10 reflected in the submission that PDB004, which is the joint statement.
11 Other than that, that document indicated a hope that it might be
12 completed before today, but the process that's set out after that is that it
13 will go through Thurrock's approval processes and then come to National
14 Highways, who will hope to execute it within two days of its receipt.

15 MR PRATT: Thank you very much. To continue on this item, we've also received
16 a number of requests to be heard orally at this part of the preliminary
17 meeting. These have been noted and my colleagues will call on your
18 contributions at the appropriate stage in the proceedings.

19 However, again, as with – I said earlier on today, if you've not
20 registered to speak and there is something that you really want to bring
21 to our attention, please make yourself known to somebody, either online
22 or in the room, and my colleague or whoever will ask you to come to us,
23 come to the floor, make your point at an appropriate stage. But
24 remember, if you forget to tell us something, or if you think you want to
25 tell us something that's in a bit more of a clear manner, there's always
26 the submission at procedural deadline C. Thank you. Alison Dablin. I
27 notice you've raised your hand at this point.

28 MS DABLIN: Hi, yes, Alison Dablin for Port of Tilbury. Just one matter on the
29 late documents. On the PINS website, the National Highways LTC cover
30 letter says that they enclosed a navigation document with their
31 submission, and I don't believe that that one has been uploaded onto the
32 website yet.

33 MR SMITH: Right, we'll take that on notice and check with the case team, but
34 thank you for raising that.

1 MS DABLIN: Thank you.

2 MR SMITH: Ms Tafur.

3 MS TAFUR: Isabella Tafur on behalf of the applicant. So we did submit an
4 application document, but I'm afraid it was – well, it was rejected by the
5 case officer team because they said it wasn't a deadline. And we've
6 been asked to provide one at each of the deadlines, but I think they
7 meant examination rather than pre-examination deadlines.

8 MR SMITH: Yes, that's a sensible explanation because, I mean, essentially,
9 there is a considerable precision, shall we say, about the art of drawing
10 in submissions at the right time because, as everybody in this room will
11 appreciate, if we are not disciplined about that process, it becomes a
12 snowstorm, which becomes a blizzard. And at that point, our ability to
13 make sensible recommendations to the secretary of state starts to
14 diminish because we no longer have control over the timing or content of
15 the information flows, so yes, case teams are a little bit like the dragons
16 guarding the council gate. If a document turns up not on the precisely
17 appointed date for that document, they will say 'no', and I think that's
18 actually quite a useful point to place into the public domain here and now.

19 So, Ms Tafur, thank you for your forbearance, but I think we're all
20 agreed why it happened.

21 MR PRATT: Thank you very much. Finally, the applicant has proposed some
22 locations where a company site inspection should be undertaken. It's a
23 three-day draft itinerary and has been submitted and published as
24 PDB001. It's also appropriate to acknowledge the submission by the
25 applicant of a junction layout, as requested, and that's been published as
26 PDB003, and its joint statement with Thurrock Council is 004. These
27 submissions will be considered alongside those received at procedural
28 deadline A, the programming meeting and today's event and the items
29 received at procedural deadline C.

30 Now, my colleagues will be dealing with items 4 and 5 on the
31 agenda shortly. That's the assessment of principal issues and the draft
32 examination timetable. Now, however, at this point, does anybody want
33 to make any comments or ask any questions? I don't see any hands in
34 the room.

1 MR SMITH: We did have a preliminary indication that London Borough of
2 Havering and also Gravesham Borough Council might wish to speak on
3 this item, but if that's been superseded, then we will just move on.

4 MR DOUGLAS: Thank you, sir. I think, in terms of Havering's comments, they
5 can be covered under items 4 and 5.

6 MR SMITH: Excellent, we'll just move on into the real, hard business end of the
7 meeting. Okay. And does the same go for Gravesham? Yes, excellent.
8 Please come forward. If anybody who is not seated at the front table
9 wishes to speak, then come forward. We have an empty chair always
10 available. Then turn on the microphone, and we will see you. Sir, you
11 are.

12 MR SHADAREVIAN: Thank you very much. Just to remind you, I'm
13 Paul Shadarevian KC acting for Dubai Ports, etc. Just can I mention the
14 issue of site visits because I'm not sure if there's going to be another
15 opportunity to do this.

16 MR SMITH: There will be, when we move through the timetable as part of
17 Mr Taylor's detailed analysis of the draft timetable, a set of questions
18 about are they the right visits, have we allowed enough time, etc, so if
19 that's what you're alluding to –

20 MR SHADAREVIAN: I just wanted to make sure that I wasn't going to be out of
21 sync with your own timetable today, so can I just sit here for a while until
22 it comes up?

23 MR SMITH: By all means. Do bear in mind that, of course, if anybody else
24 attends who needs to speak, you might have to share the hot seat.

25 MR SHADAREVIAN: That's fine.

26 MR SMITH: Thank you very much.

27 MR SHADAREVIAN: Thank you.

28 MR PRATT: Well, if the Borough of Havering, Gravesham and everybody else
29 has nothing further to add to my piece this morning, as the applicant,
30 have you anything to add? Thank you very much. Well, in that case, I
31 will pass on to Mr Young to continue with item 4, unless you want to take
32 a break at this point.

33 MR SMITH: I think a number of us have been having a quiet, virtual, yellow-sticky
34 conversation on the bench, and the result – we're at 11.10, which is a

1 little earlier than we would normally take a break. However, we are just
2 about to get into the hard yards, the principal issues and the timetable.
3 It seems to make sense, ladies and gentlemen, that we now break, so
4 let's call it 11.25. We break until 11.25, and we will resume in this room
5 and virtually.

6 People who are online, you can leave your devices on. Stay
7 connected. That's probably by far the best way of remaining in contact
8 with the event. But if you do leave, you can click on the same link that
9 you were provided to join the event in the first case, and you'll be able to
10 re-join it. Anything else. No. In which case, we will resume at 11.25.
11 Thank you very much, ladies and gentlemen.

12
13 **(Meeting adjourned)**
14

15 MR SMITH: My name is Rynd Smith, panel lead, and we are now going to move
16 to agenda item 4, and I will hand over to my colleague,
17 Mr Dominic Young. Mr Young.

18 MR YOUNG: Thank you. I'm Dominic Young, panel member, speaking again.
19 Right. Turning to agenda item 4, I'd be grateful if the case team could
20 put up a copy of annex B of our rule 6 letter on the screen. Perfect.
21 Thank you.

22 The document before you on the screen is the initial assessment of
23 principal issues. It is just that, an initial assessment. It provides a
24 framework of issues for the examination going forward, so it does not
25 preclude us from removing nor adding issues at later stages in the
26 process. There is no hierarchy of importance in the list at this stage. And
27 if issues cease to be important or new issues arise, we will respond
28 accordingly. As the examination progresses, we may need to consider
29 greater levels of details for some items, whilst others might require less.
30 It goes without saying, the management of issues is a dynamic process.

31 So, from the information before me, we have received comments
32 from various authorities – Gravesham, Havering and Thurrock – in
33 respect of this agenda item. Just dealing with Thurrock's submission,
34 they have suggested a number of additions to the list that you see before

1 you, including but not limited to the impact of the scheme on local roads,
2 alternative design elements, construction effects, handling of materials
3 and plant and health effects.

4 When we considered those comments, the panel are fairly
5 comfortable that those items are probably covered under our existing
6 settlement of principal issues. That said, we will take Thurrock's
7 comments away with us, along with those from Gravesham and
8 Havering, and reflect on them and consider whether we need to make
9 any specific amendments to our list.

10 Right, so at this stage, I'm going to give anybody the opportunity,
11 but I think I'll start with Thurrock, Gravesham and Havering. If anybody
12 wants to say anything else in addition to their written submission, now is
13 the opportunity to do so.

14 MR STRATFORD: Okay. Chris Stratford, Thurrock Council. Yes, we've made
15 a suggestion for either addition of principal issues or maybe sub-issues
16 of the existing principal issues, 14 of them.

17 In preparation for this meeting, we have obviously done further
18 work, which we could submit at the next procedural deadline if required.
19 What we've done is to, on a table, we've set out the 14 issues on the
20 left-hand side and then various columns along that that set out how it
21 relates to the relevant rep, how it relates to the PADs document and how
22 it relates to the submitted statement of common ground, with some
23 commentary on the side.

24 And we have done further work on one of the items about robust
25 and out-of-date data, which is number 15. We can, and I'm prepared to
26 say more about it – myself and Colin Black, which we've allocated each
27 one to each other. It depends whether you want that submission or
28 whether you'd prefer to have it in writing at the procedural deadline.

29 MR SMITH: I think, looking at the observations made by my colleagues, it's fair
30 to say that, at present, we would prefer that in the form of a written
31 submission. And I think it's moot as to whether it's a procedural deadline
32 C submission or, essentially, an annex[?] to your written representation.
33 I mean, it's a very useful piece of analysis, don't get me wrong. I mean,

1 I think the fact that you have been able to prioritise bringing it forward is
2 commendable.

3 I think it is – it feels to us, and it did feel to us when we read your
4 written submissions at procedural deadline B, that, essentially, here
5 we're feeling our way forward into the space between having enough of
6 a broad framework to design an examination, which is what an initial
7 assessment of principal issues is for, and the teasing out of those issues
8 for examination purposes, which is what a written representation does.
9 And certainly my observation – I'll have to check with my colleagues, but
10 my observation is that I think the level of detail that you're now talking
11 about feels like origin representation material.

12 MR STRATFORD: Okay, we can arrange to do that later this week as an annexe
13 to the existing submission. Certainly, we weren't in any way criticising
14 the list as it stands because you, yourselves – and we felt it might be
15 helpful –

16 MR SMITH: It will be helpful.

17 MR STRATFORD: – to look at it. We are, of course, at the early stages, it must
18 be said, but thoroughly in the midst of trying to prepare our local impact
19 report. And these are issues that have been with us for some time now,
20 so we felt the need to help you.

21 MR SMITH: Yes, and it will.

22 MR STRATFORD: Thank you.

23 MR SMITH: No, it will. We do appreciate the effort, and hopefully, somewhat of
24 a breathing space is provided by enabling the amplification of that to
25 emerge at deadline 1 rather than even at procedural deadline C. I mean
26 that is distinctly a good way of bringing in matters at that point and dealing
27 with examination issues of substance.

28 MR STRATFORD: And, therefore, I won't bother you with going through each
29 one, or anybody else for that matter. We'll just make the submission in
30 the next few days.

31 MR SMITH: I'm grateful.

32 MR STRATFORD: Thank you.

1 MR YOUNG: Okay, Ms Blake, I can see your hand's up. I will come to you in
2 due course. Let me just go around the room. Havering or Kent – you
3 want to go first.

4 MR DOUGLAS: Daniel Douglas, London Borough of Havering. Thanks for
5 confirming that you'll consider the comments that we made at procedural
6 deadline B on initial assessment of principal issues. And just to confirm,
7 we don't have anything further to add on top of that.

8 MR YOUNG: Thank you.

9 MR SMITH: Mr Humphries.

10 MR HUMPHRIES: Thank you, sir. Michael Humphries for Kent County Council.
11 In our procedural deadline B letter that's PDB026, second page, we
12 identified two points for your agenda item 4 about the principal issues.
13 The first was a request for clarification on one of the project definition
14 items. We asked for some clarification on what is meant by the 'scope
15 of and security for highway development.' And I don't need an answer
16 now, but I'm just reminding you, sir, obviously, that that was one of our
17 points.

18 And the other, sir, was this: under the traffic and transportation
19 headline, you have operational effects, and we wanted to cover, sir –
20 make sure that two things are covered. One is construction effects, with
21 a six-year construction period. Obviously that's a separate effect not
22 covered by operational effects.

23 And the second is mitigation. And, in a sense, I'm sure, obviously,
24 that mitigation is intended to be implicit in all of your items. I understand
25 that, but I'm particularly mindful in the national networks NPS, from
26 paragraph 5.201 onwards, one of the generic areas that inspectors are
27 to consider are impact on transport networks, and that includes the wider
28 highway network, which you'll have seen from our relevant
29 representation, we're very concerned about, so we want to make sure
30 that both construction effects but also mitigation, including mitigation on
31 the wider transport network, is properly included as a principal issue.

32 MR YOUNG: Thank you, Mr Humphries. I would add that those matters are very
33 much at the forefront of our minds whether or not we've articulated them
34 in those terms, but they are.

1 MR HUMPHRIES: Thank you, sir.

2 MR SMITH: In relation, briefly, to the point around project definition, and
3 particularly the proposition that we hold an issue-specific hearing on that,
4 one of the observations that I will make is that we will issue draft agendas
5 before we reach a point because we are very conscious of those hearings
6 emerge very early in the examination period if we decide to sustain the
7 examination period. So, therefore, it's critically important that, in fairness
8 to parties, we don't just issue agendas literally the day before because
9 that's when the examination starts. We issue draft ones as early as we
10 might do. Fundamentally, we'll be turning our minds to that task
11 immediately after the adjournment of this meeting.

12 MR HUMPHRIES: Thank you, sir. That's really helpful and relates to a point that
13 we will probably raise under agenda item 5 as it happens because of a
14 clash, I can't be here on 21 December where you're discussing project
15 description. But I can on the 22nd. Of course, this is all about me. Well,
16 not all of it, but, sir – so I'm mindful of that. I think we just didn't
17 understand what that particular item under 'security', for example, meant
18 in relation to the highway, but I'm sure we can talk about this a little bit
19 under agenda item 5.

20 MR SMITH: We can indeed.

21 MR HUMPHRIES: Thank you, sir.

22 MR SMITH: Thank you.

23 MR YOUNG: Anybody else in the room want to speak on agenda item 4?

24 MR SHADAREVIAN: That's a 'yes' if I may. Paul Shadarevian KC for London
25 Gateway. In terms of the principal issues, under 4, we have the effect of
26 LTC on the local road network, north and south of the river. Of course,
27 that will have wide-ranging coverage, and I don't understand that to be
28 limiting in any way.

29 We are principally concerned at two junctions north of the river,
30 being the Manorway junction and the Orsett Cock junction, their
31 importance for the performance of the port, which, of course, has national
32 significance. It's important, therefore, that in considering those matters,
33 we are not simply constraining our consideration on matters of highway
34 capacity and the impacts on the highway network itself, but we're also

1 taking into account the practical and economic impacts on port activity in
2 regard to the national interest. So I just raise that now because I think
3 it's very important that the scope of that issue is not limited. It must take
4 those matters into account.

5 MR YOUNG: And again, I would say we are very alive to that issue.

6 MR SHADAREVIAN: I'm grateful.

7 MR YOUNG: That gives you some comfort.

8 MR MARTIN: David Martin of Higham Parish Council, again, sir. I was put down
9 as speaking on item 4. We think you should consider the construction
10 period as a specific item really because we will be suffering from that
11 running. The initial proposals show that the haul road would be from the
12 A2. And now you're – a lot of the construction traffic is being pushed
13 through the village, so we really think that how it is delivered should be
14 something that the examination authority takes into account.

15 And again, when you get to the development consent order item 14,
16 that is probably worth splitting into pre-opening and ongoing issues
17 whether you treat it as two items or have it bundled up. But there are
18 specific things like keeping the parks properly maintained as well as
19 things during construction which seems to be just left to a control
20 document, which may or may not have much force or may actually say,
21 'These items will be decided once the contractor's appointed,' which
22 doesn't actually give us any comfort at all.

23 MR SMITH: Yeah. Again, I think it's probably worth referring to the specifics of
24 annexe B to our rule 6 letter, the written initial assessment, where, at the
25 foot of page B1, what we tried to do was to express that there was an
26 overarching time-based analysis that we were going to use for absolutely
27 everything that moves in relation to this examination and that we would
28 consider, in bullet points, data assessment and design methodology,
29 construction effects, then operation effects and then mitigation proposals
30 and their effects. Now, that's a framework that we intended to be
31 expressed as applying to everything, which is why we lifted it out of the
32 numbered list and put it at the top, so –

33 MR MARTIN: Thank you, sir.

34 MR SMITH: – I hope we dealt with it.

1 MR MARTIN: No, perhaps we concentrated on the numbered items as being the
2 key items and not necessarily some of the introductory words.

