



## Meeting note

<b>File reference</b>	TR010032
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	22 October 2020
<b>Meeting with</b>	Thames Crossing Action Group (TCAG)
<b>Venue</b>	Microsoft Teams Meeting
<b>Meeting objectives</b>	To advise TCAG about the Planning Act 2008 process
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which Applicants (or others) could rely.

### The Planning Act 2008 process

The Inspectorate summarised the process during the **Acceptance stage**, including the role of the 'Section 55 Acceptance of Applications Checklist' (the Checklist). The Checklist sets out all of the relevant tests that an application must satisfy in order to be accepted for examination, and the Inspectorate's findings/comments in respect of each. The Checklist for the Lower Thames Crossing application would be published on the project page on the National Infrastructure Planning website (the NI website) if the application was accepted for examination. Examples of Checklists can be found published on the NI website in all cases where an application has been accepted for examination<sup>1</sup>.

In respect of the tests applied by the Inspectorate concerning the adequacy of an applicant's Pre-application consultation, TCAG was signposted to the Inspectorate's Frequently Asked Questions (FAQ) document dealing with community consultation under section 47 of the PA2008<sup>2</sup>.

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<sup>1</sup> Example available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010059/TR010059-000007-TR010059%20Section%2055%20Acceptance%20of%20Application%20Checklist.pdf>

<sup>2</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/General/General-Advice-00632-1-170702%20s47%20Community%20Consultation%20FAQ.pdf>

The Inspectorate summarised the process during the **Pre-examination stage**, including the registration period within which anybody can become an Interested Party in the examination by making a Relevant Representation. Advice about how to make a Relevant Representation is available in the Inspectorate's Advice Note 8.2<sup>3</sup>. The Inspectorate emphasised that it is the quality of the issues raised in representations that are important in the examination of application, not the number of times a particular issue is raised. On that basis groups of individuals with shared interests are encouraged to submit consolidated representations which reflect the views of the group or sub-section of the group, rather than each member of the group necessarily submitting a separate representation.

During the Pre-examination stage, the Secretary of State appoints the Examining Authority (the Inspector or Inspectors who will examine an application). After this appointment, and following receipt of the Relevant Representations, the Examining Authority will invite all Interested Parties to a Preliminary Meeting in a letter called 'the Rule 6 letter'<sup>4</sup>. The Preliminary Meeting is a procedural meeting about how the application will be examined<sup>5</sup>. The merits of an application cannot be discussed at the Preliminary Meeting. The examination of the application begins after the Preliminary Meeting closes.

The Inspectorate summarised the process during the **Examination stage** of the process, emphasising the principally written nature of the process and the roles of different types of hearings. Advice about the examination procedure is contained within Advice 8.4, 8.5 and 8.6<sup>6</sup>.

After the Examination stage closes, the Examining Authority has three months to prepare its report and recommendations to the Secretary of State (the **Recommendation stage**). The Secretary of State then has three months within which to take his or her final decision about whether development consent should be granted (the **Decision stage**).

The Inspectorate emphasised that it would be able to provide further procedural advice to TCAG and its members if the application was accepted for examination.

## **AOB**

TCAG brought to the attention of the Inspectorate that members of the Deaf and hard of hearing community had participated in the Applicant's Pre-application consultation exercises and could seek to engage in a future examination of the application. The Inspectorate encouraged TCAG to confirm this type of information in writing.

The Inspectorate advised TCAG that its members could sign up for email updates about the project on the Lower Thames Crossing webpage on the NI website.

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<sup>3</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>

<sup>4</sup> Example available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000717-rule%206%20and%20annexes.pdf>

<sup>5</sup> See Advice Note 8.3, available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/06/Advice-note-8-3v4.pdf>

<sup>6</sup> All available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>