

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9 dated 27 June 2023 has been superseded by [updated version dated 03 July 2023](#) [PD-020]



National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer 0303 444 5000
Services:

email: Lowerthamescrossing@planninginspectorate.gov.uk

All Interested Parties, Statutory Parties and
any Other Person invited to the Preliminary
Meeting

Your Ref:

Our Ref: TR010032

Date: 27 June 2023

Dear Sir/Madam

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

Examination Timetable and procedure

This letter (the Rule 8 letter) provides important information about the Examination of this application. The letter includes:

- The Examination Timetable
- Further Procedural Decisions made by the Examining Authority
- Information about hearings and site inspections
- Information about the availability of Examination Documents
- Guidance on making a submission

All documentation associated with this Examination, including a note of the Preliminary Meeting [[EV-012](#)] and the recording of that meeting, can be viewed under the [Documents](#) tab on the [project webpage](#) of the National Infrastructure Planning website.

The Examination Timetable

We have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A** to this letter.

The Examination Timetable replaces the draft timetable that was included in our Rule 6 letter [[PD-013](#)]. In finalising the Examination Timetable, we have sought to accommodate requests and suggestions made orally and in writing to the Programming Meeting and Preliminary Meeting. A list of the main changes we made to the draft Examination Timetable is set out at **Annex B** to this letter.

Please note that the Examination Timetable contains a number of Deadlines for receipt of information by the Planning Inspectorate. All Deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the Deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

We request that all Interested Parties make their submissions using the [Make a submission tab](#) on the project webpage on or before the applicable Deadline.

If we consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to Interested Parties, Statutory Parties and Other Persons invited to the Preliminary Meeting. The changes will be published on the [project webpage](#).

Written Representations

In the Rule 6 letter [\[PD-013\]](#), the ExA notified Interested Parties that Written Representations were due at **Deadline 1 on 18 July 2023**. This date remains unchanged in the Examination Timetable and therefore all Interested Parties are invited to submit Written Representations by **Deadline 1** in the Examination Timetable (see **Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues which was contained in Annex B of the Rule 6 Letter [\[PD-013\]](#).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination (see paragraph 74 of [Planning Act 2008: Guidance for the examination of applications for development consent](#)).

Any Written Representations and any further written submissions requested during the Examination that exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

Representations **must not include hyperlinks** to documents/evidence hosted on third party websites. Please see the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about Written Representations.

We have requested further types of written submissions at various points in the Examination (see **Annex A**).

Examining Authority's Written Questions

Where possible, the ExA would wish for issues to firstly be resolved through the Written Representations, Statements of Common Ground (SoCG) and Principal Areas of Disagreement Summaries (PADS). The written questions will then focus on outstanding queries about the application.

The ExA will be publishing the first written questions and request for information (ExQ1) on **15 August 2023**, as set out in our Rule 6 letter [[PD-013](#)] and in the Examination Timetable provided in **Annex A** of this letter. The written questions will be published on the [project webpage](#). The Examination Timetable enables the ExA to issue further written questions, if considered necessary.

Written questions will be set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B in our Rule 6 letter [[PD-013](#)] and other matters the ExA consider to be important and relevant.

Responses to the ExQ1 written questions must be provided by **Deadline 4 on 19 September 2023**.

Further Procedural Decisions made by the Examining Authority

Annex B to this letter also contains other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- 27. Amendments to the Examination Timetable
- 28. Statements of Common Ground
- 29. Applicant's submission of Documents
- 30. Local Impact Reports
- 31. Additional Submissions

Hearings and Site Inspections

As explained in our Rule 6 letter and at the Preliminary Meeting, the Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The hearings have and will continue to be held either as virtual only events or as blended (virtual and in-person) events. Further information can be found in the Frequently Asked Questions [[PD-014](#)].

The Examination Timetable at **Annex A** to this letter includes periods of time reserved for any hearings to be held and we will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include a Deadline for Interested Parties to inform the Planning Inspectorate if they wish to participate at the notified hearing(s).

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

We will also undertake site inspections. Where we can view the site from public land, we are likely to do this unaccompanied and a note of the site inspection will be published on the project webpage. We commenced Unaccompanied Site Inspections (USI) during the pre-examination period and the ExA notes of these USIs have been published [[SI-001 to SI-004](#)].