3 MR SMITH: Well, a lawyer's lesson: always read the preamble.

4 MR YOUNG: Right, Gravesham. Sorry, I missed you.

5 MS LANE: That's okay. Wendy Lane from Gravesham. As you've already
6 indicated, all of the matters that we've highlighted will be taken into
7 account, and we have very much tried to use the existing items that you
8 provided. And I say, just ask for amplification, including issues such as
9 whether or not the tunnelling considerations of item 7 will include the
10 minor refinement consultation, which is obviously currently out under
11 consultation. Whilst it's not formally consulting on the potential proposal
12 for just a single boring machine, it is included as a construction update
13 within that document. And we do just want to understand how that's
14 going to feed into the examination, so we thought it was worth asking as
15 part of our questions.

16 In addition, obviously, we just wanted to understand things like
17 where green belt will be considered because we thought there was
18 potential options and the loss of common services, etc, so, hopefully, the
19 way that we've done that, to list them under your items, just ask for a bit
20 of additional clarification. But I say, in particular, we wanted to
21 understand how the current consultation that's underway is going to
22 actually be meaningful as part of the examination. Thank you.

23 MR YOUNG: Thank you. Shall I go to...?

24 MR SMITH: There's Ms Blake on the line.

25 MR YOUNG: Welcome to the applicant.

26 MR SMITH: Yeah. Ms Blake.

27 MS BLAKE: Thank you very much, sir. We did make – sorry, Laura Blake, chair
28 of the Thames Crossing Action Group. We did actually make a written
29 representation on this item, referring to a request for something to be
30 along the lines of health and safety concerns to cover things like
31 unexploded ordinance, landfill contamination and potential risks of things
32 like sinkholes and bubbling and foaming substances above tunnelling in
33 light of what's happened with HS2 because we felt that they were quite
34 important issues that our supporters and members have concerns over.

1 Can I just ask for clarification? Do you feel that they fall within any that
2 are listed, or would that be something you would be open to consider,
3 please?

4 MR YOUNG: It'd be tunnelling considerations, would it?

5 MR SMITH: Yes, in broad terms, those were items that we felt nested. One of
6 the dilemmas that we're faced with here is how complete a list do we
7 write. We need to provide what amounts to road maps so that everybody
8 participating in the examination can get a sense of where we think we
9 are navigating towards. But it is a map, and it's not the journey. The
10 journey is the examination.

11 I think we can give you the reassurance that you need, which is
12 each of those issues are in principle relevant and, therefore, capable of
13 resting nested within the broader topics that we identified, which again
14 gets back to Mr Young's proposition, which is: this assessment was a
15 snapshot in time.

16 We will, of course, factor in and amplify issues that emerge and
17 become more weighty, more relevant as we move through, and indeed,
18 scale down matters that turn out to be maybe less significant than we'd
19 anticipated when we made the assessment, so we're in a dynamic world.
20 Things change. But our sense is that we have a framework that is
21 capable of dealing with all of those issues, and rest assured, we will
22 endeavour to do so.

23 MS BLAKE: Thank you for that reassurance, sir.

24 MR YOUNG: Item number 7, tunnelling considerations, will probably
25 encapsulate the sorts of issues that you raise.

26 MR SMITH: Right. Does anybody else want to speak?

27 MS DILLISTONE: Sorry, my voice – sharing the same problems as
28 Mr Rynd Smith earlier. Alex Dillistone for the Port of London Authority.
29 I've a question about the clarification of the agenda items and what
30 belongs in each of them because, for item 7, particularly the tunnelling
31 considerations, and item 14, from the perspective of the PLA, there will
32 be a significant overlap between the draft development consent order
33 and tunnelling considerations, so I'm thinking particularly here that there
34 are several matters covered in the draft DCO, for example, the vertical

1 limits of deviation of the tunnel and the depth to which the PLA is able to
2 dredge.

3 The way that those are drafted at the moment in the DCO, but also
4 the various application documents, potentially puts the limit at which the
5 PLA is able to dredge below the highest level of the limits of deviation,
6 so potentially dredging into the tunnel, which obviously we can
7 understand is not going to be possible, so we would like to make those
8 submissions at some point. The question is whether they belong best in
9 tunnelling considerations or as part of the DCO, and wonder whether the
10 Examining Authority can give any guidance because we do want to use
11 the Examining Authority's time judiciously and not be repeating things
12 too many times.

13 MR YOUNG: I'll let Mr Taylor answer because he's leading on the tunnelling
14 side of this.

15 MR TAYLOR: Yeah, thank you for your question. Lots of the issues raised are
16 of a technical nature, and we would want to hear them in respect of –
17 under our topic item, 'tunnelling'. Now, that is likely to come through in
18 matters that would need to be secured within the DCO, but we will
19 discuss how that might occur or mitigation might be necessary. If we had
20 an issue-specific hearing on tunnelling, we'd want to discuss it there, and
21 we'd want written representations on those there. And that would then
22 feed into when we hold an issue-specific hearing on the DCO to just
23 make sure that any matters that we discussed in terms of these more
24 technical matters would then come through appropriately.

25 MS DILLISTONE: Okay, so –

26 MR SMITH: It might actually be helpful if I say a little bit more about our proposed
27 structure of DCO issue-specific things as well here because Ken's
28 obviously leading on the subject, and I'm leading on the order.

29 In terms of the order, we've indicated that we'll start with an
30 issue-specific hearing on the order that allows the applicant to unpack
31 and to tell us why the order has been crafted in the ways it has. We will
32 be returning in an issue-specific hearing to the order approximately
33 midway through examination where, essentially, we'll be looking at
34 change within the framework of the order. What issues are arising that

1 might suggest that further matters need to be secured or matters that are
2 secured might no longer need to be, etc.

3 And then, moving up towards the end of the examination, we would
4 intend normally to have a final DCO issue-specific hearing at which there
5 can be a shakedown around the specific security and the implications of
6 all the security for particular measures around all of those really
7 nitty-gritty matters like: are the limits of deviation adequately expressed
8 and secured in the order? What's the implication of dredging to a depth
9 of X above the tunnel? Is there a hazard that needs to be controlled? If
10 so, how is it controlled? And how's that given expression on the face of
11 the order?

12 So we will do it in bitesize chunks, and we'll move from the general
13 and strategic – why's the order like it is – through to the ongoing
14 discussion of change processes, through to a detailed examination of the
15 likely final draft. What would be the applicant's preferred draft as they
16 would see it at that point? We also normally issue a commentary, and
17 so if there are matters that we believe are outstanding at that point, we
18 will ask specific questions about those. And again, you'll have the
19 opportunity to respond to that.

20 MS DILLISTONE: Alright, thank you. I think that's clear. So the technical side
21 we will deal with initially and the tunnelling considerations, and then
22 refine that detail for the DCO hearing.

23 MR SMITH: Yes, it will come out –

24 MS DILLISTONE: Thank you.

25 MR SMITH: – at the end.

26 MR YOUNG: Okay, Mr Cronin, in the virtual room.

27 MR CRONIN: Thank you. Chief Superintendent Morgan Cronin for the
28 emergency services and safety department steering group. So in our
29 written representations, we've outlined 11 areas of interest to the
30 steering committee. The majority of those are focused on the blue light
31 services and our concerns over the DCO. We have obviously looked at
32 what has been outlined in annexe B, and accepting it's not an exhaustive
33 list, and we have been able to track some of our areas of concern and
34 representations to those 15 areas.

1 But a large number we don't feel are captured in that, and similar to
2 our colleagues in Thurrock Council, we would ask how our concerns
3 could be captured if we're not able to reach agreement with the applicant
4 for our statement of common ground when it is submitted.

5 MR SMITH: I think that stands for itself. Thank you very much.

6 MR YOUNG: Okay, I don't think there's anybody else. Just check. Mr Cronin,
7 will you just lower your hand?

8 MR CRONIN: Yes.

9 MS TAFUR: Isabella Tafur for the applicant. Thank you, sir. We are content
10 with the principal issues you've identified, which we consider to be
11 comprehensive and striking the right balance between providing a useful
12 framework without descending into every aspect of specificity. There's
13 just one small typo that we've noticed in one of your issues, and it's on –
14 under item 4, which is 'traffic and transportation', and it's page B2, the
15 second bullet point. It says that 'Operational effects: whether the
16 proposal would secure its objection,' and I think it should be 'objectives'.

17 MR SMITH: It absolutely should be 'objectives'. We'll put that on the record right
18 now.

19 MS TAFUR: Thank you.

20 MR SMITH: Over many, many years, I've always run what I call the Mars bar
21 prize, which is the prize given to the first person to find the typographical
22 –

23 MS TAFUR: Biggest pedants.

24 MR SMITH: – error after the relevant document has been published. I think
25 you've just won it.

26 MS TAFUR: Thanks, sir. I look forward to receiving my prize.

27 MR SMITH: Right.

28 MR YOUNG: Anybody else.

29 MR SMITH: There was a question from Mr Hunt.

30 MR YOUNG: Mr Hunt, do you want to speak on this agenda item?

31 MR HUNT: Just very briefly just to add a very small part to what Chief
32 Superintendent Cronin said on behalf of the emergency services and
33 safety partners steering group. Just to ask, in terms of our concerns and

1 uncertainties over which of the principal issues I already identified, some
2 of our concerns might be addressed.

3 Would the panel value any sort of very short, written submission to
4 maybe identify those uncertainties and what matters of concern to us
5 they relate to because there are some which are covered by the issues
6 already identified, including things like our concerns over suicide
7 prevention, mental health wellbeing – they may well come under
8 issues 13 – the number of lanes and the absence of a hard shoulder,
9 which might come under issue 4, but others where we're less clear about
10 that. Would you value a short, written submission setting those out to
11 our relevant representations?

12 MR YOUNG: Yeah, deadline C, please.

13 MR HUNT: Right.

14 MR SMITH: And, as per the discussion that we had with Thurrock Council as
15 well, there's a judgment point around detail here, and that is if this
16 crosses the line between informing the road map for the future
17 examination or making merit submissions on the application in front of
18 us, if it's in that latter camp, an exit to your deadline 1, written
19 representation, so it's a primary part of the examination, that's probably
20 a good way forward. If you want to give us good detail on all of this,
21 deadline 1 is your best place.

22 MR HUNT: And the distinction as well as the – thank you very much.

23 MR SMITH: Thank you.

24 MR YOUNG: Thank you. Right, does anybody else have anything else to say
25 on agenda item 4?

26 PARTICIPANT: No.

27 MR YOUNG: If new questions about principal issues do arise in anybody's mind,
28 particularly those of you who might be watching on the live stream or
29 listening to a recording later, please put them in writing to us at
30 procedural deadline C.

31 MR SMITH: Which is on the 13th, isn't it.

32 MR YOUNG: Yes.

33 MR SMITH: 13 June.

34 MR YOUNG: Thank you. Right. I shall now hand over to Mr Taylor.

1 MR SMITH: Okay. I'm just going to exercise a little chair's prerogative here, and
2 before I hand to Mr Taylor, just paint a very brief picture of the remainder
3 of this event. Mr Taylor is going to take agenda item 5, which is the
4 absolute core – the kernel of this event, and I'm sure what everybody
5 here has been waiting to get their teeth into. I think it's fair to say that
6 having reached this point now at midday, we don't anticipate agenda item
7 5 resolving before lunch, so let us make a target that we will try and break
8 for lunch at somewhere in the region of 1.00PM. Mr Taylor will exercise
9 discretion on precisely when, because what he will not wish to do is to
10 cut somebody off partway through a well-reasoned set of submissions,
11 so if we end at 1.10 or 12.55 that's his shout, but that's our broad brush
12 target and we will then aim to take a break for one hour, and one of the
13 things I'm very conscious of, having taken the break for 15 minutes
14 initially this morning, is that this is an enormous building.

15 Finding our ways around it for those of us physically here is quite
16 difficult. Buying a cup of coffee in 15 minutes proved to be far beyond
17 the capabilities of most human beings, so we're going to have a full hour
18 for lunch. I hope that doesn't feel like a waste of people's time because
19 I'm also conscious that lunch is a time where a number of interested
20 parties who will not have met each other in person before actually have
21 the opportunity to sit down, and even if they don't agree things, they can
22 work out processes whereby they might agree things so I would also flag
23 that as a very useful informal part of the preliminary meeting process, so
24 we should resume somewhere in the order of 2.00PM, but we'll make a
25 detailed break announcement when we go to the break.

26 Mr Taylor, apologies for trespassing on your time, but I just thought
27 it was useful to provide some steerage.

28 MR TAYLOR: Yeah. No, that's very helpful. Okay, so Ken Taylor speaking,
29 panel member. I am now going to lead us through agenda item 5, so this
30 is the draft examination timetable. That can be found in the annexe D
31 rule 6 letter. It is being brought up on the screen, so we will go through
32 this. Now, as you're all aware and we've discussed this morning, this is
33 the first part of the preliminary meeting. The second part's scheduled for
34 20 June and then, as currently scheduled, it would immediately follow the

1 opening of the examination with an open-floor hearing and then issue-
2 specific hearings, but this is a preliminary date which is subject to change
3 and, as an Examining Authority, we have to consider all the submissions
4 that have been made at the programming meeting, and the procedural
5 deadlines A and B, and then the subsequent representations that might
6 be made at procedural deadline hearing C that is coming up after this
7 meeting.

8 Relevant local authorities and public bodies and some other
9 interested parties did attend the programming meeting and made
10 representations. Now, what we're not looking to do here, as we
11 discussed this morning, is to rehearse all those issues. However, I am
12 very conscious that some parties have expressed to me that the
13 examination should not commence on 20 June as is currently scheduled,
14 but should commence later in the early part of September, and I think
15 before we move on to talking about the detail of the timetable it's
16 appropriate that we deal with this issue first, and I think what I would like
17 to do is to first ask if Thurrock Council would speak on this matter.

18 Now, what we're really interested to hear from you is – has your
19 position moved at all since the programming meeting and your
20 subsequent representations at procedural deadline B and if so, how –
21 and if not, if you just very succinctly set out your position and why you
22 require that later commencement date. I will then turn to some of the
23 other local authorities to see if there are other interested parties, and
24 finally, I will move to the applicant. Over to you.

25 MR STRATFORD: Thank you very much. Chris Stratford, Thurrock Council.

26 Okay. If I first of all deal with the changes, just taking into account Mr
27 Smith's opening statements – the changes since we last discussed this
28 item in reasonable depth at the programming meeting. As Mark
29 Bradbury has already said, we've got a signed position statement, we
30 have an executed copy of the PPA in full with all matters agreed between
31 us, and we hope to have that ratified by the council by mid-July, and
32 therefore we felt – picking up on what was said at the programming
33 meeting, that that significantly reduces the risk to us not partaking in the
34 remainder of the examination process and therefore we should be fine.

1 Furthermore, the consultant team, which back in May was being
2 engaged, is now largely fully engaged and working hard, obviously, doing
3 the work about the issues and enlarging what we already said in the
4 PADs and the relevant rep. So yes, we maintain that we would still like
5 that discernment of seven weeks. I won't necessarily rehearse because
6 you've heard it before and furthermore, it's stated in two pages in our
7 submission. Just to say, though, that the – we did embellish on one
8 particular issue which was the issue-specific hearings – the first two prior
9 to the deadline one and the order of that looked – I think we better
10 understand what the first one is on project definition now.

11 However, having those two hearings in advance of us completing –
12 or trying to compete, which is more accurate – trying to complete the
13 local impact report causes us undue trouble, believe me, and we would
14 welcome those being put after that deadline one. The remainder of the
15 issues I don't believe – notwithstanding what's been said about the
16 tunnelling aspects as reported in the minor refinement consultation and
17 having to deal with that at the same time as well, because there are
18 many, many questions being asked about that that aren't necessarily
19 covered in the material. So I think, in summary, we feel that proceeding
20 with the current timetable might put us at an unfair disadvantage.

21 It would not allow us to complete a proper LAR, given that we are
22 by far the most impacted borough, and further time would allow us to
23 engage further with the applicant to try and resolve some of the issues
24 that we've got between us. There are some 300 and we are in the
25 process of organising seven half-day workshops to try and resolve some
26 of those issues as is required, and this extra time, rather than piling
27 everything on top of each other at the same time, would give us that little
28 bit of stretch and it would still give us less time than everybody else has
29 had now. I'll stop there.

30 MR SMITH: Thank you very much. I will just briefly paint a little more detail
31 around one of the matters that you have raised which are those early
32 issue specifics, because I'm very conscious that that isn't a universal
33 practice by any means in nationally significant infrastructure project
34 examinations, but it's certainly one that I and various colleagues – who

1 league panels have used on occasion, and we've used them for a very
2 particular purpose, and I've already alluded to the development consent
3 order issue-specific hearing being an unpacking – a place where there
4 isn't much weight or burden on the interested parties beyond essentially
5 absorbing the applicant's explained rationale in the light of everything
6 else that's been put in in writing for the order as it's currently formed, and
7 the burden of that particular event will very strongly rest upon, I'm afraid,
8 the applicant – because it is the applicant's opening submission,
9 effectively making its principal case as to why the order is a decent order
10 and why it'll be made.

