



Preliminary Meeting Note

Application:	Lower Thames Crossing
Reference:	TR010032
Time and date:	Part 1 – 10am Tuesday 6 June 2023 Part 2 – Tuesday 20 June 2023
Venue:	Part 1 – The Forge, London Stadium, Stratford (and virtually using MS Teams) Part 2 – By written process

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed.

1. Welcome and Introduction

Rynd Smith welcomed those present and introduced himself as the lead member of the Examining Authority (ExA). Janine Laver, Ken Taylor, Dominic Young and Kenneth Pratt introduced themselves as panel members to examine the Lower Thames Crossing application¹.

Rynd Smith explained the appointment was made by delegation from the Secretary of State (SoS) for Levelling Up, Housing and Communities in two stages; on 2 December 2022 for four panel members and on 3 February 2023 when Janine Laver was added as the fifth panel member.

Rynd Smith explained that the ExA would be examining the application made by National Highways ('the Applicant') before making a recommendation to the SoS for Transport who will decide whether an Order granting Development Consent for the proposed project, which is a Nationally Significant Infrastructure Project (NSIP), should be made.

Rynd Smith explained that the purpose of the Preliminary Meeting (PM) was to discuss how the application will be examined and to seek views on the Examination arrangements. Part 1 of the PM was held and adjourned on 6 June 2023. Part 2 of the PM was held as a written procedure to enable the consideration of written submissions on matters arising from Part 1 of the PM, made at Procedural Deadline C on 13 June 2023. The Examination would commence either after the PM closed on the 20 June 2023; or, if good reasons were raised by one or more Interested Parties for the Examination to commence on a later date, Part 2 of the PM would be adjourned to a

¹ Biographies of the Panel Members can be found in the Frequently Asked Questions (FAQ) v2 [[PD-014](#)].

later date to enable that to occur. As matters proceeded, the PM was not adjourned to a later date.

Rynd Smith also explained that prior to the PM, a virtual Programming Meeting was held on 16 May 2023. The purpose of the Programming Meeting was to enable local and public authorities to discuss the resource and timing implications of the draft timetable before the PM. No decisions were taken at or after the Programming Meeting and all information provided at it was drawn into the Panel's consideration of issues raised at the PM, before final procedural decisions were taken.

The ExA confirmed that all documents and submissions received and accepted during the Examination will be published on the project-specific page of the National Infrastructure Planning website.

2. Video recording and transcripts

The full video recordings and transcripts of the PM are available on the National Infrastructure Planning website and can be accessed as follows:

- PM Part 1 video and transcript can be accessed [[EV-008 - EV-011](#)].
- PM Part 2 was conducted as a written procedure and the closure decision [[PD-017](#)] and Rule 8 letter [[PD-018](#)] form the record of that event.

3. United Kingdom General Data Protection Regulation

The ExA explained the Planning Inspectorate's duties under the UK General Data Protection Regulation (UK GDPR).

Further information relating to the UK GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

4. Examination Process

The ExA briefly explained the examination process under the Planning Act 2008 (PA2008), further information can be found in the [Advice Note 8.4](#).

5. Initial Assessment of Principal Issues

The ExA explained the purpose of the Initial Assessment of Principal Issues (section 88 of the PA2008), which can be found in Annex B of the Rule 6 letter [[PD-013](#)] of 25 April 2023, and asked for any observations on them.

Observations made on the Initial Assessment of Principal Issues:

The ExA noted that they had received suggested additions from Thurrock Council, including but not limited to, the impact on local roads, alternative designs, construction effects, handling of materials and health effects. The ExA advised that these were covered within the initial assessment. Thurrock Council confirmed that they have made suggestions and have undertaken further work for the purposes of the PM that could be submitted at the next procedural deadline, if required. This work covered issues such as the robustness and age of data. The ExA confirmed that a written submission, as an annex to the existing submission, can be provided at Procedural Deadline C.

The London Borough of Havering confirmed that they did not have any further comments beyond those submitted at Procedural Deadline B.

Kent County Council sought clarification of what is meant by the project definition - scope of and security for highway development within the initial assessment. Kent County Council suggested that construction effects and mitigation across the wider road network should be captured under traffic and transportation. The ExA confirmed they will issue a draft agenda for the project definition Issue Specific Hearing and advised that the project definition focuses on the NSIP definitions.

London Gateway Port Limited raised that port activity should be considered in the national interest in economic terms and not limited to highway capacity. London Gateway Port Limited were concerned with traffic effects on the local road network, principally at two junctions north of the river: Orsett Cock Junction and Manorway Junction.

Higham Parish Council suggested that the construction period and how it is delivered should be considered as a specific item given the effects of cut-through traffic.

Gravesham Borough Council raised whether tunnelling issues will include the refinements currently under consultation and how this consultation will be fed meaningfully into the Examination. Gravesham Council also sought clarification as to where Greenbelt issues will be considered.

Thames Crossing Action Group raised health and safety concerns such as unexploded ordnance, landfill contamination and risk of sinkholes. The ExA confirmed that these issues are in principle relevant and fall within the broader framework of the topics identified.