Following submission of the proposed Accompanied Site Inspections (ASI) itinerary by the Applicant at Deadline B [[PDB-001](#)] and comments from Interested Parties submitted at Deadline C, the ExA has reviewed the draft itinerary and accepted a request from the Applicant at the Preliminary Meeting to provide further guidance on the routes and locations to be included within ASIs. Our guidance and comments [[PD-019](#)] on the Applicant's draft ASI itinerary has now been published.

Requests to attend ASIs should be made at **Procedural Deadline D on 18 July 2023**. Interested Parties who may have specific needs in relation to travel, transport and access to land during an ASI are requested to identify these in their request to attend at **Procedural Deadline D**. All Interested Parties are invited to submit comments on the Applicant's amended proposed ASI itinerary (to be received and published following **Deadline 1**) at **Deadline 2 on 3 August 2023**.

The Examination Timetable reserves time for us to undertake ASIs in weeks commencing 4 and 11 September 2023, with further ASIs in October 2023 and November 2023, if required. We will consider each suggested site location, including those provided in the Applicant's draft itinerary [[PDB-001](#)], to determine if it can be viewed from public land on an unaccompanied basis or if it is necessary to view on an accompanied basis. We will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites, such that they could be inspected as part of an USI on an access required basis.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter from the Planning Inspectorate but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about making a submission is provided at **Annex D** to this letter. There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '200', 'LTC-0', 'LTC-AP' or 'LTC-s5' you are in Group A. If your reference number begins with 'LTC-SP' you are in Group B. If your reference number begins with 'LTC-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex E** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

We look forward to working with all parties in the Examination of this application.

Yours faithfully

Rynd Smith

Lead Member of the Examining Authority

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Arrangements for hearings
- D** Information about making a submission
- E** Availability of Examination Documents

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<p>Procedural Deadline A (PDA)</p> <p><i>For receipt by the ExA of:</i></p> <ul style="list-style-type: none"> • <i>Requests to be heard orally at the Programming Meeting</i> • <i>Written submissions in advance of the Programming Meeting</i> 	<p>Friday 5 May 2023</p>
2.	<p>Programming Meeting</p>	<p>Tuesday 16 May 2023 10am</p>
3.	<p>Procedural Deadline B (PDB)</p> <p><i>For receipt by the ExA of:</i></p> <ul style="list-style-type: none"> • <i>Post-event submissions, including written submissions of oral comments made at the Programming Meeting</i> • <i>Written submissions on matters raised in the Programming Meeting</i> • <i>Written submissions on the Examination procedure and draft timetable</i> • <i>Requests to be heard orally at Preliminary Meeting Part 1</i> • <i>Applicant's proposed Accompanied Site Inspection (ASI) itinerary</i> • <i>Junction layout plans from Applicant (see Annex F)</i> 	<p>Friday 26 May 2023</p>
4.	<p>Preliminary Meeting Part 1 (PM pt1)</p>	<p>Tuesday 6 June 2023 10am</p>

Item	Matters	Date
5.	<p>Procedural Deadline C (PDC) For receipt by the ExA of:</p> <ul style="list-style-type: none"> • <i>Post-event submissions, including written submissions of oral comments made at PM pt1</i> • <i>Further written submissions on Examination procedure, including responses to matters raised orally at PM pt1</i> • <i>Requests to be heard orally at the Preliminary Meeting Part 2</i> • <i>Requests to be heard orally at any of the examination hearings notified at Annex E of this letter</i> • <i>Comments by Interested Parties (IPs) on the Applicant's proposed ASI itinerary.</i> 	<p>Tuesday 13 June 2023</p>
6.	<p>Preliminary Meeting Part 2 (PM pt2) or issue by the ExA of a decision to close the Preliminary Meeting in writing</p>	<p>Tuesday 20 June 2023 10am</p>
7.	<p>Open Floor Hearing 1 (OFH1)</p>	<p>Tuesday 20 June 2023 6pm</p>
8.	<p>Issue Specific Hearing 1 (ISH1) on Project Definition</p>	<p>Wednesday 21 June 2023 10am</p>
9.	<p>Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order (dDCO)</p>	<p>Thursday 22 June 2023 10am</p>
10.	<p>Continuation of:</p> <ul style="list-style-type: none"> • Open Floor Hearing 1 (if required); and/or • Issue Specific Hearing 1 and/or 2 (if required) 	<p>Friday 23 June 2023</p>
11.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Examination Timetable 	<p>As soon as practicable following PM pt2</p>