11 Moving then onto the project definition issue-specific hearing,
12 again, that we envisage as being very much of the nature of an unpacking
13 too. It's not quite as applicant focused as the DCO one, but it's principally
14 between the applicant and the Examining Authority because it's
15 essentially our first reaction to the material that we have in front of us,
16 and to the extent that there are issues that are emerging for us that might
17 drive the future direction of possible changes to the application – possible
18 revisions, possible amendments, etc – things that might have action
19 consequences that flow from them – I certainly found in previous
20 examinations to unpack those on behalf of an Examining Authority at the
21 outset.

22 Again, on a no judgements basis, we are setting out that stall but
23 saying to all of the rest of the interested parties: 'Feel free to engage in
24 the conversation. We have no concluded position on these matters.'
25 However, in fairness to the applicant, if they're what are appearing to us
26 at the beginning to be big ticket items, we want to get them on the table.
27 Now, hopefully that gives you a sense of again that that's an event that,
28 whilst we will welcome your attendance and welcome your observations,
29 doesn't, I think, press on your resources to the degree that you might
30 have thought it would. Does that help?

31 MR STRATFORD: Indeed it does. If I can ask a follow-up – certainly the project
32 definition one is clearer now, and it seems to be focused largely on the
33 NSAID definitions. It's a point that we've made in our previous
34 submissions to National Highways anyway, so I guess we could try and

1 organize ourselves, if necessary, the DCO. Presumably, that issue-
2 specific hearing would not preclude another, much more detailed one at
3 a later stage following the receipt of the LAR.

4 MR SMITH: Indeed, and you would've heard my previous observations to Port
5 of London authorities representatives along the lines that it will be our
6 intention, in terms of filling in the detail around subject matter of later
7 rounds of issue-specific hearings, that there will be something of the
8 nature of a monitoring of discussions around the ordering progress type
9 hearing, around the development consent order at the midpoint of
10 examination, and at the end, in the final group of issue specifics, there
11 will be a – this is the order as the applicant currently prefers it, taking into
12 account all the matters that have been raised – Examining Authority –
13 these are essentially the matters that the applicant are saying we're in
14 dispute over. We then listen to the disputing parties and we put it all into
15 the pot, and we work out what recommendations we then might need to
16 make to the Secretary of State, so yes, the detail comes and the order
17 comes at the end.

18 MR STRATFORD: Would it be true, therefore, that we're not required to make
19 written submissions in advance of those issue-specific hearings, or would
20 you expect them?

21 MR SMITH: I think it would assist us if we have as much of your case as you can
22 frame in your early written representation, so your deadline one written
23 rep needs to state the broad framework of your case. However, let us
24 be clear – an examination is a period for a reason and issues evolve, and
25 there are opportunities to participate orally and also to make written
26 submissions as we pass through.

27 Now, I know I'm probably not assisting you particularly much in
28 relation to the fine judgment calls that you might want to make about
29 which parts of your case to articulate at which deadlines, but I hope I'm
30 providing you with the sense that we need to know your principal
31 submissions in your written representation, but as some of the detail and
32 some of the finer matters emerges in subsequent questions and
33 hearings, we would fully expect you to respond to those questions and

1 participate in those hearings in ways that do fine-tune your position, and
2 there will be opportunities to do so.

3 MR STRATFORD: Okay, then. If you look at procedural deadline C, the list of
4 items that you listed there don't include any submissions, I think, related
5 to the issue-specific hearing, and obviously, if we put them in at deadline
6 one that's after the issue-specific hearings, so –

7 MR SMITH: Which again reflects my observation that those two initial issue-
8 specific hearings are unpackings and that they are about the applicant
9 communicating about the order and why the order is like it is, and about
10 us communicating with the applicant about the definition and shape of
11 the project and doing our show and share. These are things that are
12 worrying us right now. That's why we want to do those two early. They
13 do not preclude the content of, or proscribe your engagement in, the later
14 processes.

15 It's essentially a front-hand loaded process that is Examining
16 Authority-heavy at the outset, allowing for the fact that the local planning
17 authorities' positions, and indeed all interested parties' positions, will then
18 evolve a little, and we actually value speaking to you about detail at the
19 point where detail is as clear as it can be, rather than speaking to you
20 about detail at a point where some of the details are still moving around
21 quite a bit.

22 MR STRATFORD: So if I say to you that it would be our intention, therefore, to
23 make some short submission at procedural deadline C in order to assist
24 you but that, given that that is only a week away, these are going to be
25 short.

26 MR SMITH: We are not expecting anything more than short at procedural
27 deadline C, and it is a procedural deadline. We are not expecting
28 anything that goes more than any way marginally beyond the remit of
29 considerations around how we ought to design this examination and
30 deliver it. Your matters of substance are in the examination itself. Now,
31 I see Mr Humphries also has his hand up. Sorry.

32 MR HUMPHRIES: Sir – Michael Humphries – Kent County Council. I'm very
33 conscious that Thurrock had not finished their submission. I think there
34 is – as they say, they still have their overall point. I'm conscious that Mr

1 Mackenzie was on the screen a while ago, but we do have a couple
2 points we want to make about this DCO ISH and just the program for
3 that. I can come to it later or I can deal with it now, as you're discussing.

4 MR SMITH: I think rather than dealing with it as essentially an interjection into
5 principal submissions from Thurrock, which are useful because they
6 allow the rest of the participants to react to the question at issue, which
7 is the timing of the examination. Let's surface that.

8 MR HUMPHRIES: Yes.

9 MR SMITH: And then we can get into the mechanics about dates and designs
10 of hearings and all the intricate stuff once we have Thurrock surfaced
11 and everybody else responded to this question of – will we start this
12 examination on the 20th or not?

13 MR TAYLOR: I hadn't noticed George's hand up. I'm sorry. George, is there
14 anything you would like to add?

15 MR MACKENZIE: Now, to be clear, I am still here and I just turned my camera
16 off to avoid distraction. I'm taking notes. I don't have anything to add at
17 this stage. Thank you.

18 MR SMITH: Thank you very much.

19 MR TAYLOR: Does that complete your submissions on this particular...?

20 MR MACKENZIE: Yes, indeed.

21 MR TAYLOR: Okay, thank you. So what I intend to do now is to allow the other
22 interested parties in the room to react to what you've just heard, and I
23 think we'll start with the local authorities – if we start with the Transport
24 for London. Do you have any submissions – and what we're looking for
25 here is, if we did delay the start the application is – what would those
26 implications be for you?

27 MR WRIGHT: Sure. Thank you, sir. Matthew Wright, Transport for London. We
28 don't really wish to make any comment on the examination timetable.
29 We will work with the timetable that's agreed by the Examining Authority.

30 MR TAYLOR: Thanks very much. Okay, good. Essex County, please. Sorry,
31 Kent Council. Sorry.

32 MR HUMPHRIES: Michael Humphries for Kent County Council. We've got no
33 comments on the representation that's been made by Thurrock on the
34 timetable and adjourning.

1 MR TAYLOR: Havering Council?

2 MR DOUGLAS: Daniel Douglas, London Borough of Havering. From the
3 borough of Havering's perspective, we are content with the examination
4 starting on 20 June as we iterated in our procedural deadline B
5 response, and just on the comment in relation to the issue-specific
6 hearings, I think from Havering's perspective, we welcome the unpacking
7 process that will take place in the first issue-specific hearing 1 and two,
8 and that adequately addresses the concern that we raised at procedural
9 deadline B around a draft DCO hearing being held when it is in relation
10 to the local impact report deadline being submitted and the gap there, so
11 we're happy with that clarification. Thank you.

12 MR TAYLOR: Thank you, and Gravesham Borough Council – do you have any
13 comments on this?

14 MS LANE: We did give, obviously, a written version of what we said at the
15 programming meeting. Our position hasn't changed from that. We still
16 have very much set up resources on the basis of what you've required –
17 on the basis of the draft timetable, as submitted. Equally, on that
18 additional clarification given about the issue-specific hearings, we did
19 query and, obviously, ask for clarity about what they would do. We are
20 not experts remotely on the draft DCO, so we would very much welcome
21 that additional detail about what the draft development consent order is
22 meant to cover.

23 My only question I would then have – I know from deadline one –
24 included within that is the applicant's amended draft DCO at that point,
25 and so I would just query over how you see the process going between
26 a discussion on the draft DCO at that issue-specific hearing and then an
27 amended one being given in quite a short time period afterwards, so
28 that's my only process question. Thank you.

29 MR TAYLOR: Thank you. Essex County Council.

30 MR WOODGER: Thank you, sir. Mark Woodger, Essex County Council. As you
31 probably know, Essex has a proliferation of NSIPS at the moment, and
32 obviously, some of these dates do give us a significant problem because
33 myself and my colleague can't be in two places at the same time on two

1 NSAID examinations, but that's our problem to sort out and not yours.
2 Thank you.

3 MR TAYLOR: Thank you. So I just want to look round the room and just – if any
4 other interested parties wanted to make a particular comment, if you
5 could just raise a hand in the room and then I'll turn to the virtual room.
6 Yes, sir, please.

7 MR SHADAREVIAN: I'm Paul Shadarevian KC for London Gateway. Having
8 listened to Thurrock and your responses to Thurrock, it's clear that there
9 will be some alignment between the case of Thurrock and the case of DP
10 World in terms of junction impacts. We would be happy to do our best to
11 align ourselves with them in order to make sure that your task is made
12 simpler, and to that extent, I'm sure that we can confer. We would be
13 happy, therefore, to ensure that the technical work that goes into the
14 respective cases on highway capacity and impact is, as far as possible,
15 aligned, and therefore, it would be helpful if any procedural deadlines in
16 relation to the submission of that kind of evidence is consistent as
17 between the two of us.

18 MR TAYLOR: Yeah. Thank you, and that's often a very sensible way to proceed
19 where parties have similar issues and can essentially share results, or at
20 least make sure that your cases are aligned as possible. The deadlines
21 are relevant to all parties and so we wouldn't be requesting something
22 from you at a different date to Thurrock Council on a particular issue, in
23 general, so that should be sufficient and the lunch break that we'll have
24 shortly would be a good time for you to have an off-the-record discussion
25 about how you proceed.

26 MR SHADAREVIAN: Very good.

27 MR TAYLOR: Okay, and just a final check in the room – does anyone else want
28 to respond to what we've heard from Thurrock Council? I'm not seeing
29 anyone. I'll just have a look in the virtual room – just give a second for
30 anyone to raise their hands. Yes, Ms Blake, please. Could you come
31 onto screen? Thank you.

32 MS BLAKE: Thank you, sir. Just to reiterate, really, that we support the request,
33 as Thurrock have asked, for the delay, and we thought that would benefit
34 us as a group as well. We would request a delay in a similar manner,

1 purely for the fact that we are under a lot of pressure ourselves as well,
2 as is mentioned earlier about the draft policy statement and also the RIS3
3 consultation that's coming up. There has been a lot of extra work that
4 we weren't expecting from various enquiries and consultations, that we
5 feel are relevant and important for us to participate in, that are limiting
6 our resources as well, so we would appreciate your consideration of that.
7 Thank you.

8 MR TAYLOR: Thank you very much. Mr Cronin, did you want to speak?

9 MR CRONIN: Yes, thank you. In a similar vein then, our steering committee
10 supports the Thurrock submission. We obviously have a wide
11 membership and a wide remit, and any extension of the timetable would
12 give us more time to work on a statement of common ground and
13 hopefully have a more mature and agreed statement of common ground
14 if the deadline one was moved further back. Thank you.

15 MR TAYLOR: Thank you very much. I think that is everyone, so I'm now going
16 to pass over to the applicant for your comments, please.

17 MS TAFUR: Isabella Tafur for the applicant. So at the programming meeting,
18 we outlined five points which we said were powerful reasons to avoid any
19 delay to the examination process. They're all set out in our submission
20 PDB 002. Unless you would like me to, I don't propose to repeat those.

21 MR SMITH: Not unless anything in terms of their foundation stones has changed,
22 Ms Tafur.

23 MS TAFUR: No. What I would say is the two points identified by Mr Stratford a
24 moment ago when you asked for any changes since that meeting are
25 both positive changes that are likely to facilitate Thurrock's ongoing
26 engagement. Since indeed your procedural decision 12, which was a
27 decision not to delay, there have been these steps forward that have
28 been made by Thurrock. They're now fully engaged. The PPA has been
29 agreed – so the applicant's position and their further reasons to avoid
30 any additional delay. Thank you.

31 MR TAYLOR: Okay, thank you very much. So that's a really helpful discussion.
32 I think it's appropriate that we had that at the outset. I'm just looking at
33 the time and we are still some way off 1.00 p.m., so my intention is that
34 we do move on now to talk about the meat of the timetable itself. It would

1 be helpful if the case team could bring this up on screen for now, and
2 what I intend to do is – we will make a start and we'll get so far and,
3 roughly around the 1.00 p.m. period, I'll call a halt for lunch.

4 MR SMITH: Can I just check before we move into the detail – Ms Blake, is your
5 raised hand a residual hand or are you wanting to make a new point?

6 MS BLAKE: A new point if I may, please, sir. Laura Blake, Thames Crossing
7 Action Group. Just to follow on from the applicant's response there – it's
8 just an observation, really, that when the DCO was originally submitted,
9 they delayed a considerable amount of times alerting people that they
10 hoped to have the new submission in by certain dates and they kept
11 pushing it back to two years later, when it finally was resubmitted. I think
12 it would be appreciated if it could be taken into account that maybe other
13 parties should be given the same opportunity to have the request for
14 delay, bearing in mind the delay that can cause to the system body.
15 Thank you.

16 MR TAYLOR: Okay. Thank you, Ms Blake. We understood that point. Okay,
17 so I want to move through the agenda. What I intend to do – we're going
18 to go through it point by point. Now, what I expect is going to happen is
19 – we'll have a more detailed discussion for the early items on the agenda,
20 partly because they're more detailed and clearer, and probably a less
21 detailed discussion later on, and we might not need to go round the room
22 on every single one but I suspect we might on the first few deadlines, and
23 you'll notice that within the agenda items, particularly the written
24 deadlines, there's a bit of a rhythm to them where we're asking for
25 updates for similar things, so hopefully we won't have to have detailed
26 discussions on every point as we get towards the middle and end of the
27 current draft timetable.

28 In responding to this and making your points, I think it's worth
29 highlighting that there's two things we want to understand. One – the
30 particular dates that we have set down – are they appropriate – do they
31 cause any particular problems – but then also, if we can just bear in mind
32 an in principle discussion about the rhythm of the timetable in terms of
33 when we have hearings – the gap between deadlines – in the event that
34 we did make a decision to delay the examination so that we still have an

1 understanding whether you broadly think that the flow of the timetable
2 would work, even if the data in and of itself changed the start date.

3 MR SMITH: I think that's a really, really important point that I will take the liberty
4 of emphasising which is that, if we were to decide to set back the start
5 date, there is a draft timetable in place that does certain tasks at certain
6 intervals, and if you think those tasks are wrong or those intervals are
7 wrong, tell us, because if we did set back, our starting proposition would
8 be – we'd set back with different dates but the same tasks and the same
9 intervals.

10 MR TAYLOR: And it is just worth highlighting that, regardless of whether we start
11 on 20 June or at a later date, we still have to deal with this within the six-
12 month time period, as I'm sure most of you are aware. Okay, so I want
13 to start looking at procedural deadline C. Now, this isn't actually part of
14 the examination but it has a couple of points that are pertinent to the
15 examination, so it's really the last two bullet points – so requests to be
16 heard already orally – the examination and the hearings notified in
17 annexe C, so these are the two issue-specific hearings that we've
18 discussed a number of times already this morning, and then comments
19 from interested parties on the applicant's currently proposed
20 accompanied site inspection. Now, again, just to highlight that this
21 deadline is only a week away and so we would still need your requests
22 to be heard orally at those hearings, and if you have any comments on
23 the applicant's current program for the accompanied site inspection at
24 those dates – because we are unlikely to have made a decision as to
25 whether we are definitely starting on 20 June or not, so that everybody's
26 just aware that that deadline of 13 June still needs to be adhered to, to
27 allow smooth running of the process.

