

# Thurrock Council

## Lower Thames Crossing Task Force

### Development Consent Order (DCO) community and public involvement update, 16 December 2022

All web links below are to pages on the Planning Inspectorate's National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/>

#### 1. Introduction

- 1.1. The Planning Inspectorate (PINS) issue a series of 18 Advice Notes on a range of matters for Nationally Significant Infrastructure Projects (NSIPs) or DCOs. These are intended to inform applicants, consultees, the public and others about a range of process matters in relation to the Planning Act 2008 (PA2008). These can be accessed at [National Infrastructure Planning Advice Notes](#).
- 1.2. Advice notes which deal with the PA2008 process are non-statutory. They are published to provide advice and information on a range of issues arising throughout the whole life of the application process. Although in many cases they include recommendations from PINS about the approach to particular matters of process, which applicants and others are encouraged to consider carefully, it is not a requirement for applicants or others to have regard to their content.
- 1.3. Advice Note 8 has been produced in six sections and aims to take you step by step through the planning process for Nationally Significant Infrastructure Projects. These are listed below as links to the PINS website, should you want to review each in more detail:
  - [National Infrastructure Planning Advice Note 8.1 – Responding to the developer's pre-application consultation](#) (version 2)
  - [National Infrastructure Planning Advice Note 8.2 – How to register to participate in an Examination](#) (version 3)
  - [National Infrastructure Planning Advice Note 8.3 – Influencing how an application is Examined: the Preliminary Meeting](#) (version 4)
  - [National Infrastructure Planning Advice Note 8.4 – The Examination](#) (version 7)  
[National Infrastructure Planning Advice Note 8.4 Annex – Video Submission Proforma](#) (version 1)
  - [National Infrastructure Planning Advice Note 8.5 – The Examination: hearings and site inspections](#) (version 4)
  - [National Infrastructure Planning Advice Note 8.6 – Virtual examination events](#) (version 1)

- 1.4. It is important to use only the PINS website to access these Advice Notes as they do occasionally get updated, so please note versions above.

## 2. Summaries of Advice Note 8 Sub Sections

- 2.1. **Advice Note 8.1** – this is aimed at the local community to assist them in understanding and engaging in the developer's pre-application consultation. As the DCO was submitted on 31 October 2022 and accepted by PINS on 28 November 2022, this advice note's applicability has passed and is no longer relevant to Lower Thames Crossing DCO application. On 2 December 2022 PINS appointed the 4-Member Panel to undertake the Examination under their Rule 4 letter, which can be downloaded from [National Infrastructure Planning Rule 4 letter – Appointment of the Examining Authority](#).
- 2.2. **Advice Note 8.2** – this is the most important Advice Note during January/February 2023 and is considered in more detail below.
- 2.3. **Advice Note 8.3** – this is aimed at people or organisations interested in participating in the Examination of an application. The Preliminary Meeting is an opportunity to influence how the application will be Examined and may take place in April/May 2022. The Examination will begin very soon after the Preliminary Meeting as prescribed by the appointed Panel – the Examining Authority (ExA), possibly in May/June 2022 and this advice note will become relevant at that time.
- 2.4. The Preliminary Meeting is a procedural meeting that helps inform how the application will be Examined. It is not an opportunity for interested parties to put forward their views about what they like or don't like about the application. That will happen later, once the Examination begins.

The Examining Authority will have read the views made in the Relevant Representations. At the Meeting, invited people and organisations will be invited to make comments on the draft Examination Timetable and arrangements for future Examination events, before the Examining Authority finalises the timetable.

- 2.5. The content of this Advice Note covers who should attend the Preliminary Meeting, its agenda and arrangements, layout of the room, note and audio recording of the meeting, public/political statements, campaigning and the media, after the meeting and an overview of the NSIP process.
- 2.6. **Advice Note 8.4** – the Examination is the period during which the appointed Examining Inspector, or panel of Examining Inspectors – known as the 'Examining Authority' – gather evidence and test information about the application from Interested Parties. The Examination is primarily carried out in writing. Parties can also make representations orally at hearings, which are supplemental to written submissions (see Advice Note 8.5 below).

This Advice Note sets out the deadlines, publication of documents/website, types of documents, format/style of written submissions, content of what people should write, video submissions, confidential information, requests for advice and withdrawal of submissions.

Its Annex contains the video submission proforma that needs to be completed for each video submission, which must be submitted to PINS at least 5 days prior to making such a submission.

- 2.7. **Advice Note 8.5** – this is aimed at all Interested Parties and focuses on the submission of oral evidence at hearings and attendance at site visits. This Advice Note sets out the purpose of the hearings, open floor hearings, issue specific hearings, compulsory acquisition hearings, notification/agendas for hearings, participation at hearings, location of hearing, what to do at hearings, written submissions to hearings or recording hearings, site inspections and again an overview of the NSIP process.
- 2.8. **Advice Note 8.6** – PINS is delivering some of its National Infrastructure casework using virtual examination events. This is aimed at people and organisations who will be involved in the Examination of an application for a Development Consent Order where virtual events will be used.

This Advice Note was issued in September 2020 in response to the effects of the pandemic and sets out the difference between physical and virtual effect, how virtual events work, how will people be notified of a virtual effect, the 'arrangements conference', involvement at virtual events, virtual Preliminary Meetings, general points about virtual hearings, approaches to different types of virtual events, virtual accompanied site inspections and participation in large Examinations.

### 3. **Advice Note 8.2 – How to Register to Participate in the DCO Examination**

- 3.1. This is the most important Advice Note during January/February 2023. This is because as soon as National Highways have complied with PINS Section 51 letter to correct 'minor errors and omissions', it will set the 'Relevant Representation Period' for at least 28 days or maybe longer – download the letter from [National Infrastructure Planning Section 51 advice to the Applicant](#).