The Port of London Authority sought clarification as to where issues should be addressed as there will be a significant overlap between tunnelling considerations and the draft Development Consent Order (DCO), including the limits of deviation of the tunnel and the depths of dredging by the Port of London Authority. The ExA confirmed that technical issues should be raised under the topic heading, matters of which will then feed through into the draft DCO. The initial Issue Specific Hearing on the draft DCO will allow the Applicant to unpack the draft DCO, which will then be followed by more detailed Issue Specific Hearing(s) on the draft DCO covering the specific implications and final draft DCO.

The Emergency Services & Safety Partners Steering Group raised issues surrounding the blue light services and draft DCO. The Emergency Services & Safety Partners Steering Group asked whether there would be benefit in providing a short-written submission regarding principal issues. The ExA confirmed that a written submission can be provided at Procedural Deadline C, unless it is a detailed submission, which then should be provided by Procedural Deadline 1.

The Applicant is content with the Initial Assessment of Principal Issues, but identified an error under traffic and transportation, where objection should read as objective.

The ExA confirmed that any further written submissions that inform the road map of the Examination or relate to the Initial Assessment of Principal Issues should be provided by Procedural Deadline C. Detailed written submissions regarding the merits of the project should be provided at Procedural Deadline 1.

6. Examination Timetable

The ExA noted requests, already received in writing, to amend the draft Examination timetable contained in Annex C of Rule 6 letter [\[PD-013\]](#) and also welcomed further suggestions from the parties in attendance.

All comments received were duly noted by the ExA and considerations will be reflected in the Rule 8 Letter.

The Examination timetable can be found in the Rule 8 letter published on 27 June 2023 [\[PD-018\]](#).

7. Hearings and Site Inspections

The ExA clarified the purpose of:

- Issue Specific Hearings, including those to be held on the draft Development Consent Order
- Compulsory Acquisition Hearings
- Open Floor Hearings
- Accompanied Site Inspections
- Unaccompanied Site Inspections

The ExA sought comments on the arrangements for the above events. These were duly noted and considered by the ExA.

Further information relating to hearings and site inspections can be found in our [Advice Note 8.5](#).

8. Procedural decisions

The ExA clarified the procedural decisions made under section 89(3) of the PA2008 and asked for any observations.

Procedural decisions can be found in Annex F of the Rule 6 letter [\[PD-013\]](#).

9. Key Discussion Points

The following text summarises the key points discussed or raised in writing during the meeting.

Thurrock Council confirmed that since the Programming Meeting they have received an executed copy of the Planning Performance Agreement from the Applicant that should be ratified by Thurrock Council in mid-July 2023. Thurrock Council maintained that the Examination timetable should be deferred by seven weeks as it currently puts them at an unfair disadvantage, as raised at the Programming Meeting. Thurrock Council raised concerns about the two Issue Specific Hearings being held prior to Procedural Deadline 1 and suggested that this would result in Thurrock Council having difficulties in preparing the Local Impact Report. Requested that these two Issue Specific Hearings are rescheduled to after Procedural Deadline 1.

The ExA advised that the early Issue Specific Hearings are effectively for the Applicant to explain their case for the Project and draft DCO so the Project can be unpacked from

the outset. It would be of assistance if Interested Parties set out the broad framework of their case and principal submissions at Procedural Deadline 1.

Transport for London had no comments on the Examination timetable.

Kent County Council had no comments on the representation made by Thurrock Council on the Examination timetable.

London Borough of Havering were content with the commencement date of the draft Examination timetable and welcomed the unpacking of the Project in the early Issue Specific Hearings.

Gravesham Borough Council confirmed their position had not changed since the Programming Meeting and resourcing has been based on the current draft Examination timetable. Regarding Procedural Deadline 1, they questioned the process between the draft DCO Issue Specific Hearing and the amended draft DCO.

Essex County Council advised that the current draft Examination timetable raises issues for the Council owing to other NSIPs.

London Gateway Port Limited raised that there will be some alignment between the case from Thurrock Council and DP World regarding junction capacity and impacts. The ExA confirmed that the procedural deadlines are relevant to all Interested Parties.

Thames Crossing Action Group reiterated that they support the request from Thurrock Council to defer the Examination timetable as it would benefit the Thames Crossing Action Group also because of limited resources. Thames Crossing Action Group noted delays to the original submission of the DCO application.

The Emergency Services & Safety Partners Steering Group advised they support the request from Thurrock Council to defer the Examination timetable to enable progression of the Statement of Common Ground.

The Applicant confirmed that the Planning Performance Agreement has been agreed with Thurrock Council. The Applicant was of the view that there are no reasons to defer the Examination timetable.

In response to the Issue Specific Hearing 2 on the draft DCO, Kent County Council raised that the first opportunity for Kent County Council to provide detailed comments on the draft DCO would be at Procedural Deadline 1 in mid-July 2023. With the draft DCO Issue Specific Hearing in early September, they were concerned that there is the potential to run out of time within the Examination timetable to debate DCO issues and drafting. On the Examination timetable there are several slots for hearings and any forward guidance on the timetabling of the hearings would be useful, including the geographical framework of the hearings.

