

SILVERTOWN TUNNEL

Consultation Report

Appendix A

April 2016

Volume 5

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SUMMARY

S.1 Overview

Appendix A contains those appendices first referenced in Chapter 2 (Introduction) of this report.

This comprises:

- Appendix A1: Planning Act 2008 Compliance Checklist
- Appendix A2: Direction Provided by Secretary of State

Appendix A1 Planning Act 2008 Compliance Checklist

A1.1 Introduction

The following checklist demonstrates the consultation obligations imposed by sections 42, 47, 48 and 49 of the Act, as well as the statutory guidance about the pre-application procedure published under section 50 of the Act.

It includes an outline of how TfL has met each of these requirements.

Table 1 Consultation Compliance Checklist

Reference to statutory provision relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
Planning Act 2008			
<u>Section 42</u> Duty to consult	The Applicant must consult the following about the proposed application:		
	(a) such persons as maybe prescribed;	The prescribed consultees were consulted at the commencement of the statutory consultation period. See Chapter 5 for more detail.	Letters and consultation documents were sent on 2 October 2015
	(aa) the Marine Management Organisation;	The MMO were consulted at the commencement of the statutory consultation period. See Chapter 5 for more detail.	Letters and consultation documents were sent on 2 October 2015
	(b) each Local Authority that is within Section 43;	Local authorities identified under section 43 of the Planning Act 2008 were consulted at	Letters and consultation documents were sent on 2 October 2015

		the commencement of the statutory consultation period. The local authorities are identified in Table 5-1 in Chapter 5.	
	(c) the Greater London Authority if the land is in Greater London; and	The Greater London Authority was consulted at the commencement of the statutory consultation period. See Chapter 5 for more detail.	Letters and consultation documents were sent on 2 October 2015
	(d) each person who is within one or more of the categories set out in Section 44.	Persons with an interest in land were consulted at the commencement of the statutory consultation period. See Chapter 5 for more detail.	Letters and consultation documents were sent on 2 October 2015. There were some exceptions to this and this is explained in Chapter 5.
<u>Section 45</u> Timetable for consultation under Section 42	(1) The Applicant must, when consulting a person under Section 42, notify the person of the deadline for the receipt by the Applicant of the person's response to the consultation.	All persons consulted pursuant to section 42 of the Planning Act 2008 were notified of the deadline for receipt of responses to the consultation. For persons identified pursuant to section	The consultation period commenced on 5 October 2015 and closed on 29 November 2015. In a limited number of circumstances, some persons were consulted

		<p>42(a), (aa), (b) and (c) this date was included in the covering letter and in the section 48 notice. For persons identified under section 42 (d) this date was included in the letter.</p>	<p>outside of the consultation period, This is further explained in Chapter 5,</p>
	<p>(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The consultation period commenced on 5 October 2015 and closed on 29 November 2015. This period was in excess of the statutory minimum of 28 days. See Chapter 5.</p>	
<p><u>Section 46</u> Duty to notify Secretary of State of proposed application</p>	<p>(1) The Applicant must supply the Secretary of State with such information in relation to the proposed application as the Applicant would supply to the Secretary of State for the purpose of complying with section 42 if the Applicant were required by that section to consult the Secretary of State about the proposed application.</p>	<p>PINS was notified on 2 October 2015. The following documents were included with the notification:</p> <ul style="list-style-type: none"> • Section 46 letter to the Secretary of State; • A copy of the notice being published in accordance with 	<p>2 October 2015</p>

		<p>section 48 of the Act;</p> <ul style="list-style-type: none"> • A copy of the Consultation Booklet; • A copy of the Covering letter sent to consultees identified pursuant of S42 (1) a-c; • A copy of the covering letter sent to consultees identified pursuant to section S42 (1) d. 	
	<p>(2) The Applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>The letters sent pursuant to section 42 of the Planning Act 2008 were also sent on 2 October 2015, therefore the Secretary of State was notified at the same time as consultees pursuant to section 42.</p>	<p>2 October 2015</p>
<p>Section 47</p>	<p>(1) The Applicant must prepare a statement</p>	<p>TfL did prepare a</p>	<p>21 September 2015</p>