28 MR SMITH: Absolutely correct and, again – very, very important to emphasise
29 there – to the extent there is a big decision before us about timing, we
30 will do our absolute utmost to communicate with everybody as quickly as
31 we can and we've undertaken, also, to do it for reasons – to set out a
32 written basis for a decision, whether it be a decision to proceed per the
33 draft timetable in front of us or not, but we can't allow the mechanics –
34 the coupling rods that keep the wheels of the engine turning to not be

1 served in the intervening period. We've got to keep the wheels turning
2 up until the point where we make a decision. As soon as we make a
3 decision, obviously, we would aim to communicate that in the most
4 efficient and effective way possible, but Mr Taylor is absolutely right.

5 We can't skip 13 June against the prospect of a decision that might
6 mean that we don't need that information. I think it's also very worthwhile
7 alerting to the fact that even if we were to decide to slide back, there's no
8 information that we're asking for there that isn't useful, as we see it. It
9 just gets used a few weeks later. Okay, Mr Taylor.

10 MR TAYLOR: Thank you. So that's quite a basic point so I don't intend to go
11 around the room. I'm just going to cast my eye and see if anyone has
12 any particular comments to make on procedural deadline C on those two
13 points. I see no hands in the room or the virtual room so I'm going to
14 move onto item 7 on the timetable, so this is all from floor hearing 1.
15 Now, as currently scheduled, this would immediately follow the close of
16 the second part of this meeting, which be that either as a reconvened
17 meeting on it – would be virtual, or if we closed in writing, we would then
18 propose to hold an open-floor hearing immediately and that would also
19 be one of our virtual events, likely. Again, I'm just going to cast my eye
20 around the room, and I will just start in this direction. Does anyone have
21 any issues on this? I'll just look around the room and the virtual room.
22 It's fairly common practice that we hold all of our hearings early on so
23 that interested parties do have an opportunity to state that case early in
24 the process.

25 Okay. Moving then on, so I'm going to take agenda items 8 and 9
26 together. We've had a significant discussion clarifying what the content
27 and purpose of those two hearings would be. Again, I want to just hear
28 from parties if there's any particular issues, and I believe from Kent
29 County Council – I know that you had a possible date problem.

30 MR HUMPHRIES: Michael Humphries, Kent County Council. I wasn't going to
31 raise a date problem. As it happens, I can't attend issue-specific hearing
32 1 because of a clash. I think in a sense, if the intention of issue-specific
33 hearing 1 and two is very much simply for the promoter to explain the
34 project first and then the DCO without, as it was put, much input from

1 other parties, and I have somewhat less concern about whether or not
2 I'm there. I can listen to the recording in my leisure time, I'm sure, and
3 understand what is going on. I think the point that we had was more a
4 slight concern with issue-specific hearing 2 on the draft DCO and the
5 potential follow-on day on the Friday the 23rd, and whether there's a little
6 bit of a missed opportunity there.

7 I can absolutely see that you will want time for what is a substantial
8 order – to talk to a promoter about that and understand it and that's,
9 obviously, absolutely important. I just note that, as a party, that clearly is
10 going to make representations on the drafting of the DCO deadline one,
11 which is the 18 July – would be our first opportunity if not procedural
12 deadline C – which I understood your point about that, so deadline one
13 – midway through July – because, in a sense, you have respected the
14 fact that during August a lot of people will be away, and so I can call very
15 heavy deadlines or issue-specific hearings. Then, the next issue-specific
16 hearings are at the beginning of September, and although it doesn't say
17 explicitly one of those is to be a DCO hearing, it's implicit in what you
18 said about, 'midway through'.

19 MR SMITH: I will go a little firmer than that: I will say that at item 19 in the
20 hearings provisionally set out at weeks commencing 4 and 11
21 September, amongst the issue-specific hearings to be notified in that slot
22 absolutely will be a DCO issue-specific hearing and, in fact, that feels to
23 me, in terms of the processes that I viewed successfully in a number of
24 examinations before, to be the best place that the detail can be ventilated
25 by interested parties with concerns about the function – the fitness of
26 purpose – the operability of the provisions of the order.

27 MR HUMPHRIES: Yes, but also, sir, the drafting.

28 MR SMITH: Yes, absolutely.

29 MR HUMPHRIES: We might want to impose absolutely additional articles and
30 or requirements which, obviously, we will draft and make sure that you
31 have by the appropriate deadline. What we are concerned about that
32 being halfway through the examination – that we don't get timed out, that
33 there is sufficient time for those to be probably considered and debated,
34 and so on. Now, in fact, I don't see that there's any obvious way around

1 that, so I think my ask on this particular item is that we're very clear that
2 there is an issue-specific hearing in that slot of days, and you've
3 confirmed that.

4 MR SMITH: We will consider whether there is a specific virtue in amending the
5 draft timetable to specify that. There's always a fine art, in terms of draft
6 timetables, as to whether you specify in advance particular issue-specific
7 hearings when you need the operational flex to evolve the subject
8 matters of those as you move through. However, it's about as close to
9 certain as something can be. There will be a DCO issue-specific hearing,
10 so there's no objection principle from this Examining Authority to
11 amending the timetable to specify that. Thank you.

12 MR HUMPHRIES: So that would be extremely helpful, and that is a helpful segue
13 almost into the related and second point that we want to make which is
14 that, from agenda 19 onwards – or sorry, draft timetable item 19 onwards,
15 there are a number of slots – item 19, item 23, and item 27 – for potential
16 further hearings of different types and agenda. Item 19 in the timetable
17 allocates ten days. Item 23 – seven days, and item 27 – a further seven
18 days, so that's 24 days. Now, for many parties, perhaps even most
19 parties, they might only be needed on one or two of those days, and
20 clearly, members of the public have jobs that they need to get on with.
21 Local authority officers do, and even barristers –

22 [Crosstalk]

23 MR HUMPHRIES: – I'm pleased to say – have other things they have to do,
24 including other examinations. Well, I just say this, sir. I do appreciate
25 I've attended literally hundreds of these hearings. I do appreciate how
26 difficult it is to timetable, but any forward guidance I think would be really,
27 really useful, and it does seem to me that there's one way in which you
28 might consider approaching this. Clearly, the project, in a sense, has two
29 very separate parts – north of the river and south of the river, and clearly
30 there are things that are common to both, but there are also things that
31 are quite unique to both, and could we consider some days being north
32 of the river days and others south of the river days?

33 MR SMITH: You're pushing at a distinctly open door in our deliberation about
34 examination design, and I think this is very useful discussion to ventilate

1 around the table and ask others and we'll ask the applicant to respond in
2 due time.

3 However, when we developed the initial assessment you will have
4 seen that at the top of it, before we got into the numbers, one of the things
5 we attempted to spray across the whole was the fact that this is a
6 massive project and there is a geographical framework in relation to it,
7 and so in terms of our ability to deliver events, we are very clear that one
8 of the things we need to think about are the communities that receive
9 those events and the communities that wish to use those events to put
10 their points in front of us, and absolutely, when we're looking at physical
11 event design and indeed the agenda-ing of virtual events, we do have in
12 mind, very strongly, a geographical framework for some events as well
13 as a subject matter one.

14 There's one other point that I will also make, and that is that – well,
15 no – actually, there are a couple – the first thing I'll say is you'll, obviously,
16 be alive to the fact that we have to provide statutory noticeable hearings
17 and, by so doing, a lot of additional detail emerges into the public domain
18 around the precise nature of the hearing – what it's for. We're certainly
19 going to turn our mind to elaborating the detail in the draft timetable to try
20 and be as helpful as we can about that. My final point, though, is that,
21 maybe in somewhat of a care for managing contingencies on what is a
22 very, very large and complex examination, one of the things that we have
23 done is we have deliberately built in a percentage overage in our
24 allocation of days for hearing. We don't anticipate needing to sit for all of
25 the days that we have reserved.

26 However, we have created ourselves the ability to segue an event
27 that fails because electronic systems fail, or somebody turns up outside
28 making it impossible to get into a building, or you name it – to segue such
29 an event into a different type of event – a virtual event held on a different
30 day, while still being within the framework of the timetable and still being
31 subject to statutory notice, and our intention there is that that gives us
32 and you the operational flexibility, in good will, to participate in events
33 even if things get a bit disrupted, without needing to issue statutory

1 amendments to the timetable which is, you'll be aware, is an appallingly
2 long-winded process.

3 So that's why maybe we're in a world where there seem to be a lot
4 of dates. There seem to be a lot of times when people might be thinking,
5 'Oh, crikey, I'm never going to get a hold of that.' We will do our absolute
6 utmost to try to deliver the specificity that everybody needs to participate
7 as effectively as they can as soon as we can, but we're going to ask for
8 a little bit of forbearance from everybody because we're also trying to
9 create the operational flexibility that we need to keep a very, very
10 complicated examination on its track.

11 MR HUMPHRIES: Thank you. I've made my points and I'm very grateful for the
12 indication you've given. Thank you.

13 MR SMITH: Thank you very much. Apologies, Mr Taylor.

14 MR TAYLOR: Thank you. Yes, please. Gravesham Borough Council. Thank
15 you.

16 MS LANE: Thank you. I did make a point earlier about issue-specific hearing 2
17 on the draft development present order, and particularly how that worked
18 with deadline one and the applicant's amended DCO. I think it may be
19 worth explaining a little bit more what my concern is. As I've alluded to,
20 we're not experts in development consent orders. We're seeking legal
21 support on that. If the applicant is making amendments to the DCO that
22 it will be submitting on 18 July and then we are allowed to comment on
23 deadline two, it would be helpful if that issue-specific hearing 2 is explicit
24 about what amendments they are working on. I suppose I'm going back
25 to more of a local plan process where you might say, 'These are the main
26 modifications that have been worked on.' You don't necessarily set the
27 detail, but you give those indications. Equally, if you've got minor
28 changes which are just clarification and aren't material, you keep a rolling
29 list of those. What we wouldn't want to do is waste time, and equally
30 waste our money. As we've alluded to, we are tight on cash, as most
31 places are. We wouldn't be wanting our legal support to be looking at a
32 clause or a component of the DCO that National Highways has already
33 decided it's going to be making significant amendments to. So I just

1 would like that, so that's really my only point I wanted to make on that
2 issue specific hearing 2, but I think it's quite pertinent.

3 MR SMITH: Yeah. No, if I can address that as the person who'll be leading that
4 particular event – and I think that really does flag, again, the purpose of
5 the unpacking process. What we would really want the applicant to do –
6 and when the agenda for this hearing emerges, it should make very plain
7 – is that we would like them to talk us through the degree to which some
8 of the drafting represents their firm, assured opinion about how they wish
9 to see the order drafted, and other bits where they've still got work in
10 progress, so that – and for reasons. What's still up for grabs and why,
11 as they see it? Precisely so that they can answer in advance that
12 question of yours, before you have to top and tail your written
13 representations to us.

14 And that, I think, is one of the values of holding that unpacking
15 process at the beginning, precisely to make the examination as efficient
16 as it can be for local authority, and indeed other broader interested party
17 participants, so that they've already painted you their picture. They've
18 given you their roadmap, and you can focus your resources on the bits
19 that either in principle you're in disagreement with because they've said
20 they want to sustain those bits and they're not changing, or alternatively
21 the bits where they're saying, 'We're going to change.' You can sit and
22 wait until we see the shape of their change, to a degree, and we will press
23 those points forward so that we get as much certainty injected into the
24 draft order as we can as we move through the examination. Yeah, I can
25 see Ms Tafur wants to come in on this point.

26 MS TAFUR: Thank you, sir. Isabella Tafur for the applicant. In fact, sir, you've
27 largely covered it. Certainly, we can and intend to at that issue-specific
28 hearing, identify any changes proposed at this stage to the draft DCO,
29 and we can also reassure Gravesham that they're very minor changes at
30 this stage. The detail we will outline, but they are really very minor
31 changes. So hopefully it'll be clear after that exercise that it wouldn't be
32 a wasted effort for you to instruct your legal department to be looking at
33 the DCO. Thank you.

1 MR TAYLOR: Thank you. Is there anyone else on this particular point wants to
2 come in before I move on? Not seeing any hands or anyone in the virtual
3 room, okay. So that took us up to the first two, covering the first two issue
4 specific hearings which would be immediately after the examination
5 opened. As soon as possible after that point, we would be issuing the
6 examination timetable, which is essentially the final version of the draft
7 that we are discussing today.

8 And then the next item – so it's item 12 on the timetable – would be
9 a second open-floor hearing. In fact, it – we have reserved two days. So
10 in this version of the draft, it is a Wednesday and a Thursday at the end
11 of June, and then – I'm going to take it with agenda – with, sorry,
12 timetable item 13, which is another set of open-floor hearings on
13 Wednesday 5 July and Thursday 6 July. Now, although it's not explicit
14 in the current timetable, you may have guessed that the reason we are
15 looking at two blocks is we're likely to look at one north of the river, one
16 south of the river.

17 So, again, I'm going to look round the room and see if anyone has
18 any comments. Yes, Thurrock Council, please.

19 MR STRATFORD: It was just a clarification, really. Sorry to go backwards, but
20 number 11, examination timetable issued after DM2[?], that's probably
21 your rule 8 letter. I just wonder when it is you might make the decision
22 about the deferment. Is that going to be between the two preliminary
23 meetings, or after the second one?

24 MR SMITH: Yes, the legal means by which any such decision could take effect
25 is that we would make a resolution to adjourn this meeting for a different
26 period from the period that we have indicated in the rule 6. So in the
27 rule 6, we say we will resume this meeting on the 20th, and therefore if
28 that event runs to a formal resolution to close, that is the day when the
29 examination starts. If we are persuaded by arguments that the
30 examination ought not start, then the means we will take to do that is that
31 we will communicate with all parties as soon as we can, and we will say
32 that, 'We propose to resume this meeting on a different day, for reasons.'
33 And so it will therefore, by definition, be a communication that emerges
34 from us before the appointed resumption day in the rule 6.

1 MR STRATFORD: Thank you.

2 MR TAYLOR: Thank you. Was there anybody else? Yes, so from the Higham
3 Parish Council, please.

4 MR MARTIN[?]: Thank you, sir. Just a quick question on the timetable: on
5 13 June, we have to say whether we are attending the issue-specific and
6 open-floor meetings. When will we have the agendas for those, so that
7 we actually know whether we want to attend?

8 MR SMITH: You'll be very pleased to hear that those are in craft as we speak,
9 and trying to make a firm commitment in terms of publication is possibly
10 a little unwise, but I would hope that they will emerge as the next product
11 that you see from us now. We've indicated, of course, that because they
12 emerge before we make our procedural decision about the design of the
13 examination, and the day when the examination starts, they would of
14 course emerge as drafts. However, we've undertaken to give you drafts
15 as soon as we can, so that if we do decide to go ahead, everybody knows
16 the hymn sheet that they're singing to.

17 MR MARTIN: I was just wondering whether we needed to attend all three or...

18 MR SMITH: Make the judgement when you see the draft agendas.

19 MR MARTIN: Yes, okay. Thank you, sir.

20 MR TAYLOR: And hopefully what you've heard today has – in terms of saying
21 what the content of those first two issue-specific hearings has helped
22 inform you as to what those meetings will look like.

23 MR MARTIN: Yes, I understood them to be for interested parties to state verbally,
24 if you like, more of their case.

25 MR TAYLOR: If you're referring to the open-floor hearings, yes. And open-floor
26 hearings are to allow interested parties to make their general points.
27 Now, as you've noticed, we've got quite a number. So if you wish to
28 attend the first one – and the agendas for open-floor hearings are very
29 straightforward; it's really just us wanting to hear from the interested
30 parties who register to speak at that particular open-floor hearing, and
31 then the applicant has an opportunity to respond. That's really the nature
32 of those. If people in your parish want to make their – a general point,
33 then yeah, an open-floor hearing is probably the most appropriate one
34 for them to come along to. And the agenda will be very simple for that.

1 MR SMITH: Yes, I mean, I think in relation to that, it's worth saying the agendas
2 for those do not define a subject matter at all – will not. And all the
3 agenda would tell you to do is how to participate, and it will set out,
4 essentially, a set of appointments. A set of slots for individuals who have
5 made a request to be heard to appear at specific times, so that we can
6 run a smooth event. Then, in terms of speaking, the only obvious
7 limitation that this Examining Authority will exercise is that the matters
8 put in front of us have to bear on the application. They have to be
9 important and relevant, or derived from national policy. So yeah, that's
10 where we are.

