



# The Planning Inspectorate

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## **By email**

Ms Alison Dablin  
Pinsent Masons  
for Port of Tilbury London Ltd

Your Ref:

TR010032

Our Ref:

Date:

7 August 2023

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Dear Ms Dablin

## **Lower Thames Crossing Examination Late Submission at Deadline 2**

We refer to your email of 4 August 2023 attaching a supplementary submission to accompany Port of Tilbury London Limited's (PoTLL) Deadline 2 submission (ID 19746) (as yet unpublished). Your supplementary submission responded to matters raised in Natural England's Written Representation [REP1-262], as it applied to land under the control of PoTLL.

You will be aware that submissions received after relevant deadlines are not automatically accepted into the Examination. The Examining Authority (ExA) need to exercise discretion over acceptance.

We have referred your supplementary submission to the ExA, which has resolved to accept it. In taking that decision, it noted that in the absence of a more specific reason for lateness than the one provided, the document was submitted sufficiently late to warrant non-acceptance in the interests of ensuring that document submissions in a large and complex Examination remain orderly, timely and that procedural fairness for other Interested Parties (IPs) is maintained. However, it also judged that the content of the submission was important and relevant, such that its non-acceptance and non-availability to the ExA and other IPs would harm the Examination. On balance therefore, it decided to accept your late submission.

In taking this decision, the ExA asked us to communicate to you the importance of making timely written submissions. Professionally advised and legally represented IPs such as PoTLL should understand the public policy and purpose underlying the procedures used in Examinations conducted under the Planning Act 2008. Such parties can reasonably be expected to make timely submissions. Where they do not do so, even in circumstances where the ExA considers that the submission can be accepted, late submission can still amount to unreasonable behaviour. There is potential for applications for costs to be made by other IPs if they have been put to inconvenience and additional cost arising from the delay, which has occurred without a substantial reason.

We refer to the [Costs Guidance](#) from the Secretary of State, Part C paragraph 3 which identifies “[l]ate submission of any documents” and “[i]ntroducing fresh or substantial evidence at a late stage” as potential grounds for procedural awards of costs.

The ExA has asked us to communicate to you it’s view that future submissions should be made on time, to advise that if a submission is unavoidably late, a substantial reason for lateness should be provided. Finally, we have been asked to advise you that although the ExA agreed the acceptance of a late submission on this occasion, it would not necessarily do so in the future.

Yours sincerely

Ted Blackmore  
Bart Bartkowiak  
**Case Managers**