Item	Matters	Date
12.	Open Floor Hearing 2 (OFH2) ¹	Wednesday 28 June 2023 10am and Thursday 29 June 2023 (if required) 10am
13.	Open Floor Hearing 3 (OFH3) ¹	Wednesday 5 July 2023 10am and Thursday 6 July 2023 (if required) 10am
14.	Deadline 1 (D1) For receipt by the ExA of: <ul style="list-style-type: none"> • Post-event submissions, including written submission of oral comments made at the hearings held between 20 June and 6 July 2023 • Comments on Additional Submissions submitted since the Application was accepted. (See Annex B of this letter) • Comments on Relevant Representations • Local Impact Reports (LIR) from Local Authorities • Written Representations (WR) • Summaries of any WRs over 1500 words • Applicant's amended proposed ASI itinerary • New Statements of Common Ground (SoCG) (and of updated SoCGs if required). (See Annex B) • New and updated Principal Areas of Disagreement Summaries (PADS) (if updated). (See Annex B) 	Tuesday 18 July 2023

¹ Open Flooring Hearings are open to any Interested Party to attend and speak directly to the Examining Authority. An Interested Party should only attend one Open Flooring Hearing.

Item	Matters	Date
	<ul style="list-style-type: none"> • Applicant's submission of documents (see Annex B) • Applicant's amended dDCO • Applicants proposed Addendum to the Environmental Statement (ES) • Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules (EPR)² 	
15.	<p>Procedural Deadline D (PDD)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Requests by Statutory Parties to be considered as an Interested Parties (IPs) by the ExA • Requests by IPs to be heard at any subsequent OFH • Requests by Affected Persons³ to be heard at a Compulsory Acquisition Hearing (CAH) • Requests to attend the ASI 	Tuesday 18 July 2023
16.	<p>Deadline 2 (D2)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on LIRs • Comments by IPs on the Applicant's amended proposed ASI itinerary. • Comments on Applicant's amended dDCO • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents (see Annex B) • Comments on Applicant's submissions (see Annex B) at D1 • Comments on any information requested by the ExA and received by D1 • Any further information requested by the ExA under Rule 17 of the EPR 	Thursday 3 August 2023

² The Infrastructure Planning (Examination Procedure) Rules 2010: SI 2010/103

³ Affected Persons are those defined in section 59(4) of the Planning Act 2008 (as amended)

Item	Matters	Date
17.	Publication by the ExA of: <ul style="list-style-type: none"> • Examining Authority's First Written Questions (ExQ1) 	Tuesday 15 August 2023
18.	Deadline 3 (D3) For receipt by the ExA of: <ul style="list-style-type: none"> • Responses to comments on WRs • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D2 • Comments on any information requested by the ExA and received by D2 • Any further information requested by the ExA under Rule 17 of the EPR 	Thursday 24 August 2023
19.	Dates reserved for: <ul style="list-style-type: none"> • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH), including but not limited to: <ul style="list-style-type: none"> ○ traffic and transportation ○ tunnelling ○ the draft Development Consent Order • Compulsory Acquisition Hearings (CAH) <ul style="list-style-type: none"> ○ strategic review of Applicant's case for Compulsory Acquisition ○ individual Compulsory Acquisition objections • ASIs 	w/c 4 and 11 September 2023
20.	Deadline 4 (D4) For receipt by the ExA of: <ul style="list-style-type: none"> • Post-event submissions, including written submission of oral comments made at the hearings held w/c 4 and 11 September 2023 (if held) • Responses to ExQ1 	Tuesday 19 September 2023

Item	Matters	Date
	<ul style="list-style-type: none"> • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D3 • Comments on any information requested by the ExA and received by D3 • Any further information requested by the ExA under Rule 17 of the EPR 	
21.	<p>Deadline 5 (D5) For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D4 • Comments on any information requested by the ExA and received by D4 • Any further information requested by the ExA under Rule 17 of the EPR 	Tuesday 3 October 2023
22.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Examining Authority's further Written Questions (ExQ) (if required) 	Tuesday 10 October 2023
23.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH) (if required) • Compulsory Acquisition Hearings (CAH) (if required) • Further ASIs (if required) 	Monday 16 to Tuesday 24 October 2023
24.	<p>Deadline 6 (D6) For receipt by the ExA of:</p>	Tuesday 31 October 2023