11 MR MARTIN: I had in mind whether you were doing it by interested party or by
12 topic.

13 MR SMITH: No, I mean when we look at those open-floor hearings, there are –
14 look, there have been examinations where we have taken a topic-based
15 approach to open floors. My sense here is that, at the moment, to
16 attempt to do so, given the diversity of groups and the diversity of
17 opinions, it would be quite hard to do that. And as Mr Taylor's already
18 indicated to you, one of the things we're thinking about most clearly is
19 that where we're dealing with physical events, we need to make them
20 geographically representative, and we need to take them to places. So
21 open floor means what it says. You can say what you want to say.

22 MR MARTIN: It's not what we want to say. It was just an idea of whether you
23 were doing topic-based or –

24 MR SMITH: Not in the open floors. We will be very topic-based in the issue
25 specifics, and we'll be clear in the agendas what the topics are. But in
26 the open floors, if you're an interested party, it's yours.

27 MR MARTIN: Thank you very much, sir.

28 MR TAYLOR: You're welcome. So just to point out, generally, to everybody
29 listening that the open-floor hearings – there's no need for people to
30 attend multiple of them. It's really an opportunity to come along to the
31 one that is most appropriate for you as an individual, be it one in the day,
32 one in the evening, one held north of the river, one held south of the river.
33 So that's why we're holding multiple events; it's to allow people to come
34 along to the one that suits them, really.

1 MR SMITH: Yeah. And in fact, that does raise a very important point emerging
2 from a number of previous examinations, where we did, for example,
3 have multiple requests from an individual interested party to attend a
4 number of open-floor hearings. And we declined those requests, apart
5 from the first one where we said, 'No, you come. In fairness, we've given
6 you your place at the table. You've said what you wish to say. We don't
7 need to hear you three times or five times.' And we will take that same
8 approach, so when people are requesting to be heard at an open-floor
9 hearing, do try and focus your request on a specific event that meets your
10 convenience. There are a number of opportunities in the timetable to
11 accommodate the fact that we all have busy lives, but pick one and
12 choose it.

13 MS LAVER: Havering Council, please.

14 MR DOUGLAS: Daniel Douglas, London Borough of Havering. Just concerning
15 open-floor hearing 2, of the dates given in the – in annex D of 28 June
16 and 29 June, and open-floor hearing three of the – dates being
17 Wednesday 5 July and Thursday 6 July, if they are required. Just in the
18 context of those dates with deadline one of the 18 July, and the
19 submission of local impact reports by local authorities. Now we're
20 obviously aware that the main reasons with a local impact report is for a
21 local authority to set out the positive, neutral and negative impacts of the
22 projects or scheme on that local authority. And whilst Havering does
23 have, as I mentioned at the programme meeting, a delegated approval
24 process in place to get that submission fast tracked during the
25 examination, should matters arise from interested parties, particularly at
26 the latter open-floor hearing, at open-floor hearing three, and we want to
27 reflect some of those comments within our local impact reports, those
28 dates would make it quite challenging for Havering to do that.

29 So I'd just invite the panel to consider whether the three open-floor
30 hearings need to be bunched closer together, for want of a better phrase,
31 nearer the open-floor hearing 1, dated 20 June, just to give interested
32 parties who are submitting local impact reports in which representations
33 – a bit more time to be able to incorporate anything that comes out of that
34 into their representations. Thank you.

1 MR TAYLOR: Thank you. We will take that into considerations. Just one point
2 I would make is that it isn't necessarily unusual that timetables are – for
3 other projects are different to this, where actually no open-floor hearings
4 would be held before what amounts to deadline one. So while I do
5 appreciate the comment you've made, that's not unusual. And then there
6 is – because this is an iterative process – there is opportunity for you to
7 make further comments. I appreciate that the local impact report has a
8 very specific status, but it wouldn't preclude the council from picking up
9 on a point that you've heard at an open-floor hearing from another
10 interested party. But we will take that point away and give it some
11 thought.

12 MR SMITH: I'll also just add something that might help, which is that in terms of
13 a number of previous examinations, what typical has emerged in open-
14 floor hearings is that open-floor hearings are normally the places where
15 the statutory parties have very little to say, if anything. The statutory
16 parties have their processes in front us, typically taking place through
17 issue specific hearings, and in local authority case the LIR and written
18 reps, and responding to questions. To a degree, what is happening in
19 those open-floor hearings are that in a parallel workstream, alongside
20 everything that you're doing, other members of the community are just
21 having their say. And yes, Mr Taylor nails it, because he says you will
22 be then able to, in subsequent deadlines, wrap up issues that emerge if
23 they affect LB Havering issues.

24 But at some point in this process, with an examination of this
25 complexity, we can't do everything sequentially. We have to do certain
26 activities in parallel, and one of the things that we've learnt from a number
27 of major examinations in past is that you can essentially stack out open-
28 floor processes, and run them almost independently of a range of other
29 activities in examination, as long as you map the two sets of outcomes
30 together before the end. Now, I hope that maybe gives you a slightly
31 clearer appreciation of why we've designed it in the way we have, and
32 why some of the gaps are quite slender, because we're actually running
33 parallel workstreams here.

34 MR DOUGLAS: Yes, thank you for that clarification. Thank you.

1 MR TAYLOR: Thank you. Yeah, Gravesham Council, please.

2 MS LANE: Yeah, I suppose it's a slightly – sorry, Wendy Lane, Gravesham
3 Borough Council – I suppose it's a slightly cheeky question. Following
4 the comments you've just made, obviously deadline 2 does give us ability
5 to comment on local impact reports. I suppose there's no problem for us
6 to comment on our own, i.e. an open-floor hearing has highlighted an
7 issue that we were unaware of, that hadn't been articulated to us in detail
8 before. As a result of that open-floor hearing, obviously we are now
9 aware. We've investigated. It's an impact that we feel that needs to be
10 included. I assume there's no problem with us putting it in as an annex?

11 MR TAYLOR[?] Absolutely fine, yes.

12 MS LANE: Perfect, thank you very much.

13 MR TAYLOR: Okay, I just want to look round the room. So essentially, I would
14 just – we're dealing with items up to number 13. What I am proposing to
15 do, because we are at 1.00 now, is I don't want to move on to item 14,
16 which is deadline 1, which is obviously quite a meaty deadline. So we're
17 not going to discuss that. So can I just check if anyone in the either virtual
18 room or in the physical room want to say anything about up to item 13 on
19 our timetable before I close for lunch? No, I'm not seeing anyone. Okay,
20 so we are going to adjourn for lunch and we will be back at 2.00.

21 MR SMITH: Thank you, Mr Taylor. Thank you very much, ladies and gentlemen.

22

23 **(Meeting adjourned)**

24

25 MR SMITH: Good afternoon, ladies and gentlemen, and welcome back to the
26 afternoon session of this preliminary meeting in relation to the Lower
27 Thames Crossing application. My name is Rynd Smith, panel lead.
28 Before I go any further, I'll just check with the audio-visual team and the
29 case team that the live stream has started and the recording has started
30 and we can be heard externally. I have seen thumbs up from the desk,
31 so we're ready to go. I'll just ask my panel colleagues to introduce
32 themselves very briefly. So if I can just hand over to the end of the bench.

33 MS LAVER: Hello again, everybody. Janine Laver, panel member.

34 MR YOUNG: Dominic Young, panel member.

1 MR TAYLOR: Ken Taylor, panel member.

2 MR PRATT: And Ken Pratt, panel member.

3 MR SMITH: Thank you very much, Mr Pratt. Now, we are in the midst of the
4 meatiest part of the agenda, discussing the detailed arrangements for
5 the timetable. And in a second, I am going to hand control of this session
6 back to Mr Ken Taylor. However, just before I do, can I ask that when
7 we all speak that we remember to reintroduce ourselves by name? It is
8 a little frustrating. It's a ritual that is done always in national infrastructure
9 panel hearings because, of course, there are as many people outside
10 this room as there are in it. 100-odd folk on the livestream, apparently,
11 who, if they do not hear us reintroduce ourselves, can lose track of who
12 is whom and who's doing what and why. So gentle reminder to all of us,
13 including ourselves.

14 Okay, Mr Taylor, can you resume at the point you were at when we
15 broke?

16 MR TAYLOR: Yes, thank you. Okay, so if we resume again. So we were up to
17 item 14 on the timetable, so this is deadline 1. It is a – obviously a very
18 significant deadline and lots of things that – I think for this one, I'm going
19 to run through the items and I've got a tiny bit of commentary on one or
20 two of them, before I then ask the interested parties for their comment.
21 So at deadline 1, we are looking for post-event submissions, including
22 written submissions of oral comments made at the hearings held earlier.
23 Now, this is a common theme and this will be, at most, written deadlines
24 and it's an opportunity for parties to put in writing the comments they've
25 made at the hearing, so – being the last hearing block to proceed the
26 deadline.

27 The results – so we're also seeking comments on the additional
28 submissions that have been provided since the application was accepted
29 and there's actually quite a significant number of those. They are
30 outlined in annex F, off our rule 6 letter, so we're looking for comments
31 on those, if any interested parties have them. Where someone's made
32 a relevant representation that exceeded 1,500 words, we're looking for a
33 summary. We're also looking for comments on the relevant
34 representations, and the relevant representations are the comments that

1 were received at the outset and they are all on all on the planning
2 inspectorate's website. This is also when we are seeking the local impact
3 reports from all the local authorities.

4 We're looking for the written representations, which is essentially a
5 full version of any comments any interested parties wish to make on the
6 application. And then, if those exceed 1,500 words, we are also asking
7 for a summary of those written representations. We are asking for the
8 applicant to submit an amended version of their proposed itinerary for
9 the accompanied site inspection. So this goes back to the document we
10 received at procedural deadline B from the applicant, which sets out their
11 initial view on what the accompanied site inspection should look like, and
12 so anyone who wishes to comment on it, add to it or suggest additions to
13 it, we're asking that they come in for procedural deadline C.

14 And then, at deadline 1, we're asking the applicant to provide an
15 updated version, having had regard to any issues that get raised at
16 procedural deadline C. And then, the next few items are – again, they're
17 fairly standard for each written deadline. So we're looking for any new
18 statements of common ground or updated ones. And then we're asking
19 – if they're not updated, we're asking that the applicant provide,
20 essentially, a nil response, so that we're clear that that's not been
21 updated. We're also asking for newer, updated versions of any principle
22 areas of disagreement. We might sometimes refer to them as PADs, so
23 if they've been updated, we'll be seeking updated or new ones there, or
24 a nil response if they remain as the previous version.

25 It also allows an opportunity for the submission of documents by the
26 applicant and then the applicant's amended draft development consent
27 orders. It's been amended and we had a discussion this morning about
28 – that that is likely as a result of the issue-specific hearing on the
29 development consent order. And then the final item on deadline 1 and,
30 again, standing item for most – for all written deadlines – is any further
31 information that we as an Examining Authority have requested under rule
32 17 of the procedure rules. And that essentially allows us an opportunity
33 if we feel we need some more information – I have a question to ask.

1 We can issue a letter and then we would always be seeking the
2 response at the next appropriate deadline, in this case. If we do that
3 before deadline 1, we'd be seeking it at deadline 1. So I'm not intending
4 to go through every single deadline in the detail I've just done, but I
5 thought it would be helpful for the first one. So again, I'm going to start.
6 I'm going to look round the table and if those who wish to raise a
7 comment on it – if you could perhaps indicate that you wish to speak,
8 then I'll look to the virtual room and then I'll finally go to the applicant.

9 And Thurrock Council, to start up with. I'll just say, actually, one
10 helpful way to indicate that you wish to speak is you could just turn your
11 nameplate on its head, and then I'll know. So if we just do this, I'll know
12 that I'm to come to you and then I'll look to the wider room as well, if you
13 just indicate.

14 MR STRATFORD: It was just a subtle raise of the eyebrows, nothing more. It's
15 a very small point and, at the risk of belabouring a previous point, going
16 through that – I've read this before, but going through that, where you
17 say, 'Clearly, we've got to do a summary of our relevant rep', we're
18 already under pressure to do the local impact report. Then there's the
19 statement of common ground upgrade, which – we still haven't finished
20 our review of that and we've got another version coming from National
21 Highways. And now, we've also got to do the PADs update. And I'm just
22 thinking it just compounds the problem with that deadline. Nothing more
23 than that.

24 MR SMITH: I will, at risk of reopening matters that were discussed in some detail
25 at the programming meeting, maybe just briefly return to the proposition
26 that if there are, in principle, arguments that certain elements of that
27 deadline 1 package might move, then before we close this meeting, we
28 are able to entertain those, but what I would flag very clearly is our in-
29 principle desire not to set party-specific deadlines. So if we were looking
30 at changing the LIR deadline, for example, we would have to consider
31 the views of all local authorities, not just Thurrock Council, but there is a
32 conversation to be had.

1 MR STRATFORD: Thank you very much. It's very helpful. It's possible we might
2 need to come back to you about the statement of common ground and
3 the PADs then, certainly.

4 MR SMITH: Would you be able to do so by procedural deadline C, in writing?

5 MR STRATFORD: Yes.

6 MR TAYLOR: Yeah, okay, thank you. Okay, yes, if other people indicated they
7 wished to speak on deadline 1 – yes, please, Gravesham Council.

8 MS LANE: Thank you. I suppose my only comment is in – really, kind of a
9 question, more about the kind of summary of the relevant
10 representations. Obviously, that's been with you for a little while. This is
11 a little way in the future. I suppose I'm concerning – wondering about the
12 urgency of getting it done for this particular stage, when we have the
13 other work. Conversely, when you say a summary, how summarised can
14 it be? I.e. if we could just do it as the most basic bullet that really didn't
15 take a lot of time, then that, probably, is quite achievable, but if you want
16 a more discursive summary, obviously that would make more time. So it
17 would be helpful to understand what exactly you mean in that
18 circumstance.

19 MR SMITH: I think, what we're looking at here, to a degree, is a sort of standard
20 package of requirements that typically is included as a first deadline. One
21 of the things to be alive to, of course, is that in a more typical examination,
22 a first deadline comes a hell of a lot quicker after the submission of
23 relevant reps than it does in this case. Bluntly, we've read the relevant
24 reps. We've processed them in quite some substantial detail. I'm almost
25 questioning – and I'll check with my colleagues, but I'm questioning
26 whether we even need summaries of relevant representations now. If
27 we're going to have them, we should've had them six weeks ago, but we
28 haven't. Any views? Do we need them? I think we can get rid of them.

29 MR TAYLOR: That's one thing off the list of things for everyone to do. Yeah.
30 Okay, looking around the room, anybody else want to speak? And just
31 to – again, a reminder, if you can just say your name and who you're
32 speaking for, before you start. I'm just looking at the wider room as well
33 now. Anyone indicating? No. And then, no one in the virtual room has,

1 has put their hand up, okay. Thank you. Okay, so we're going to move
2 on, then. So item 15, so then it's –

3 MS TAFUR: So sorry, so sorry, sir. Yes, I – Isabella Tafur, for the applicant. I'm
4 sorry, I missed that. So I thought you were checking with other interested
5 parties and were then going to come back to me.

6 MR TAYLOR: Sorry, actually I was and I forgot to come back to you, so thank
7 you for interjecting.

8 MS TAFUR: Thank you, sir. Just a couple of things. We have obviously issued
9 our proposed –

10 MR SMITH: Can I just interject? Sorry, Ms Tafur, because I note that we've also
11 got a hand in the virtual room and I think, for completeness, we'll hear
12 the virtuals as well as the physicals and then we'll revert to the applicant.

13 MR TAYLOR: Okay, yes. Mr Hunt, you've got your hand up.

14 MR HUNT: Yes, yes. Ben Hunt, Browne Jacobson, on behalf of the Emergency
15 Services and Safety Partners Steering Group. Apologies, I thought you
16 were going round the table and then would go to sort of invite, more
17 generally, comments in the virtual room, so sorry for interjecting. It's
18 really just to clarify, in relation to the comments the group made at
19 procedural deadline B, about the emphasis and progress to be made on
20 a joint statement of common ground across the whole of the steering
21 group members, rather than just certain parties.

22 Just to clarify that we have agreed with National Highways to
23 proceed with the collective or joint statement of common ground and we
24 are developing our sort of internal timetable, if you like, to provide that to
25 the Examining Authority by examination deadline 1. So we don't really
26 think you need to make any formal response of any kind to the
27 representation we made at that point in time.

28 MR TAYLOR: Okay, thank you. That's very helpful, thank you. Yeah, just a final
29 check then, does anybody else want to speak before I return to the
30 applicant? Okay. Thank you.

31 MS TAFUR: Thank you, sir. Isabella Tafur, for the applicant. We've issued our
32 itinerary – our proposed itinerary – for the accompanied site visit.
33 deadline 1 requires us to submit an amended itinerary, taking account of
34 any comments that have been received. What we wondered was

1 whether there would be any guidance or whether it would be appropriate
2 for the Examining Authority to issue any guidance, following the
3 comments, or if you would just like us to accommodate every request
4 that's made.