This Relevant Representation Period has now been set to begin on 9 January 2023 – [National Infrastructure Planning Lower Thames Crossing](#). National Highways will determine the length of this period of at least 28 days and provide the form to complete on the PINS website early in the New Year.

- 3.2. For clarity, once PINS has accepted the DCO application for Examination, it is the applicant's (National Highways) duty to advertise the Relevant Representation period and provide details about how to register to become an Interested Party. The Relevant Representation period is the time you have to register to become an Interested Party.

The registration period must be at least 28 days and the publicity notice will tell you the set deadline – that is, an applicant's newspaper advert, applicant's site notice, PINS website LTC project page or via Twitter or email alert, if you have signed up for it on the PINS website.

- 3.3. This Advice Note contains practical advice about registering a Relevant Representation in order to become an Interested Party. Registration ensures that you will receive formal notifications during the Examination process and gives you important participation rights.

Any member of the public, business or group can register to participate in the Examination. Becoming an Interested Party gives you the right to make representations about the application that is being examined. Interested parties are informed of the progress of the Examination and are notified of the final Decision by the Secretary of State.

The Examining Authority will use the views put forward in the Relevant Representations, to carry out an initial assessment of the principal issues. Interested Parties also have the

opportunity to attend and speak at the Preliminary Meeting or hearings that take place during the Examination.

- 3.4. Please refer to Advice Note 8.3 and paragraph 2.3 to 2.5 above for further information about the Preliminary Meeting. Once the Examination has started, interested parties will have the opportunity to provide further written evidence to the appointed Examining Inspector(s), known as the Examining Authority (ExA). More information about the Examination stage of the process is included in Advice Note 8.4.
- 3.5. This Advice Note 8.2 also contains a 6 minute video of an overview of the NSIP process.
- 3.6. The process to following and the information required to register as an Interested Party is set out below and in full within the Advice Note 8.2:
  - During the registration period you must fill in a Relevant Representation form in full. It is not possible to participate in this process anonymously if you are registering as an individual.
  - Complete the form online via the relevant project page of the National Infrastructure Planning website. If you would prefer to fill in a paper form you can contact PINS during the registration period to request one.
  - Even if you are automatically an Interested Party because you have an interest in land affected by the application or your organisation is on a list of prescribed bodies, you should still complete a Relevant Representation form so that your views can be made available to the Examining Authority at an early stage.
  - Providing a form for individuals and organisations to fill in ensures that the ExA have all the contact information necessary to keep interested parties up to date with the progress of the Examination. It also ensures that we are aware of how an Interested Party wishes to participate in the Examination (by electronic means or by post) and any land interests they have that are affected by the application. Completing the form also ensures all the legal requirements that make a representation 'relevant' are met.
  - The electronic form will automatically navigate you to each of the required sections. It is advised to complete the form online where possible, due to safeguards which help to ensure that the form is completed correctly. If you are filling in a paper copy (which you can request from PINS), please ensure that your form is completed correctly and received by PINS by specified deadline.
  - Towards the end of the form is a box where you can put forward your views about the DCO application – the first time that your views about the application will be put to the ExA.
  - If you participated in the pre-application consultation your views on the project at that stage should have been reflected in the Consultation Report that was submitted as part of the application. However, at this stage we are seeking your views on the application as it has been submitted. Remember, the project you commented on previously may have changed in response to the pre-application consultation carried out by the applicant.
  - A Relevant Representation should relate to the application. It must include a summary of points which you agree and/or disagree with about the DCO application, highlighting what you consider to be the main issues and impacts.

- There is no word limit on how much to include in your Relevant Representation, but the ExA may only have a short period of time to read all the Relevant Representations before the Preliminary Meeting. As such, you should make sure your main points are clearly set out. We recommend the use of bullet points and headings to highlight your main points.
- Once the Examination has started, you can continue to rely on the Relevant Representation you submitted in order to register as an Interested Party or you can submit a further written representation by the deadline that will be set out in the Examination Timetable. This can expand on the matters included in your Relevant Representation.
- Once you have submitted your form online, you will be sent a confirmation email.
- After the close of the registration period, all representations will be published on the project webpage on the National Infrastructure Planning website. PINS will redact personal information about third parties, because they may not have given their consent to including it in the representation.

3.7. PINS also give advice on what not to include in a Relevant Representation, as set out below:

- The ExA may disregard a representation if it considers that it is vexatious or frivolous, or if it concerns the merits of national policy, contained in National Policy Statements (NPS). The role of the Examination is not to debate the merits of NPS's that have already been consulted on, laid in Parliament and designated as Government policy.
- Do not include personal information about you or another person that you or they would not want to be made public.
- If you submit a form with little or no information in the representation box (where you set out your views on the application), then it is not likely to be accepted as valid.
- Hyperlinks to documents/evidence hosted on a third-party website – such as commercial websites, social media, and so on – cannot be accepted and will be redacted from representations by PINS, prior to publication. This is because the ExA, Interested Parties and the Secretary of State cannot rely on documents/evidence that the Inspectorate cannot directly control in respect of availability and content, including from a UK GDPR perspective.
- Hyperlinks to verifiable websites can be accepted in submissions and will not be redacted. Examples of documents that could be hyperlinked are local and national policy documents. Please note that these hyperlinks require full reference with access date. Verifiable websites include:
  - Government websites, with a .gov address
  - websites for chartered professional institutes, such as IEMA, RTPI, and so on
- If unsure of whether a hyperlink is likely to be redacted from a submission, please contact the Inspectorate's case team in advance of sending.