Item	Matters	Date
	<ul style="list-style-type: none"> • Post-event submissions, including written submission of oral comments made at the hearings held 16 to 24 October 2023 (if held) • Responses to further ExQ (if issued) • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D5 • Comments on any information requested by the ExA and received by D5 • Any further information requested by the ExA under Rule 17 of the EPR 	
25.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) and any associated questions (if required) • ExA's commentary on, or schedule of changes to, the dDCO (if required) • Examining Authority's further Written Questions (ExQ) (if required) 	Tuesday 14 November 2023
26.	<p>Deadline 7 (D7)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Applicant's submission of draft s106 agreement(s) and any other draft legal agreements • Comments on responses to further ExQ (if applicable) • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D6 • Comments on any information requested by the ExA and received by D6 	Friday 17 November 2023

Item	Matters	Date
	<ul style="list-style-type: none"> • Any further information requested by the ExA under Rule 17 of the EPR 	
27.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH) (if required) • Compulsory Acquisition Hearings (CAH) (if required) • Further ASIs (if required) 	Monday 20 to Tuesday 28 November 2023
28.	<p>Deadline 8 (D8)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-event submissions, including written submission of oral comments made at the hearings held 20 to 28 November 2023 (if held) • Comments on RIES (if issued) • Comments on ExA's DCO/Commentary (if issued) • Responses to further ExQ (if issued) • Applicant's submission of updated s106 agreement(s) and any other updated legal agreements • Updated SoCGs (if updated. See Annex B) • Updated PADSs (if updated. See Annex B) • Applicant's submission of documents requested (see Annex B) • Comments on Applicant's submissions (see Annex B) at D7 • Comments on any information requested by the ExA and received by D7 • Any further information requested by the ExA under Rule 17 of the EPR 	Tuesday 5 December 2023
29.	<p>Deadline 9 (D9)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to further ExQ (if applicable) • Final SoCGs • Final PADSs 	Friday 15 December 2023

Item	Matters	Date
	<ul style="list-style-type: none"> • Applicant's final documents: <ul style="list-style-type: none"> ○ dDCO, with Statutory Instrument validation report ○ Book of Reference (BoR) and schedule of changes ○ Statement of Commonality ○ Status of Negotiations / Compulsory Acquisition schedule ○ Status of Negotiations with Statutory Undertakers ○ National Policy Statement (NPS) tracker ○ Final signed and dated s106 agreement(s) or any other final legal agreements ○ Stakeholder Actions and Commitments Register (SAC-R) ○ Consents Position Statement ○ Errata, if applicable • Comments on Applicant's submissions (see Annex B) at D8 • Comments on any information requested by the ExA and received by D8 • Any further information requested by the ExA under Rule 17 of the EPR 	
30.	<p>Deadline 10 (D10)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any information requested by the ExA and received by D9 • Any further information requested by the ExA under Rule 17 of the Examination Rules 	Wednesday 20 December 2023
31.	The ExA is under a duty to complete the examination of the application by the end of the period of six months	Wednesday 20 December 2023

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/or Regulation 28 of The Offshore Marine Regulations.

Further Procedural Decisions made by the Examining Authority

The ExA has made a number of Procedural Decisions since appointment. These are numbered sequentially and can be found in the Procedural Decisions Log [\[PD-007\]](#), which will be kept updated throughout the Examination.

Unless otherwise amended below, the Procedural Decisions set out in Annex F of the Rule 6 letter [\[PD-013\]](#) stand.

In addition, the ExA has made the following Procedural Decisions.

27. Amendments to the Examination Timetable

The ExA has sought to accommodate requests made on the draft Examination Timetable at the Programming Meeting and the Preliminary Meeting, together with written submissions received up to, and including, Procedural Deadline C. The ExA has balanced the requests of Interested Parties with the needs of the ExA to facilitate a timely and thorough Examination.