5 MR SMITH: No, I think it's probably worth pinning back to the fact that we've
6 already undertaken a fairly substantial programme of unaccompanied
7 site inspections, so by definition, we will wish to do the principal sift of the
8 immediate proposals that come forward. And yes, some guidance from
9 us – a communication from us would be useful. And to be useful to you,
10 it does actually need to emerge before deadline 1, so you can see it and
11 respond to it.

12 So we do need to take an action for the Examining Authority to
13 include an item at some point sufficiently prior to deadline 1, and it feels
14 like it should be no later than the beginning of July, where we will respond
15 publicly and the applicant can make good use of this, but anybody can
16 then see what our observations are on the in-principle requests for site
17 inspections. Are we all content with that as a change to the timetable?
18 Yeah, excellent.

19 MS TAFUR: Thank you, sir. Isabella Tafur, for the applicant, again. At deadline
20 1, you have requested new statements of common ground with those
21 parties that were identified in – I think it was annex F to the rule 6 letter
22 – and I wondered if I might just give a very brief update on that. There
23 are – those additional parties fall into five broad categories. Those with
24 which we'd already been engaging and statements of common grounds
25 are being progressed and will be submitted at deadline 1. That includes
26 Dover and Maidstone. Those in respect of which the applicant made
27 contact, following your letter and statements of common grounds, are
28 being progressed and will also be submitted at deadline 1.

29 I can run through those, if that's helpful. Then there are those
30 where the applicant has made contact since your letter and they're still
31 considering whether they would like to enter into a statement of common
32 ground with us. And that includes, I think, as we understand it,
33 Luddesdown Parish Council, Peel Ports, the Metropolitan Police and the

1 Kent and Medway NHS Integrated Care Boards. So they're still
2 considering their position.

3 In the event that they decide they do want to, we will attempt to
4 submit that by deadline 1, but that's not entirely within our gift. And there
5 is then one party that we've got contacted but we're yet to receive a
6 response from them, and that's Mid and South Essex NHS Integrated
7 Care Board. And then there are four parties who've confirmed that they
8 don't want to enter into statements of common ground. I think three of
9 them have already notified you and one has notified us and said that they
10 will notify you and that's the Maritime and Coast Guard Agency, Trinity
11 House, Hutchinson Ports and Peel Ports. So, to the extent that we've
12 agreed and made contact with the parties, they will be at deadline 1.
13 Others, possibly not.

14 There are also some additional parties that we've engaged with that
15 weren't identified in your annex F list, where they've indicated a
16 willingness to enter into statements of common grounds and we're
17 engaging with them. It might not be possible to submit those additional
18 ones by deadline 1. If they are ready, clearly, we will. If not, it may be
19 deadline 2 that some additional statements of common ground are
20 coming your way.

21 In addition to those statements of common ground, and arising from
22 them, we intend to make some amendments to a number of other
23 documents and submit those at deadline 1. And this is where, through
24 the statement of common ground process, those parties have requested
25 an additional commitment or something of that nature. And so, at
26 deadline 1, we propose to submit a river restrictions plan update, an
27 amendment to the outlying construction traffic management plan and an
28 amended stakeholder actions and commitments register – SACR, I think
29 that's referred to. And on that final one, we note that there are a number
30 of documents where you've requested updates on rolling basis, as it
31 were, at various deadlines.

32 At paragraph – I think it's paragraph 17 of annex F to your rule 6
33 letter – so it's annex F, paragraph 17, I believe. Page S11.

34 MR TAYLOR: Yes, I've navigated my way there now.

1 MS TAFUR: Thank you, sir, that's helpful. We wondered if it would be sensible
2 to add to that list the stakeholder actions and commitments register
3 because that's something that we envisage may be updated as we move
4 through the examination; it may be helpful to you to have an updated
5 version of relevant deadlines.

6 MR TAYLOR: Yeah, that seems very sensible, yes.

7 MR SMITH: Yeah, I think that one's agreed.

8 MS TAFUR: Thank you. And just on the statements of common ground that will
9 be submitted at deadline 1, in your annex F still, you indicated that all
10 statements of common ground should address the articles and
11 requirements of the DCO and any interested parties seeking redrafting
12 of an article or a requirement should provide their proposed wording.
13 Now, in some instances, interested parties haven't raised with us any
14 concerns about the DCO requirements or articles and in those cases, we
15 didn't propose to amend them and we just wanted to clarify that you
16 would be happy with that, because the direction, read literally, says,
17 'Every statement of common ground should address so and so.'

18 MR SMITH: Yeah, yeah. It should say, 'Every relevant', realistically.

19 MS TAFUR: Yeah, okay. Absolutely, sir, thank you. That's as we understood it,
20 but we just wanted to clarify. So where parties have raised issues about
21 drafting, we will amend the kind of introductory text to the statement of
22 common ground to make it clear that they will be addressed and we will
23 ask those parties to provide their proposed wording and include it in the
24 statements of common ground.

25 MR SMITH: And as an observation to any other interested parties who might be
26 wishing to take their position forward in the statement of common ground
27 with the applicant, obviously, our observation will be – it will assist us if
28 they wish to make submissions on the amended draft, in the order that
29 they do it via that mechanism because if they then want to introduce new
30 materials, so to speak, later, it does make it rather hard for us to navigate
31 our preparation for, say, a DCO issue-specific hearing if we are
32 somewhat ambushed. So we will be looking to all parties to not include
33 material that they don't need to include, but equally, to make sure that
34 they do include the material that they do need to include.

1 MS TAFUR: Understood, sir. Isabella Tafur, for the applicant, again. I think this
2 has already been clarified but I did just want to put on record that there
3 was a statement made in the submission by the steering group at
4 procedural decision B deadline, which wasn't quite correct, and so I just
5 wanted to put that on record. They had indicated in their representation,
6 which is PDB 12, that, following the programming meeting, they had met
7 with someone from the applicant team who had indicated that the
8 applicant would not be progressing a statement of common ground with
9 the group.

10 You'll recall that at the programming meeting, the applicant made it
11 clear that they would be progressing statement of common ground with
12 the group but it wouldn't be at the expense of individual ones. That was
13 related, again, to the group in an email on 26 May, confirming that we
14 would and we are intending to and we're hoping to submit that statement
15 of common ground at deadline 1. So just to clarify that issue. I think
16 those were all my submissions on deadline 1, thank you.

17 MR TAYLOR: Thank you. And just in terms of the first point you raised about
18 the status of the various statements of common ground by deadline 1 in
19 your covering match, if you can just clarify where you still have them
20 outstanding, where you weren't able to submit everything at deadline 1.
21 That would be very helpful. Okay, thank you. Right, okay, so we will
22 move on then to item 15 in the timetable. So this is a procedural
23 deadline, so this is what we're looking for. Requests from anybody, from
24 any statute parties, to be considered as an interested party by the
25 Examining Authority. So if we have your requests, that's where we'd like
26 them to be made.

27 We would like requests from interested parties to be heard at any
28 subsequent open-floor hearings. So by this stage, we'll have already had
29 a number of open-floor hearings but we have others that are timetabled,
30 so it's another opportunity for interested parties, who were unable to
31 attend an earlier one, to attend a later one. And then we're looking for
32 requests by effective persons to be heard at any compulsory acquisition
33 hearings and requests from any interested parties to attend the
34 accompanied site inspection. So they're all very procedural matters. So,

1 again, I'm going to have a quick look around the room, both physical and
2 virtual.

3 MR SMITH: And whilst you're looking around the room, Mr Taylor, I will just
4 briefly comment in relation to those items, of course, but in relation to
5 requests by interested parties to be heard at any subsequent open-floor
6 hearing, to clarify and assist, hopefully, that if a party has already spoken
7 of one, the proposition will be that they don't request again. And if it
8 would assist to finesse the drafting of the timetable to make that clear,
9 then I think we probably should. I'm welcome to hear submissions on
10 that point.

11 Finally, requests to attend the accompanied site inspection,
12 singular – we are alive to the fact that there's a fairly bulky programme
13 and that we have had submissions from others already, that include quite
14 substantial requests and it feels as though, in programme, looking at the
15 flexibility we've allowed ourselves later in the timetable, that there's a
16 pluralisation that needs to happen there.

17 MR TAYLOR: Okay, thank you. Gravesham Council.

18 MS LANE: Thank you. Wendy Lane from Gravesham Borough Council. Just in
19 relation to the open-floor hearings, obviously at the programming
20 meeting, we raised the issue around concern about a hearing not being
21 held within Gravesham.

22 We are still working on that and it's still the desire that one is.
23 Obviously, what we wouldn't want to do is to be any confusion, upfront,
24 particularly with the desire for people to only be heard once, for people
25 to feel that that opportunity isn't available to them to have a more local
26 hearing. So we just want, obviously, that clarity coming out and,
27 obviously, ideally we are working to try and get a date in the diary so that
28 that can be part of your draft timeframe, when you go out, that explicitly
29 there will be in-person ones in Gravesham.

30 MR SMITH: And it would be very, very much appreciated if we can attempt to
31 move towards some firm proposals from you, at no later than procedural
32 deadline C, that if there are specific venues that are available, that would
33 really, really assist. And yes, combined with a little bit of change to the
34 wording to make clear that we are looking at one participation and also

1 including on the face of the timetable that there will be at least one event
2 in the borough. So hopefully we'll solve that one.

3 MR TAYLOR: Okay, So I'm going to have a final look around the room for anyone
4 else. There's no one raising their hand in the virtual room at the moment.
5 And just to the applicant, would you like to comment on this deadline?
6 No, okay, thank you. Okay, so moving onto deadline 2, so I'm going to
7 just highlight a couple of the matters but, largely, this kind of gets into the
8 rhythm of things that we're asking for at every deadline.

9 So this is the opportunity for comments on the written
10 representation. So everyone will've had a chance to see those updates
11 when they've been published and then if you have any comments to
12 make, that's the opportunity. And similarly, comments on the local
13 impact reports that would have been submitted at deadline 1. And then
14 there is a further opportunity to comment on the applicant's proposed
15 itinerary for the accompanied site inspection.

16 And then most – I'm just checking but, essentially, all the other
17 items become the standard ones, so that will be set on every deadline.
18 So, again, I'm going to look around the room to see if anyone wishes to
19 speak on that deadline. I'll come to the applicant finally, if I don't see
20 anybody else. Nope. Over to you.

21 MS TAFUR: Isabella Tafur, for the applicant. So we did make some submissions
22 on this in our submission at PDB 027. The draft timetable requires
23 submission of local impact reports and written reps on 18 July and
24 responses on 3 August, which allows just 16 days to absorb and respond.
25 The applicant's request is that that period be extended to 21 days. So
26 that would mean responses submitted on 8 August, rather than the 3rd,
27 which would still allow one week thereafter for the Examining Authority
28 to issue its written questions because we understand from the
29 programming meeting that the intention is to consider and absorb that
30 information and use that focus and hopefully reduce the number of
31 written questions, which we very much endorse.

32 Hopefully, seven days would – I appreciate it might be tight but in
33 this case, we're expecting local impact reports, I think, from at least ten
34 authorities. There have been well over 1,000 relevant representations,

1 so if that number is replicated in similar form in the written reps, there will
2 be a lot to respond to in 16 days. We've looked at some other examples
3 of big-ish schemes, Sizewell C for example. They had 43 days to
4 respond to the local impact report and 22 to the written reps. There was
5 only one local impact report in that case and a comparable number of
6 relevant reps – more recently, the A12 scheme. They had 24 days to
7 respond to local impact and written reps and in that case, there were just
8 four local impact reports and just over 200 relevant reps.

9 So our request is that a period of 21 calendar days should be
10 allowed for us to respond to those documents.

11 MR SMITH: I think we will have to take and deliberate carefully on that because,
12 as you have already very ably highlighted in your own oral submission
13 there, there is a direct balance trade-off between the amount of time
14 available for the applicants and parties and the amount of time available
15 for the Examining Authority to make sense of everything that we see and
16 we hope, then, to fine-tune a question set so that it doesn't commit the
17 sin of over-questioning. And we are really very serious about trying to
18 make sure that we remain as careful and measured and proportionate as
19 we possibly can but, of course, that measured response is something
20 that requires absorption time.

21 So there is a trade-off here. I think, probably the best that we can
22 say at this juncture is we will put this into the balance, we'll think about it
23 very carefully, but I don't think we'll promise that change – or we might
24 also consider whether some sort of splitting of the difference might make
25 a difference. And I'll put that back to you; might it? Not the full 21 days
26 but, equally, a little more than the days that you currently have.

27 MS TAFUR: Isabella Tafur, for the applicant. Certainly, any extension on the 16
28 days would be welcome. Plainly, we think 21 days would still be quite
29 tight but we understand there is a balance between our need to consider
30 and respond and your need to formulate your questions. Obviously,
31 whatever amount of time we're given, we'll do the best that we – absolute
32 best that we can, but it may be that the responses can't be so thorough,
33 if the time scale is shorter.

1 MR SMITH: And equally, we will do the best we can with our question set, but
2 the focus – the precision of our questions – that will be improved by a
3 little more time with the material before we actually issue those
4 questions. Yeah, we'll give it our best attention.

5 MR TAYLOR: Okay, I just want to check; anyone else on this item? Okay, so if
6 we move on through, we've already kind of began to discuss this, so,
7 looking at item 17, 15 August is when we are seeking to issue our first
8 set of written questions. This is later than you might see another
9 timetables and that reason, as we've just discussed, is that we're trying
10 to keep them focused and not have endless questions. Is there – does
11 anyone want to raise anything on that particular item? I don't see
12 anything.

13 Okay, I'm going to move on then to item 18. So this is deadline 3 –
14 written deadline 3. So we're looking for responses to comments on
15 written representations and then, again, we are really just into the items
16 that we would – we're seeing at every deadline. So again, I'm going to
17 look around the room for any comments on deadline 3. And also the
18 virtual room – if anyone's in there, if you could pop your hand up. Does
19 the applicant wish to comment on this? Okay, thank you.

20 Moving on to item 19 on – we are – this is dates that are reserved
21 for a number of hearings, so open-floor hearings if they're required. And
22 by 'if required', it's if we have a request – if we have requests for them,
23 essentially. Issue-specific hearings, if required. Compulsory acquisition
24 hearings, if required, and that is when we are looking to schedule the
25 accompanied site inspections, so that's on the weeks commencing the 4
26 and 11 September, so over that two-week period. Can I ask for any
27 comments on this? If it does include one – we're looking to the
28 accompanied site inspection.

29 MR SMITH: And while folk are pondering comments, again, referring back to
30 earlier on in the meeting, you'll be conscious that we have already
31 undertaken to review the drafting of that element of the timetable with a
32 view to injecting a little more specificity, to be clear, and we do intend –
33 there will be a DCO issue-specific hearing in that period. Okay, now, we

1 did have a hand. It was Gravesham, I think. No, not Gravesham,
2 apologies. Sorry.

3 MR TAYLOR: Essex County Council.

4 MR SMITH: We could only see the back of your table.

5 MR WOODGER: Thank you, sir. Mark Woodger, Essex County Council. Just
6 to comment, really, on issue-specific hearings, if I may. If we are asked
7 to field a meeting on, let's say, for example, on environment matters, that
8 gives us, logistically, quite an issue in terms of who we are likely to
9 engage with at those meetings. So that basically means we have to
10 placeholder invites out in a multitude of people's diaries and it just makes
11 it very difficult to manage.

12 I'm just going to say, I know that the agendas aren't put forward by
13 you until five days before the hearing – I get that, but if you could try and
14 be a little bit specific about what matters, in relation to the environment,
15 you want those hearings to take place, then that would be very useful
16 because, obviously, it covers a multitude of different specialisms.

17 MR SMITH: Well, again, you're pushing at an open door there. Speaking as a
18 panel Chair of many years' experience, my own view has always been
19 that, in the varying practice of how one frames agendas, that actually
20 there's a balance to be struck between too much detail, which is onerous,
21 and not enough detail, which is also onerous. And we're trying to hit the
22 sweet spot.

23 MR TAYLOR: Does the applicant wish to come in on –

24 MR SHADAREVIAN: Sorry.

25 MR TAYLOR: Oh, sorry. Yes, sir, please.

26 MR SHADAREVIAN: Yes, thank you. Paul Shadarevian KC. So is now the time
27 to – the right time to ask you about accompanied site visits?

