



Subject:



FW: LTC - Thurrock

Date:

03 March 2023 16:29:42

Attachments:

[image001.png](#)

[image012.png](#)

[image013.png](#)

[image002.png](#)

[image006.png](#)

From: Church, Eleanor

Sent: 13 February 2023 13:37

To: 'Black, Colin' <[REDACTED]@thurrock.gov.uk>

Cc: Lower Thames Crossing <LowerThamesCrossing@planninginspectorate.gov.uk>; Almond, Martin

<[REDACTED]@planninginspectorate.gov.uk>

Subject: RE: LTC - Thurrock

Importance: High

Dear Colin,

Thank you for your emails regarding the current situation at Thurrock Council.

To answer your questions:

The ExA cannot compel anyone to participate in an examination, although it obviously would be advantageous for all host authorities to be actively involved.

Legal representation is not a requirement to enable effective participation in an examination, although we can understand that it is considered preferable by the Council. The process is intended to be primarily a written process. The application has been validly made and there is a statutory obligation on the Examining Authority to examine the application within the set timescales and to provide the SoS with the recommendation report.

Any request to delay or suspend the DCO process should be submitted formally by Thurrock Council to the ExA including the length of delay sought, reasons to explain the request for delay and the specific length of delay requested, along with how the ability of the Council to participate would be better at the end of the specified term.

In making a procedural decision in relation to a request to delay the start of the examination the ExA must keep in mind the wording at paragraph 45 of the [Planning Act 2008: Guidance for the examination of applications for development consent](#). Although it refers to Applicants, we consider it would be equally applicable to any party making such a request. The ExA would need to consider any prejudice that may be caused by either route, and the views of the applicant and other parties may also be sought and considered.

Any such request must be from a person(s) who is authorised to make such a request on behalf of the Council.

Kind regards,
Eleanor



Eleanor Church | NI Case Manager
The Planning Inspectorate



@PINSgov



The Planning Inspectorate



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From: Black, Colin [REDACTED] <[\[REDACTED\]@thurrock.gov.uk](mailto:[REDACTED]@thurrock.gov.uk)>
Sent: 31 January 2023 13:45
To: Church, Eleanor <[\[REDACTED\]@planninginspectorate.gov.uk](mailto:[REDACTED]@planninginspectorate.gov.uk)>
Subject: LTC - Thurrock

Hi Eleanor

To update PINS, please note that the Council continues to discuss with NH the PPA that it is willing to offer with regards to its LTC DCO submission. In the meantime **all engagement on the LTC DCO has had to be suspended pending review of budgets through the independent financial review process.**

We would appreciate PINS guidance on a couple of matters:

1. Please could you clarify whether PINS /ExA is able to legally compel a LA to provide representation (however minimal) through the DCO Examination process and if so if it is minded to do so with Thurrock? We note that Slough appear to be in a similar situation on a DCO and that there has been (unsubstantiated) suggestion that PINS may take legal action to force them to do so. Any explanation you could provide setting out the PINS position on LTC would be most helpful.
2. If the independent commissioners appointed to oversee Council finances determined that Thurrock Council was not able to afford to make effective representation would the DCO process go ahead without the engagement of the most seriously affected Local Authority, and would the Examination process be considered fair and appropriate?
3. Due to the exceptional circumstances, is it possible for the LTC DCO process to be suspended whilst crucial funding matters are considered noting the delays are seriously impeding the Council's ability to engage in a fair process and conversely advantage to the applicant? How would the Council go about making such a request for a delay?

I look forward to your response.

Regards

Colin

Dr Colin Black
Interim Assistant Director – Place

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