Gravesham Borough Council sought clarification that if the Applicant is submitting an amended draft DCO on 18 July 2023, it would be useful for the draft DCO Issue Specific Hearing in early September to make clear the amendments made to the draft DCO. The Applicant confirmed that they will identify the changes made to the draft DCO.

The ExA confirmed that in relation to Item 19 of Annex D of the Rule 6 letter [\[PD-013\]](#), the hearings provisionally set out in week commencing 4 and 11 September 2023 will include a draft DCO Issue Specific Hearing where details and drafting can be heard

from Interested Parties. The ExA will consider amending the draft Examination timetable to specify the draft DCO Issue Specific Hearing in early September. The ExA will seek to elaborate in detail in the Examination timetable.

Higham Parish Council asked when agendas will be available for the Issue Specific and Open Floor Hearings in June 2023. The ExA confirmed the draft agenda will be published as soon as possible. The draft agenda for the Issue Specific Hearing 1 (ISH 1): Project Definition [[EV-014](#)] and the draft agenda for the Issue Specific Hearing 2 (ISH2): the draft Development Consent Order [[EV-015](#)] have subsequently been published. An Interested Party should only attend one Open Floor Hearing. This will be made clear in the Examination timetable.

The London Borough of Havering raised that should matters arise from Interested Parties at the hearings, particularly from Open Floor Hearing 3, it will be challenging for the London Borough of Havering to address within the Local Impact Report. Requested whether the Open Floor Hearings could be held closer together. The ExA observed that it does not expect all IPs to respond to all issues raised in Open Floor Hearings.

Regarding Procedural Deadline 1, Thurrock Council raised concerns regarding the number of items to be completed by this deadline.

Gravesham Borough Council raised whether the summary of Relevant Representation is required at Procedural Deadline 1 given that the Relevant Representations have been submitted. The ExA confirmed they have read the Relevant Representations and a summary of these is not required.

Emergency Services & Safety Partners Steering Group clarified that they were developing the Statement of Common Ground with the Applicant for Procedural Deadline 1.

The Applicant asked whether there will be any guidance for producing an updated Accompanied Site Itinerary for Procedural Deadline 1. The ExA has undertaken several Unaccompanied Site Visits and confirmed that they will produce guidance prior to the end of June 2023.

The Applicant provided an update on the Statements of Common Ground regarding the parties identified in Annex F of the Rule 6 letter [[PD-013](#)]. As a result of work on the Statements of Common Ground, some documents will be updated and asked whether the Stakeholder Actions and Commitments Register should be added to Section 17 of Annex F of the Rule 6 letter [[PD-013](#)].

Regarding Procedural Deadline 2, the Applicant requested 21 days to provide a response to the Local Impact Reports and referred to timescales associated with other NSIPs. The ExA noted this request and raised it needs to be balanced with the time required for the ExA to formulate first written questions.

For the Issue Specific Hearings, Essex County Council asked for details of what matters will be discussed at each of the Issue Specific Hearings as different colleagues will be required to attend.

London Gateway Port Limited requested an Accompanied Site Visit to the port and logistic park and asked how it should be arranged. The ExA confirmed they have the request from the London Gateway Port Limited and the Applicant should take this into account.

Port of Tilbury confirmed they will collaborate with the Applicant regarding the Accompanied Site Visit arrangements.

Kent County Council sought clarity regarding the arrangement of hearings in early September 2023. Kent County Council suggested that there should be three types of hearings: traffic and transportation; non transport issues; and draft DCO. Requested that the Examination timetable provide a broad arrangement of hearings and as much detail as possible.

The Applicant raised a general point regarding the agenda for hearings and asked for these to be published 8 days in advance of the hearings.

The Applicant advised it would be helpful if they could understand whether their comments to be provided at Procedural Deadline 8 would resolve any issues raised by the ExA and whether a supplementary deadline should be included near to Procedural Deadline 9 for the ExA to confirm whether there are any outstanding issues on the draft DCO. The ExA suggested they will give this request consideration.

Kent County Council advised that Interested Parties need to also have an opportunity to comment on the changes to the draft DCO. The ExA will do its utmost to have residual positions from all Interested Parties prior to the closure of the Examination.

The ExA confirmed they will amend Procedural Deadline 9 to capture legal agreements in addition to Section 106 agreements. Requested that the Section 106 agreement to be executed.

The ExA confirmed any final written submissions on the procedural deadlines to be submitted by Procedural Deadline C.

10. Other Matters Raised

Thurrock Council requested that when the Examination Library is updated that the updates are identified.

Thames Crossing Action Group sought clarity of when design changes will be made following consultation. The Applicant confirmed that any change requests following this consultation will be made in early August 2023.

Gravesham Borough Council sought clarity on the minor refinements, particularly in terms of the construction boring machine, and how this will be considered in the Examination. The ExA will consider whether the change request is material or not.

Dartford Borough Council raised that monitoring should be considered as part of the Initial Assessment of Principal Issues.