The Examination Timetable remains largely as the draft Examination Timetable set out in the Rule 6 letter [\[PD-013\]](#). Amendments, however, have been granted by the ExA which are accommodated in the Examination Timetable above. The main reasons for these decisions are summarised below.

The ExA has accepted and incorporated the following modifications requested by Interested Parties into the Examination Timetable:

- Under Deadline 1, Tuesday 18 July, summaries of Relevant Representations have been removed as they are no longer required by the ExA (which has already completed its own analysis of Relevant Representations);
- For the dates reserved for Issue Specific Hearings at the beginning of September 2023, some broad arrangements have been included in the Examination Timetable regarding the type of hearings to provide greater clarity and certainty to Interested Parties; and
- Under Deadlines 7, 8 and 9 'other legal agreements' have been added for completeness.

The ExA decided that the request for an extension and delay to the commencement of the Examination by some Interested Parties should not be granted and that following the closure of the Preliminary Meeting, the Examination commenced on 20 June 2023. In reaching that decision, the ExA gave full and careful consideration to sustained oral and/or written procedural submissions arising from Interested Parties. The statement of reasons for that procedural decision is set out in the Procedural Decision on the resumption of the Preliminary Meeting and the commencement of the Examination letter [\[PD-016\]](#).

In addition to the above, the ExA has carefully considered further requests made on the draft Examination Timetable and decided that they should not be granted. These include, but are not limited to, the following:

- The Applicant requested a supplementary deadline between Deadline 8 and Deadline 9 for the ExA to provide any additional comments and/or raise any outstanding queries on the draft DCO after amendments are proposed by the Applicant at Deadline 8. Having considered the approach to providing commentary on the draft DCO and given that the ExA seeks to provide clear explanations for and, where necessary, indicative revised drafting to any proposed amendments to the draft DCO, the ExA concluded there are sufficient opportunities to identify the matters that require to be placed before the Secretary of State for a decision within the Examination Timetable without the need for a further round of publication and consultation. Should there be matters relating to the draft DCO that are complex or still in dispute later in the Examination process, it will be open to the ExA to draw them into hearings in November 2023;
- Regarding Deadline 2, the Applicant requested 21 days to provide a response to the Local Impact Reports (LIR) and Written Representations. The ExA has concluded that overall this proposed duration would not provide sufficient time for the ExA to consider responses to LIRs and then formulate its first written questions in an efficient manner; and
- After detailed consideration, the ExA has concluded that any extension and delay to the submission of the LIR by Local Authorities should not be granted. The ExA has carefully considered the Examination Timetable in its totality, including the relationship and timescales between the submission of the LIR and the comments to be received on the LIR at Deadline 2, the publication of the ExA's first written questions and the subsequent hearings in early September 2023. The ExA decided that any extension and delay to the submission of the LIR would have significant consequential effects on the subsequent deadlines within the Examination Timetable in an already constrained timeframe.

28. Statements of Common Ground

The Applicant is taking the lead in the preparation of Statements of Common Ground (SoCG) and Principal Areas of Disagreement (PADS) with Interested Parties. It would aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCG and PADS liaise and co-operate with the Applicant in respect of their production.

The Rule 6 letter [[PD-013](#)] sets out Procedural Decision 13 in Annex F in relation to SoCGs and PADS. The procedural decisions in Annex F of the Rule 6 letter have not been repeated in this letter. Procedural Decision 13 is amended by this decision (Procedural Decision 28) and the two decisions should therefore be read together.

Since the Rule 6 letter was published, the Programming and the Preliminary Meetings have been held with further written submissions received up to, and including at Procedural Deadline C. Taking these into account, the ExA has made the decision to accept the following:

Statements of Common Ground:

- Emergency Services & Safety Partners Steering Group to progress on matters to be included in the SoCG.

These matters should broadly relate to general and strategic considerations relevant to and addressing the partner bodies. Noting that some individual partners will continue to prepare SoCGs of their own with the Applicant, then the focus in these should be on matters that are not relevant to or agreed by the partnership as a whole and also on matters that are specific to the function and locality served by the individual partner.