28 MR TAYLOR: Yes.

29 MR SHADAREVIAN: Thank you. As you know, we have requested an
30 accompanied site visit to the Port and Logistics Department. It's very
31 important that you see these things in operation in order to understand
32 the relationship of the relevant junctions and the way in which these two
33 vital facilities perform. We have requested that you go on an

1 accompanied site visit. When or how would you like this to be organised,
2 as part of this programme?

3 MR SMITH: We've set out deadlines in the timetable for, obviously, responses
4 to the applicant's initial programme. And the best way to carry this
5 forward – we already have your request. We have also indicated that we
6 will be producing a document and amending the timetable to provide
7 guidance to the applicant on finalisation of the accompanied site
8 inspection programme. So taking all that into account, you don't need to
9 reiterate your requests, so you don't need to put anything in, as I see it,
10 other than – one trusts the applicant are taking your request into account.

11 I think we can give our old guidance here, which is that we favour
12 your request. We note why it has been made. Ports are very substantial
13 pieces of un-footloose infrastructure. It's important that we understand
14 the implications of a substantial change to a road network on the
15 operations of a port and the junctions that serve it. So in principle, that's
16 a yes. So let's throw that back to the applicant, see if they can make it
17 fit, and we would also encourage you to have direct party-to-party
18 conversations with the applicant. And if you've got a specific view about
19 the numbers of hours and the practicalities – meet here, go there – don't
20 wait for the applicant to guess and then respond afterwards. Make
21 contact with them with a proposal and then, hopefully, they can reflect
22 that as soon as possible, rather than the other way around. And we will,
23 of course, take a view then, finally, on what we see. But yes, I don't think
24 there's any likely prospect that we will be declining to undertake that
25 requested inspection.

26 MR SHADAREVIAN: Well, I'm very grateful for the indication, thank you very
27 much.

28 MR TAYLOR: Thank you. Kent County Council, please. Thanks.

29 MR HUMPHRIES: Michael Humphries for Kent County Council, again. Sir, yes,
30 about that block of 10 days, weeks commencing 4th and 11th – and we've
31 already touched on this and discussed it a certain amount, and I won't
32 sort of repeat the earlier arguments about a DCO hearing, but again, we
33 are obviously very concerned to try and ensure that there is as much

1 clarity as possible, as early as possible, about what might happen, when,
2 in those hearings.

3 And it seems to me that there are – as well as the north-south split,
4 there are three, probably, types of issue-specific hearing you will have.
5 Because this is a National Highway scheme, clearly, traffic and
6 transportation is – there are clearly going to be issue-specific hearings
7 on that, and that's just inevitable. That's one of the principal issues.
8 There are also, then, a whole series of very important non-traffic-and-
9 transport type of issues, biodiversity, cultural heritage, all of those other
10 types of things. And then the third type of thing will be the DCO type of
11 hearing.

12 Now, different examining authorities will kind of put these things in
13 a different way – very different ways – but very often, they will want to
14 hear some of the specialist topics first and then have the DCO hearing
15 towards the end of that group of things, so that they can then understand
16 the justification for particular amended drafting and so on.

17 Now, again, I don't want to, obviously, try and put you on the spot,
18 and even if I did, you wouldn't accede to that, so there'd be little point –
19 but if, again, it is possible in this – when you bring out the forward
20 programme – the rule 8 timetable – to give some sort of indication of
21 broad blocks, because – not just for myself, but many parties – that will
22 be very influential to when they want their teams there, council there,
23 members of the public to turn up and so I'm just repeating, I think, this
24 point about the broad forward.

25 MR SMITH: Yes. I think the point is a well-made one, that we have already
26 responded to and we have undertaken to review the crafting of the draft
27 timetable, particularly at item 19, but on any of the reservations of time
28 for hearings in the mid and later timetable where, at present, we haven't
29 been specific hearing by hearing, and to give as much, essentially,
30 forward flagging and signalling as we can without compromising our
31 operational flexibility to respond to what still might be quite a complicated
32 examination. So we are going to do that.

33 MR HUMPHRIES: Thank you, sir.

34 MR TAYLOR: Okay, I do see a hand raised from Ms Dablin, Tilbury Port.

1 MS DABLIN: Hi, yes, Alison Dablin, for the Port of Tilbury. Just following the
2 comments made in respect of London Gateway, I just wanted to confirm
3 that the Port of Tilbury is very happy to work with the applicant in respect
4 of facilitating an accompanied site visit over port land and, yes, I've
5 recognised the comments by the XA as to being proactive in terms of
6 contacting the applicant, and I'll be taking that back to our client, thank
7 you.

8 MR SMITH: And again, we're very grateful for that proactivity. And again, as a
9 matter of observation here, for folk outside the room who are perhaps not
10 fully conversant with the distinction between what we might be asked to
11 inspect on a port inspection and what we might be asked to inspect more
12 generally, the very strong rationale for these being accompanied is that
13 land is secure – controlled perimeter.

14 There will be, possibly, a requirement for us to go behind the
15 customs boundary, etc. And in those circumstances, there's absolutely
16 no way that we can be wandering around unaccompanied – very distinct
17 position compared with a whole range of other matters that we can
18 actually inspect very satisfactorily from a public right of way in the open
19 countryside, for example. Okay, let's move on.

20 MR TAYLOR: So I don't see anyone else, generally, in the room, so I'll just pass
21 over to the applicant, now, on this item.

22 MS TAFUR: Isabelle Tafur, for the applicant. Nothing specifically on this item
23 but there is a general point which a number of interested parties have
24 raised, which is on the time scale for issuing agendas in advance of the
25 hearings. And I've heard what you've said about the specificity that you'll
26 seek to provide in the final timetable, maintaining appropriate flexibility,
27 but another practical suggestion that we and a number of others make is
28 that it will be helpful, if possible, to publish agendas in advance of the five
29 days currently proposed. Our suggestion was eight days. I've seen other
30 suggestions, but our suggestion was eight days, if that would be possible.

31 MR SMITH: Yeah, five days is a kind of planning inspectorate standard that's
32 been around as long as hearings under this legislation have been
33 around. I think it's fair to say that as many examining authorities as can,
34 recognising that they are sometimes in a tighter place in terms of time,

1 because of the statutory deadlines that exist in this jurisdiction, and that
2 we have to complete an examination in six months, nevertheless, do their
3 best to practically deliver longer visual notice, so to speak, of hearing
4 agendas than five days.

5 Certainly, thinking back over the panels that I recently led, in nearly
6 all instances, we've managed to perform considerably better than five
7 days. We will, equally, try our best to perform distinctly better than five
8 days and possibly even better[?]. We'll see.

9 MR TAYLOR: Okay, thank you. Okay, so we'll now move on to item 20. So this
10 is deadline 4, which is currently set out at – set to be 19 September. So
11 this is the post-event submission, so after the previous hearing block. So
12 written comments arising from those responses to our set of first written
13 questions, and then, all the other items remain the kind of standing items
14 after that. So, again, I'm going to look around the room. Does anyone
15 have any comments? And in the virtual room, if you do, can you begin
16 to raise your hands? I'm not seeing anybody, so I'll look to the applicant.
17 No, okay, thank you.

18 We can move on to item 21. So this is deadline 5, so we're looking
19 – so this takes to 3 October in the current version of the timetable. So
20 we're looking for updated statements of common grounds and principal
21 areas of disagreement. And, again, this is really just, again, similar kind
22 of standing items on the agenda. Does anyone wish to comment? No, I
23 think I'll move on. 22, so publication by the Examining Authority of further
24 questions of a potential second round of questions if we feel that's
25 required. That is currently scheduled at 10 October. Anyone wish to
26 make a comment? I don't think the applicant's – no, okay, thank you.

27 So item 23. So this is another block of hearings, currently
28 scheduled for 16 to 24 October, and that potentially would include, if we
29 need them, more open-floor hearings, more issue-specific hearings and
30 more compulsory acquisition hearings, if we required them. So, again, I
31 want to look around the room. Anybody wish to raise any comments?

32 MR SMITH: And again, to the extent that we can, we will think about whether we
33 can wrap a bit more specification around these. Obviously, because they
34 are further away, we will have some reservations about becoming too

1 specific, bearing in mind that as we approach them, we will serve
2 statutory notice for them as events in any case.

3 MR TAYLOR: So I've got no indication of anyone wanting to say anything on
4 that. So then, we'll move on to item 24 which is, essentially, the standard
5 – what has now become the very standard written deadline for things that
6 we'd expect following up a hearing block, including the comments on
7 those hearings. So, again, just a quick look around if anyone wishes to
8 say anything. I'm not getting any indication. Nope.

9 Okay, so item 25. So we would, at this point, be – as an Examining
10 Authority, if we needed to, we'd be looking to issue a Report on the
11 Implications for European Sites, which you might hear being referred to
12 as a RIES. And sometimes, we'd have to issue a set of questions
13 specifically on that, so if you're potentially looking to issue those at that
14 part of the timetable, we're likely – almost inevitably looking to issue a
15 commentary on, then schedule of changes to a draft development
16 consent order at this point, and then another opportunity for us to set out
17 written questions, if we feel we needed a third set of questions. So,
18 again, I would just quickly look around the room.

19 The applicant wants to speak. I'll just double-check if anyone else
20 wants to come in first. I'm not getting any indication, so over to you.

21 MS TAFUR: Isabella Tafur, for the applicant. This really relates both to this item
22 and also to deadline 9 because we have a suggestion to make. So on
23 14 November, as you've indicated, the Examining Authority intend to
24 produce a commentary on, or schedule of changes to the DCO. And
25 thereafter, at deadline 8 on 5 December, the applicant has the
26 opportunity to respond to those comments.

27 We think it would be helpful to understand from the Examining
28 Authority whether our comments at deadline 8 resolve the issues or
29 concerns that they've notified us of on 14 November. And to that end,
30 we wondered if it would be sensible to include, at or around deadline 9,
31 an opportunity for the Examining Authority to confirm whether there are
32 any outstanding concerns following applicant's comments. And the
33 applicant could then submit a final version of its DCO at deadline 10.

1 MR SMITH: In principle, that's a very helpful suggestion. What we would
2 normally request – and I think in just about every timetable that I can
3 remember, you've probably picked the inadvertent omission here – no,
4 the applicant's final documents – DDCO with SI validation report – at
5 deadline 9, that, as we see it, is your preferred draft. And amongst other
6 things, it would set out reasoning on points where you are still at
7 divergence with other parties. So what you're then telling us is, 'These
8 are our final written submissions on these points and this is what we wish
9 to put into, essentially, the adjudication pot.'

10 If we have outstanding matters that arise from a commentary, we
11 do have the opportunity to raise a request for any further information,
12 under rule 17 at point 28, on 5 December, and that's, I think, where we
13 would do that. If you think it would assist to kind of break that out and
14 turn it into a second bullet point, we'll give it consideration, but I think, as
15 far as the mechanics are concerned, we are clear that we can proceed
16 as you are suggesting and that makes eminent sense that we would.

17 MS TAFUR: Isabella Tafur, for the applicant. That's very helpful, sir. I think it
18 would be helpful to split it out. We'd considered how best to address it,
19 given that your comments will be on 14 December – November, sorry –
20 your comments on the draft DCO. And then our responses to your
21 comments will be on 5 December, and so, you might then need some
22 time to consider whether our responses leave you with any residual
23 concerns as to the drafting, and to issue that at some point – if you
24 preferred, before 15 December – and then we could take that to account.

25 MR SMITH: Yeah, so it does actually suggest that there is maybe another XA to
26 issue publication deadline that sits between current items 28 and current
27 item 29.

28 MS TAFUR: I think that would address it very well, sir, thank you.

29 MR HUMPHRIES: Sir, Michael Humphries for Kent County Council. We do need
30 to be a little bit careful with this because, clearly, once the examination
31 has ended, you will go away and you will consider all things and you will
32 write your report. The reason for it now being practiced, that the
33 Examining Authority produces its version of the DCO very late on, is to
34 give other parties the opportunity to comment on that. Now, it arose out

1 of the High Court decision in Preesall, the underground gas storage
2 project.

3 I think, what's almost being suggested is that, having done that and
4 the applicant being given the opportunity to respond to that, that you in
5 some way have to come back. And the point is you have already set out
6 what you think. They can either accede to it or not.

7 MR SMITH: Yeah, no, I hear what you're saying, Mr Humphries.

8 MR HUMPHRIES: Because other parties – not just us, but other parties may
9 say, 'Look, very sorry, we don't agree with this. We think it should be
10 something else. You should recommend certain changes.' And whether
11 or not you do, the Secretary of State ultimately has the decision and
12 sometimes does change a DCO. So I'm perfectly happy, in a sense, with
13 what is proposed by the applicant, as long as it is not boxing you in, in
14 some way, so that your three month consideration period leaves you
15 constrained in what you feel you can recommend or not recommend.

16 MR SMITH: Indeed, and there is a critical principle that emerges from this
17 conversation, which is – and this is one that I'm glad it has emerged orally
18 here, because we can talk about it. It's very, very important – which is
19 the absolute professional obligation on an Examining Authority to do its
20 utter damned most to get to a point of understanding residual positions
21 of agreement and dispute, and hence, understanding what it has to
22 exercise adjudicatory approaches to in its recommendation report before
23 the examination closes, because there has been somewhat of a
24 tendency for certain examinations to, essentially, pitch unresolved
25 matters into the Secretary of State's decision period, which then means
26 that there are administrative consultations being run in what is already a
27 very, very tight period.

28 It's critically important that the Secretary of State is given every
29 reasonable opportunity to try and land a decision in three months. The
30 Secretary of State can't reasonably do that if there are outstanding
31 consultations. So this Examining Authority will be working very, very
32 hard, indeed, to land as many issues as we can by that closing date. And
33 we will be looking to the active assistance and collaboration of every
34 single party, not least the applicant because, often, this is stuff that lies

1 in the applicant's gift and, frankly, I will say that in circumstances where
2 applicants don't grip issues as quickly as perhaps they ought, will be
3 circumstances where maybe a recommendation report will recommend
4 more rounds of consultation during the Secretary of State's decision
5 period that might be the case if applicants have gripped matters.

6 Now, this is not in any way to prejudge this applicant's position. I
7 trust everybody around this table is coming to this with a full-hearted
8 commitment to delivery throughout, but it is very, very important that we
9 reach that. Now, yes, what we need to give very careful consideration to
10 is how many iterations – how many stages there are, in terms of our
11 response on the draft DCO and the applicant's production and
12 explanation of its preferred draft, so that we fairly reach a point where the
13 applicant can say, 'Yes, we have made proper closing submissions and
14 we have been accorded natural justice' and, indeed, all of the parties can
15 turn around and say, 'Yes, and we have too.' And the deadline's bounced
16 down to the end and we stop.

17 And at that point where we stop, we can hand a complete rationale
18 around the order, and the bits that are agreed and the bits that aren't, to
19 the Secretary of State. That's what we're aiming to achieve and, yes, we
20 will give – we've heard the applicant's submissions on this point. We've
21 heard yours. The applicant, I'm sure, does want to come back briefly,
22 and it is their right to do so, but we'll put this in the pot, we'll boil it down,
23 we'll think about whether an additional deadline assists us, at that point,
24 to achieve the important overarching objective, which is nailing things
25 before the end.

26 MR HUMPHRIES: Thank you, sir.

27 MR TAYLOR: And I just note, from the timetable, that there is a further deadline
28 10, which essentially gives an opportunity for all parties to raise
29 comments. And so, if the applicant – if we did add in a further deadline
30 for us to issue additional comments and then the applicant issues,
31 essentially, their final, final version of their draft DCO, there is that one
32 last opportunity for the other interested parties to comment. Over to the
33 applicant.

1 MS TAFUR: Thank you. Isabella Tafur, for the applicant. Yes, I was going to
2 make that very point, sir. And equally, if there's to be an intermediate
3 deadline between items 28 and 29, in which the Examining Authority
4 indicate whether the applicant's response – or whether have any residual
5 concerns – all other parties would see that and be able to respond at
6 deadline 9, at which point the applicant would also submit their final draft
7 and other parties could comment at deadline 10. And, sir, I fully
8 appreciate and understand the need to ensure everything is buttoned
9 down in as far as it can be by the end of the examination period, and
10 we're certainly not intending to do anything other than that.