Duty to consult local community	setting out how the Applicant proposes to consult, about the proposed application, people living in the vicinity of the land	Statement of Community Consultation. This was published in accordance with the terms of the Planning Act 2008.	
	(2) Before preparing the statement, the Applicant must consult each local authority that is within section 43(1) about what is to be in the statement.	TfL carried out initial consultation with the host Boroughs, which proceeded initial information gathering. Further consultation was also undertaken when the consultation programme was reviewed See chapter 6 for further detail and Appendix E1 – E7 for correspondence sent to the host Boroughs.	The initial consultation took place 27 February – 30 March 2015 The further consultation took place from 17 July – 17 August 2015.
	(3) The deadline for the receipt by the Applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on	Both consultation periods were in excess of 28 days, beginning the day after the day the	

	which the local authority receives the consultation documents.	local authority received the consultation documents	
	(5) In preparing the statement, the Applicant must have regard to any response to consultation under subsection (2) that is received by the Applicant before the deadline imposed by subsection (3).	Comments were received from the local authorities as consulted on the draft SoCC. TfL had regard to these comments. Chapter 6 at Table 6.1 – 6.3 includes TfL's response to the comments received and explains the changes made to the SoCC	These steps were undertaken following each consultation period undertaken with the host Boroughs
	(6) Once the Applicant has prepared the statement, the Applicant must — (za)make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land, (a) publish, in a newspaper circulating in the vicinity of the land, a notice stating here and when the statement can be inspected, and (b) publish the statement in such manner as may be prescribed).	The SoCC was made available for inspection at four deposit locations. See paragraph 6.6.5 of Chapter 6. A notice was published in 6 local press titles explaining where and when the SoCC could be inspected. Further information is included at paragraph 6.6.3 and the notices are included at Appendix E7.	The SoCC was available for inspection from 21 September until 29 November 2015. The newspaper notices were published between 21 - 24 September 2015.
	(7) The Applicant must carry out consultation in	TfL has undertaken its	5 October – 29

	accordance with the proposals set out in the statement.	consultation in accordance with the proposals in the SoCC. This is explained in Chapter 7.	November 2015
<u>Section 48</u> Duty to publicise	<p>(1) The applicant must publicise the proposed application in the prescribed manner.</p> <p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the Applicant of responses to the publicity.</p>	TfL publicised the proposed application in accordance with the requirements of section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations. The notice was published for two consecutive weeks in six local newspapers (East End Life, Evening Standard, Greenwich Time, Greenwich Mercury, Newham Recorder and the Docklands and East London Advertiser) and for one week in the London Gazette and the Times. For further details see chapter 8.	The section 48 notice was published between the 5 and 15th October 2015.
<u>Section 49</u>	1) Subsection (2) applies where the Applicant—	The Consultation Report details how account has	

<p>Duty to take account of responses to consultation and publicity</p>	<p>(a) has complied with sections 42, 47 and 48, and</p> <p>(b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).</p> <p>(2) The Applicant must, when deciding whether the application that the Applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the Applicant before the deadline imposed by section 45 in that person’s case,</p> <p>(b) a response to consultation under section 47(7) that is received by the Applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the Applicant before the deadline</p>	<p>been taken of consultation responses received. See Chapters 12 – 21 and Appendix 11.</p>	
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	imposed in accordance with section 48(2) in relation to that publicity.		
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009			
<u>Reg 3</u> Prescribed consultees	The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.	The prescribed consultees were consulted at the commencement of the statutory consultation period. The process that TfL adopted to identify all prescribed consultees is included in Chapter 5	
<u>Reg 4</u>	(2) The Applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application— (a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	TfL publicised the proposed application in accordance with the requirements of section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations. The notice was published for two	The section 48 notice was published between the 5 and 15th October 2015.