Interested Parties who had informed the Applicant/ExA that they would not be submitting a SoCG or PADS are as follows:

- 1) Maritime and Coastguard Agency
- 2) Trinity House
- 3) Hutchinson Ports (London Thamesport)
- 4) Peel Ports
- 5) Metropolitan Police

It follows that the ExA will not be expecting to receive those documents from these parties. However, if any of parties identified above consider that this is not a position that they have agreed with the Applicant, they are requested to identify this in writing at **Deadline 1** and may request to reinstate SoCG and / or PADS provision which should then commence at the next deadline.

The ExA clarifies that to the extent that Procedural Decision 13 referred to all SoCGs addressing the Articles and Requirements of the dDCO, that that is a decision that relates only to SoCG processes where amendments to the dDCO are under discussion: in all such cases, amended drafting should be provided. It is not necessary to include references to the dDCO in a SoCG unless matters arising from the dDCO are at issue between the parties.

Final signed versions of the SoCG and PADS are requested to be submitted by the **Applicant at Deadline 9 on 15 December 2023**, as set out in the Examination Timetable in Annex A above.

The content of SoCG and PADS will help to inform us about the need to hold any Issue Specific Hearings during the Examination, and to enable us and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

29. Applicant's Submission of Documents

In addition to the documents listed in Procedural Decision 17 in Annex F of the Rule 6 letter [\[PD-013\]](#), at the suggestion of the Applicant, we also request that the Applicant submit updated versions of the following documents, including notification of 'nil returns' if no updates are required at that deadline, at every Examination deadline.

- Stakeholder Actions and Commitments Register (SAC-R)

- Consents Position Statement
- Any legal agreements
- Errata

These and all documents identified for regular submission in Procedural Decision 17 are to be provided on the basis that a document will be replaced at the first deadline after changes are required to be made to it. Where no changes are made to documents subject to Procedural Decision 17 or this decision, then the Applicant should submit a tracking table in its covering letter, indicating that there is a 'nil return' for a particular document or class of documents at that deadline.

In addition to the regular submissions covered by Procedural Decision 17, the ExA has accepted the Applicant's offer to submit an addendum to the Environmental Statement at **Deadline 1 on 18 July 2023**.

30. Local Impact Reports

Confirming Procedural Decision 21 in Annex F of the Rule 6 letter [PD-13], Local Authorities, defined in section 56A of the Planning Act 2008, are requested to submit LIRs by **Deadline 1 on 18 July 2023**.

A LIR is a report in writing giving details of the likely impact of a proposed development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our [Advice Note One: Local Impact Reports](#).

31. Additional Submissions

In addition to the Additional Submissions outlined in Procedural Decision 16 in the Rule 6 letter [[PD-013](#)] and the documentation submitted and accepted at Procedural Deadlines A, B and C we have exercised our discretion to accept the following Additional Submission:

- A Procedural Deadline A submission submitted outside of the deadline from Tonbridge and Malling Borough Council – [[AS-088](#)]

Arrangements for hearings

Our Examination will be principally undertaken through the exchange of written submissions; however, the Examination Timetable reserves periods of time for hearings to be held.

Requests to participate at hearings

Interested Parties are required to notify the ExA in writing of their wish to take part in any Open Floor Hearings (OFH) to be held later in the timetable than OFH3 and/or any Compulsory Acquisition Hearings (CAH), on or before **18 July 2023** (see **Procedural Deadline D**).

Any request to participate in a hearing **should include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for CAH, the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans (see the [Examination Library](#)); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

Requests to participate should be made using a Microsoft Event Participation Form, which will be published on the website.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend an Event, either virtually or in person.

If no written requests to take part in an OFH or CAH are received by the above Deadline, we are not required to hold such a hearing, although we may choose to do so nonetheless if there are relevant matters that we need to explore with the Applicant.

We will also hold Issue Specific Hearings (ISH) about topics that we think need to be explored orally, typically because the issue to be heard is complex (in that it is technically complex and engages a number of operating factors or dimensions; or because it engages multiple Interested Parties with different positions, or both). The

decision to hold an ISH about a particular topic is not an indicator of how important and relevant (or in due time weighty) we consider an issue or topic to be.

Hearing agendas

Speaking at ISHs is by invitation of the ExA. Agendas will name those parties that the ExA wishes to hear from.