11 From experience, there have been – in some cases, examining
12 authorities have identified concerns – certain drafting concerns –
13 applicants have sought to respond. It turns out, at the end of that
14 process, that the Examining Authority actually weren't quite happy and
15 made some further tweaks which caused practical difficulties when it
16 came to try and implement the DCO, just because of wording or drafting
17 that could have been resolved earlier. And then, there have been
18 concerns about whether non-material amendments have to be made. So
19 that's, really, the mischief which we're seeking to avoid, so –

20 MR SMITH: And getting back to the principle here, which is that there needs to
21 be an orderly procedure that, in terms of effective response to the rules
22 of natural justice, allows each party to make proper closing submissions
23 on the content of the order. That is a really important consideration, and
24 what that means, amongst other things, is you all need to be aware of
25 the case against you. You all need a fair opportunity to respond to it, and
26 we shouldn't be recommending to the Secretary of State novel drafting
27 in the draft order – that hasn't been ventilated in the examination and
28 where people have had a due opportunity to respond, other than in
29 circumstances where it is absolutely de minimis below the line and it's
30 just good drafting practice stuff, rather than substantive content still. So
31 that's our vision for how we're working at this, and we just need to make
32 it happen.

33 MR TAYLOR: Okay. Thank you. Obviously, we've skipped ahead a little bit in
34 the agenda, but we were – so that conversation was really off the back

1 of us discussing item 25. So then, moving on to item 26, again, most of
2 this is the standard fair at every deadline, other than this is a point where
3 we'd be asking the applicant to submit draft section 106 agreements that
4 they were seeking to provide. Then it would be – if we do ask another
5 set of questions in the previous elements of the timetable – then we'd be
6 seeking those responses at this stage, and then all the others in the
7 standard fair. That would be on – currently drafted for 17 November. So
8 again, I'm going to look around the room, and also anyone in the virtual
9 room, if you could begin to raise your hands. I'm not seeing anyone from
10 the applicant. No. Okay, thank you.

11 Okay, so then we'll move on to item 27. This is another date
12 reserved for a hearing – hearing block. So, at the moment, currently
13 scheduled from 20 to 28 November, and again it allows us the opportunity
14 to hold further open-floor hearings, if we need them, issue specific
15 hearings, compulsory acquisition hearings, and then we've also allowed
16 an opportunity, if we needed a second set of accompanied site
17 inspections at that point. Again, I'll look around the room for any
18 comment.

19 I'm not seeing any. No. Okay, thank you. Item 28 – so, deadline
20 8, which we've discussed a little bit about already. Again, this is fairly
21 standard, with a few novel items, and we'd have any post-event
22 submissions as standard comments on the report. So on the impact of
23 environmental sites, so on the REES[?], and comments on the
24 Examining Authority's commentary on the draft development consent
25 order, and if we issue a version ourselves at that point, and then
26 responses to any further questions we've asked at that point. The other
27 items are standard. So, any comments on item 28, deadline 8? No. I'm
28 not seeing any.

29 Okay, so we've had a discussion about wherever we should have
30 a supplementary deadline between that and then what will become
31 deadline 9. So we're getting towards the end of the examination here,
32 so we'd have comments on any responses to our questions at that point,
33 if we've asked them and if we've received comments. This is where we're
34 looking for the final versions of statements of common ground, final

1 versions of principal areas of disagreement and then the applicant
2 submitting what becomes final versions of the draft development consent
3 order, the book of reference and schedule of changes, the statement of
4 commonality, the status of negotiations in terms of compulsory
5 acquisition, the states of negotiations with all statutory undertakers, then
6 national policy tracker and the final signed and dated versions of any
7 section 106 agreements. Then the other items are the standard matters
8 that we're seeking at every deadline. So, again, that's quite a novel
9 deadline given the stage of the examination we'd be at.

10 MR SMITH: Can I just, whilst people are deliberating whether to inject on this
11 item, flag a couple of things? Firstly – I mean, we refer there to final
12 signed and dated section 106 agreements. It is possible to actually go a
13 little broader than that and talk about any specifically enforceable
14 instrument, any legal instrument that brings about a solution on which the
15 applicant relies, in order to secure something that needs to be secured.
16 Side agreements so-called, deeds under seal, contracts and section 106
17 agreements.

18 I think what we don't want to do is to draw back the curtain and look
19 at the entrails of agreements that are privy between the parties that are
20 making them; they're contractual. But, if you rely on an agreement to
21 deliver a public purpose, measurable in terms of a policy outcome,
22 particularly something in the MPS and you're saying, 'This agreement
23 enables us to comply with this policy,' then we do need to have enough
24 of a sense of the flavour of it, and we also need to have absolutely clarity,
25 fundamentally, as a minimum, a written statement between the parties to
26 the agreement saying, 'This agreement is about X, and we, the parties,
27 subscribe to it.'

28 So we will probably tweak that wording a little so that we capture a
29 few additional things there, not just section 106 agreements. My final
30 observation on section 106 agreements is, again, a plea, which is that it
31 is possible, and probably one of the instances of difficulty in delaying
32 consultation in the Secretary of State's decision period – are
33 circumstances where final draft section 106s are submitted but not
34 executed, which places them into the land of the chocolate tea pot –

1 pretty but not very useful. It is not the intention of this Examining
2 Authority to forward any such agreements to the Secretary of State,
3 unless we have no choice. So, if we could ask everybody to resolve no
4 chocolate tea pot agreements, please.

5 MR TAYLOR: Does anybody have anything to say on deadline 9? I'm not seeing
6 any virtual hands raised. Okay. So, moving on to deadline 10, this is it,
7 the final deadline. So, as standard, we'd be looking for any comments
8 received on deadline 9, so that everyone's final opportunity to comment.
9 Then, if we felt we've had to issue a request for information, that's the
10 final opportunity to do so. Anybody wish to comment on that? No. Then,
11 finally – the final item. Wednesday 20 December, as currently
12 scheduled, that would be the six-month period up and we would be under
13 a duty to complete the examination. We would close at that point.

14 Well, thank you everyone. I'll just give one final opportunity for
15 anyone to say anything on the timetable before I hand back to Mr Smith.
16 No. Okay. Thank you, everyone, for participating in that item of the
17 agenda today.

18 MR SMITH: Thank you, Mr Taylor, for gripping along a not necessarily exciting
19 but very important item. A final reminder then that, if there are people
20 outside this room, particularly on the live stream, who therefore can't
21 interactively participate in today's discussion, you have until procedural
22 deadline C, 13 June, to make your final written submissions on any of
23 those matters that Mr Taylor has led us through.

24 We are then now on agenda item 6, which is a residual matter, any
25 other matters and any other business, and it is Rynd Smith, panel lead,
26 speaking again. If I can just flag, we have had a request from Thurrock
27 Council to speak on this agenda item. Is that still a living request, having
28 regards to the conversations that have happened elsewhere?

29 MR STRATFORD: Yes. It's a request of the Examining Authority and the support
30 group. I mean the examination library is fantastic and it should be
31 updated, no question, but what we don't know each time it's updated is
32 what you've updated. The thing is we try and transfer those individual
33 links, all of them, over into our own documents so that we are seeking
34 the one source of the truth, and yet we don't know. So it means each

1 and every time you do it, we've got to go through however many 600 links
2 and replace them in our document, and it would be most helpful, if you
3 can, to let us know maybe upfront of what has changed and what has
4 been added, if that's at all possible.

5 MR SMITH: We'll certainly have that conversation with the case team who
6 supports us and case admin who support them and see what we can
7 achieve, and we did note that point.

8 MR STRATFORD: Thank you.

9 MR SMITH: Okay. Does anybody else wish to raise any items of any other
10 business? No. In which case, I will – oh, Ms Blake, for the TCAG. Ms
11 Blake.

12 MS BLAKE: Thank you very much. Laura Blake, Thames Crossing Action
13 Group. Thank you, sir. I just wondered if we could have some clarity.
14 When the applicant originally stated they may be making changes and
15 the consultation, which obviously we're now in, they suggested that any
16 changes would be made in June, along with a report for the consultation.
17 Bearing in mind at that point they were suggesting the consultation was
18 going to be held earlier than it has ended up being held, I wonder if we
19 can still expect those changes to be submitted in June, or whether that
20 would now be pushed back at all.

21 MR SMITH: That's a sensible question. I see Ms Tafur is conferring with her
22 colleagues and seeking instructions.

23 MS TAFUR: Isabella Tafur, for the applicant. Yes. The consultation is due to
24 end on 19 June, before the examination begins. There will be a period
25 in which the responses to the consultation are considered and, pending
26 that review, any change requests, I understand, will be formally made –

27 MR SMITH: I think it's –

28 MS TAFUR: – in early August.

29 MR SMITH: Yes. Thank you. I think it's worth flagging that there are some
30 sequential steps that need to be taken here, which is that the applicant
31 consulted the Examining Authority initially on the proposition that they
32 might deliver a change consultation. We have made no judgment as to
33 the degree to which that change brings about material change to the
34 application as submitted or not. It's clearly a very important judgment,

1 but it's judgment that, sensibly, we can't make until we actually know
2 what individual respondents' views on that consultation are, as well as
3 what the content of the consultation is.

4 So, yes – the applicant will come back to us with a consultation
5 report and at that point we'll be in a position to make a formal judgment
6 on the materiality or non-materiality point and the planning inspectorate's
7 advice note 16 then sets out pathways, depending on whether it's
8 material or a non-material change that we're looking at. Yes. I mean we
9 propose to make those judgments as swiftly as we can in the light of the
10 time scales as they currently sit and, at the moment, it feels as though
11 there is no reason why we can't take timely decisions that actually enable
12 us to resolve the right procedure, and then involve everybody in
13 commenting on that material through the examination and bringing their
14 comments into this process.

15 I think it's worth just briefly flagging, given that we are talking about
16 change requests, that change requests do have a distinct sell-by date,
17 and that is that anything much after halfway through an examination
18 reaches a point where any meaningful consultative process ceases to
19 become capable of being delivered in sufficient time to enable an
20 examining authority then to resolve the materiality question, and then for
21 any residual matters to be examined in the examination and then for the
22 examination to close. So it's good news that we have the applicant's
23 change requests in process now, ready to come in front of us, and we
24 will just exhort the applicant to try all humanly possible activities
25 necessary to ensure that we don't end up with change requests emerging
26 later on in examination, because those are also sources of the
27 challenges that lead examining authorities towards recommending that
28 Secretaries of State consult during their decision period, rather than
29 decide during that decision period. Ms Tafur.

30 MS TAFUR: Isabella Tafur, for the applicant. Noted, sir. Plainly, the applicant
31 has heard what you said and also continues to engage with interested
32 and affected parties, and to the extent that agreement can be reached
33 with those parties, which involves amendments which we consider to be
34 non-material, such as these, it seems to us that that is likely to be

1 welcomed by the Examining Authority as narrowing issues between the
2 parties. We're plainly cognisant of the need to ensure that all interested
3 parties have the opportunity to comment on such changes.

4 MR SMITH: Thank you very much. So, we've heard Thurrock on their request
5 to speak on this item. We've passed around the room. We've provided
6 an opportunity for the virtual room to become involved. I will just check
7 one more time any other hands. Yes, we have Gravesham Council.

8 MS LANE: Thank you. Obviously, we very much appreciate the question that's
9 just been asked. We did allude in our submission to how the minor
10 refinement consultation was going to be considered, in particular the
11 construction update in section 4, in relation to the boring machine. So
12 we, equally, would like some clarity on that. It isn't an issue that we'd
13 flagged in our relevant representation because, at that point in time, it
14 wasn't material that we were aware that was potentially part of this
15 application change.

16 MR SMITH: That is fair comment. I will return to Ms Tafur but, before I do, I will
17 make the observation that we have to give full and careful consideration
18 to the question about whether this is a non-material or a material change,
19 and, amongst other things, considering the proposed tunnel boring
20 method is something that we will take very careful account of before we
21 make that decision. Ms Tafur.

22 MS TAFUR: Isabella Tafur, for the applicant. Just on that issue, sir, that is an
23 aspect of the minor refinement consultation that the applicant does not
24 consider to be a change at all to the powers sought through the DCO and
25 you'll see and understand the reasons for that and consider them in due
26 course, but that's not considered to be a change.

27 MR SMITH: That's no doubt something that we'll have a conversation about in
28 the right and proper place, which is in the examination itself. Okay. In
29 which case, can I just finally check around the room? I do have another
30 hand on the back. Sir, would you please come forward to the empty
31 chair, and then just introduce yourself by name and refer to any
32 organisation that you represent?

33 MR NABULA[?]: Thank you, sir. My name is [Lupo Nabula?] from Dartford
34 Borough Council. Mine is just a matter of clarification, and apologies for

1 dragging you back on the agenda. Under annex B, there was nothing
2 mentioned about monitoring – also I know that authorities have various
3 issues around monitoring. Even though the applicant has indicated some
4 monitoring to be done, there are aspects that are missing from that
5 monitoring, and I’m just wondering whether that is going to be included
6 in your list of issues to be discussed.

7 MR SMITH: Yeah. Good point. Well spotted. That’s why we have conversations
8 about these things, and if those words were there, they ought have been
9 in the overarching words at the very beginning of annex B, not repeated
10 ad nauseam as part of each individual numbered point, because there
11 are very few of those numbered points where monitoring is not a relevant
12 consideration. So, let’s say that we note what you say, and we will
13 certainly be taking into account, where we deal with data assessment
14 and design methodology, construction effects, operational effects,
15 mitigation proposals and their effects, insert semicolon and monitoring.

16 MR NABULA: Thank you. Thank you, sir.

17 MR SMITH: Okay – my final check around the room. Ladies and gentlemen, I
18 will remind you that I will shortly be adjourning this preliminary meeting.
19 It will not be closing because it does not close until we’re in a position to
20 make the formal, concluded set of procedural decisions about how this
21 examination will be run and the date on which it will start. You have an
22 opportunity to make your written submissions, distilling your oral
23 submissions before us into writing, by procedural deadline C, if you are
24 in this room and if you’re attending virtually. If you are outside the room
25 and you’re attending via live stream and haven’t been able to interact
26 with us orally or speak to us, you can make your comments in writing by
27 procedural deadline C, raising matters that you consider we ought
28 consider before we close this meeting.

29 Procedural deadline C is 13 June. If there is anybody who wishes
30 to be heard orally on any of the points that they raised, or points that they
31 have heard others raise – and this again is particularly directed not at
32 those who’ve had their chance to speak orally today, because they’ve
33 been in the room, but of those who’ve been outside listening on the live
34 stream or the recording – if they wish to speak orally, then, again –

1 particularly important that they make a request to speak at procedural
2 deadline C because, as we have indicated, there are two options for
3 handling part two of this meeting, when we resume it. We may resume
4 it as a virtual, oral proceeding, or we may close in writing, and we will
5 resume it as a virtual oral proceeding if there are outstanding requests to
6 be heard on substantial matters. However, if there are no such, then we
7 will close the preliminary meeting in writing.

8 Then finally, of course, I'm going to remind you that we do have one
9 quite big decision in our in tray, and that is the decision about, on
10 balance, having careful regard to all of the issues raised about timing and
11 commencement, do we resume this meeting on 20 June? Which means
12 that the examination starts on 20 June, or do we resolve to adjourn and
13 resume on another date to be set? You've already heard me on that.
14 You know that we will try and give you the best intelligence that we can
15 on that, as soon as we can, but we do have to take the procedural
16 deadline C written submissions into account before we can reach that
17 point.

18 Now, one final observation on preliminary meeting part two – if we
19 do hold that meeting as an oral proceeding, it's important to note that we
20 will not accept any, in principle, new submissions that could fairly have
21 been made here today. So, if you're sitting around this table or in this
22 room here today, or were in the virtual room, I'm now essentially reading
23 you the bands. Speak now or forever hold your peace. We will only be
24 dealing with matters that are consequential, or matters arising from
25 what's happened today, particularly from those who have not been able
26 to be with us today. Any questions or observations on that final point?
27 Any further final questions about how the second part of this resumed
28 meeting might be run, if it is run, or whether it goes to a written
29 procedure? Again, I am looking for yellow hands on screen and I'm
30 looking for hands in the room, and I'm seeing none.

31 So, on that basis, ladies and gentlemen, that completes our
32 business for today, and I would like to thank everybody for your time. I'd
33 like to thank everybody for your very substantial contributions that have
34 assisted this Examining Authority greatly to frame what we hope will be

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a useful and effective design for the examination of this very important project. We are going to adjourn this preliminary meeting now until either Tuesday 20 June 2023 at 10.00, if oral participation is required, or to another date to be set, if oral participation is required but it appears to us to be generally in the public interest that the commencement of this examination is, for reasons, deferred, and, if we do that, we will provide those written reasons. Then finally, if oral participation is not required, we will be closing in writing.

Thank you, everybody, for your participation today. We will now draw today's proceedings to a close.

(Meeting concluded)