	<p>(b) once in a national newspaper;</p> <p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>(d) where the proposed application relates to offshore development— (i) once in Lloyd’s List; and (ii) once in an appropriate fishing trade journal</p>	<p>consecutive weeks in six local newspapers (East End Life, Evening Standard, Greenwich Time, Greenwich Mercury, Newham Recorder and the Docklands and East London Advertiser) and for one week in the London Gazette and the Times. For further details see chapter 8.</p> <p>There was no requirement to publish the notice in the Lloyd's list or fishing journal.</p>	
	<p>(3) The matters which the notice must include are:</p> <p>(a) the name and address of the Applicant;</p> <p>(b) a statement that the Applicant intends to make an application for development consent to the Secretary of State;</p> <p>(c) a statement as to whether the application is</p>	<p>A copy of the section 48 notice is included at Appendix G1. It includes those matters listed in paragraph 3 of Regulation 4.</p>	

	<p>EIA development;</p>		
	<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>		
	<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>		
	<p>(f) the latest date on which those documents, plans and maps will be available for inspection being date not earlier than the deadline in subparagraph (l));</p>		
	<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>		
	<p>(h) details of how to respond to the publicity; and</p>		
	<p>(l) a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published.</p>		

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009			
<u>Reg 6</u> Procedure for establishing whether environmental impact assessment is required	<p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either—</p> <p>(a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p> <p>(3) A request or notification under paragraph (1) must be accompanied by—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a brief description of the nature and purpose of the development and of its possible effects on the environment;</p> <p>(c) such other information or representations as the person making the request may wish to provide or make.</p>	<p>TfL notified the Secretary of State that it would be providing an environmental statement with its application for development consent.</p> <p>The notification included a report which included the matters set out at paragraph (3).</p>	<p>TfL notified the Secretary of State under Regulation 6(1)(b) in May 2014, prior to consultation under Section 42 of the Planning Act 2008 which took place between 5 October and 29 November 2015.</p>

<p><u>Reg 10</u></p> <p>Consultation statement requirements</p>	<p>The consultation statement prepared under section 47 (duty to consult local community) must set out —</p> <p>(a) whether the development for which the Applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the Applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>The Statement of Community Consultation is included at Appendix E5. At paragraph 2 of that document there is a statement that confirms that the Scheme is EIA development. The statement also explains how TfL intended to publicise and consult on the PEIR.</p>	
<p><u>Reg 11</u></p> <p>Pre-application publicity under section 48 (duty to publicise)</p>	<p>Where the proposed application for an order granting development consent is an application for EIA development, the Applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the Applicant in accordance with regulation 9(1)(c).</p>	<p>A copy of the section 48 notice was sent also sent to the consultation bodies and those persons identified in the Regulation 9 list provided by PINS.</p> <p>Further information is included in Chapter 9.</p>	

DCLG Guidance¹			
<u>Paragraph 25</u>	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response.</p> <p>Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>TfL's Consultation Strategy sets out the broad principles adopted by its statutory consultation process. Further detail is provided in Chapter 4, which also identifies how this guidance was taken into account in the preparation of the strategy. Chapter 4 also explains how TfL has drawn upon its own experience in carrying out consultation exercises as well as best practice principles, in preparing the Consultation Strategy.</p>	

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

		<p>The guidance was also taken into account by TfL in scheduling the consultation (see Chapter 4), and an iterative phased approach to the consultation adopted as a result, as explained in Chapter 2.</p>	
<p><u>Paragraph 26</u></p>	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations¹¹ set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed.¹² Section 47 in the Planning Act sets out the applicant’s statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>Statutory Consultation was undertaken in accordance with the Planning Act 2008 and the APFP/EIA Regs. Further details are included above and in Chapter 5.</p> <p>TfL has undertaken a range of non-statutory consultation, as set out in Chapter 3.</p>	<p>Non-statutory consultation exercises were undertaken over the period October 2009 - October 2014.</p>