For ISHs and CAHs, the ExA will publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. The ExA will endeavour to issue a draft agenda in advance of the five working day period wherever possible. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For OFHs with a small number of participants an agenda may not be published.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Information about making a submission

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

How to make a submission

The [Make a submission tab](#) is available on the project webpage and will open before each Deadline. You will need to enter your unique reference number ('Your ref' found at the top your letter or email from the Planning Inspectorate) beginning with either '200' or 'LTC'. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party, then it is at the discretion of the ExA whether or not your submission is accepted.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate deadline submission item as described in the Examination Timetable at **Annex A** to this letter. Please make a separate submission for each Submission item and do not duplicate your submission. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately, keeping the description as short as possible.

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item if needed. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB. The file name of the document(s) submitted should be kept as concise and short as possible.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.

What to include in a submission

Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third-party website e.g. technical reports, media articles etc.

Please also **do not include any confidential information** or anything that will require redacting before publication – e.g. photos of under 18 year olds, health conditions identifiable to individuals, personal data and signatures.

See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions.

Availability of Examination Documents

The application documents and Relevant Representations are available to view on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation and submission made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference number which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a library member to use a computer at these locations.

Local authority	Venue/address	Opening hours	Printing costs
Brentwood Borough Council	Brentwood Library New Road, Town Centre, Brentwood CM14 4BP	Monday: 09:00-19:00 Tuesday: 09:00-19:00 Wednesday: 09:00-19:00 Thursday: 09:00-19:00 Friday: 09:00-19:00 Saturday: 09:00-17:00 Sunday: 13:00-16:00	A4 B&W – £0.20 Colour – £1.35 A3 B&W – £0.50 Colour – £2.20
Kent County Council	Gravesend Library	Monday: 10:00-17:00 Tuesday: 10:00-17:00	A4 B&W – £0.15

	Windmill Street, Gravesend DA12 1BE	Wednesday: 10:00-17:00 Thursday: 10:00-17:00 Friday: 10:00-17:00 Saturday: 10:00-17:00 Sunday: Closed	Colour – £0.50 A3 B&W – £0.20 Colour – £0.75
Thurrock Council	Grays Library Thameside Complex, Orsett Road, Grays RM17 5DX	Monday: 09:00-19:00 Tuesday: 09:00-17:00 Wednesday: 09:00-17:00 Thursday: 09:00-19:00 Friday: 09:00-17:00 Saturday: 09:00-13:00 Sunday: Closed	A4 B&W – £0.30 Colour – £1.00 A3 B&W – N/A Colour – N/A
Thurrock Council	Chadwell Library As part of Chadwell Information Centre Brentwood Road, Chadwell St Mary, Grays, Essex RM16 4JP	Monday: 10:00-13:00 & 14:00-17:00 Tuesday: 10:00-13:00 & 14:00-17:00 Wednesday: Closed Thursday: 10:00-13:00 & 14:00-17:00 Friday: 10:00-13:00 & 14:00-17:00 Saturday: 10:00-13:00 Sunday: Closed	A4 B&W – £0.30 Colour – £0.30 A3 B&W – N/A Colour – N/A
Kent County Council	Maidstone Library At Kent History & Library Centre James Whatman Way, Maidstone, ME14 1LQ	Monday: 10:00-17:00 Tuesday: 09:00-17:00 Wednesday: 09:00-17:00 Thursday: 09:00-17:00 Friday: 09:00-17:00 Saturday: 09:00-17:00 Sunday: Closed	A4 B&W – £0.15 Colour – A3 B&W – N/A Colour – N/A
Kent County Council	Snodland Library	Monday: Closed	A4

	15- 17 High Street, Snodland, ME6 5DA	Tuesday: 09:00-13:00 & 14:00-17:00 Wednesday: 12:00-17:00 Thursday: 09:00-13:00 & 14:00-17:00 Friday: 09:00-14:00 Saturday: 10:00-13:00 Sunday: Closed	B&W – £0.15 Colour – A3 B&W – N/A Colour – N/A
London Borough of Havering	Romford Central Library St Edwards Way, Romford RM1 3AR	Monday: 10:00 – 20:00 Tuesday: 9:00 – 17:00 Wednesday: 9:00 – 17:00 Thursday: 10:00 – 20:00 Friday: 9:00 – 17:00 Saturday: 10:00 – 16:00 Sunday - Closed	A4 B&W – £0.37 Colour – £0.50 A3 B&W – N/A Colour – N/A