<p><u>Paragraph 27</u></p>	<p>The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such nonplanning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.</p>	<p>TfL explains the consultation it undertook with the relevant statutory consultees responsible for consent regimes under S.120 of the Act at paragraph 22.3.11 – 22.3.13 of the Consultation Report.</p> <p>TfL prepared a Stakeholder Engagement Strategy and undertook stakeholder engagement activities in addition to non-statutory consultation, in order to promote wider awareness of the proposal and encourage input from stakeholders. Further detail is in Chapter 3.</p>	<p>Early 2015 to present.</p>
<p><u>Paragraph 28</u></p>	<p>From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any</p>	<p>Chapter 5 explains how consultees have been identified under section 42 of the Act.</p> <p>TfL consulted the</p>	

	<p>successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	<p>National Patient Safety Agency as part of its statutory consultation. TfL subsequently identified that the roles and responsibilities transferred to the NHS Commissioning Board Special Authority and consulted this body on 16 October 2015.</p>	
<p><u>Paragraph 29</u></p>	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters.</p> <p>Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	<p>TfL has undertaken a range of stakeholder engagement activities in accordance with this advice, and in order that issues of concern could be discussed and resolved where possible. See Chapter 3 for further detail.</p>	<p>Stakeholder engagement, following non-statutory consultation, has been carried out from early 2015 to present.</p>

<p><u>Paragraph 35</u></p>	<p>The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.</p>	<p>Chapter 6 details the preparation of the Statement of Community Consultation and the involvement of the local authorities in that process.</p> <p>Chapter 7 details how the consultation was undertaken in accordance with the Statement of Community Consultation.</p>	<p>The initial consultation took place 27 February – 30 March 2015</p> <p>The further consultation took place from 17 July – 17 August 2015.</p>
<p><u>Paragraph 36</u></p>	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority’s area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.</p>	<p>Based on experience from previous non-statutory consultations, TfL determined that community interest in the Silvertown Tunnel scheme was from a much more widespread area than the immediate vicinity of the tunnel. As a consequence it proposed a range of tools for publicising s 47</p>	

		<p>consultation that would have a greater 'reach' than the immediate vicinity of the tunnel. See Chapter 6 for detail as to how this approach was reflected in the Statement of Community Consultation.</p>	
<p><u>Paragraph 37</u></p>	<p>In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of Community Consultation within 28 days of receipt of the request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local</p>	<p>TfL took care to ensure the relevant London local authorities were involved in the development of the SoCC, and facilitated an extensive series of meetings with those authorities, in addition to the statutory consultation.</p> <p>TfL consulted with the host Boroughs in the preparation of the Statement of Community Consultation, in order to give the Boroughs an</p>	<p>Stakeholder engagement, following non-statutory consultation, has been carried out from early 2015 to present.</p> <p>The initial consultation with host Boroughs in connection with the Statement of Community Consultation took place 27 February – 30 March 2015. The further consultation took place from 17 July – 17 August 2015.</p>

	authorities over a longer period than the minimum requirements set out in the Act.	opportunity to provide feedback on the proposed method of consultation. Further detail of this exercise is in Chapter 6, including how TfL has taken into account responses from the Boroughs.	
<u>Paragraph 38</u>	The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.	TfL consulted with the host Boroughs in the preparation of the Statement of Community Consultation, in order to give the Boroughs an opportunity to provide feedback on the proposed method of consultation. Further detail of this exercise is in Chapter 6.	The initial consultation with host Boroughs in connection with the Statement of Community Consultation took place 27 February – 30 March 2015. The further consultation took place from 17 July – 17 August 2015. TfL had regard to and responded to local authority comments following each consultation period undertaken with the host Boroughs.
<u>Paragraph 39</u>	Topics for consideration at such pre-consultation discussions might include:	TfL consulted with the host Boroughs in the preparation of the	The initial consultation with host Boroughs in connection with the

	<ul style="list-style-type: none"> • the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area); • the appropriateness of various consultation techniques, including electronic-based ones; • the design and format of consultation materials; • issues which could be covered in consultation materials; • suggestions for places/timings of public events as part of the consultation; • local bodies and representative groups who should be consulted; and timescales for consultation. 	<p>Statement of Community Consultation, in order to give the Boroughs an opportunity to provide feedback on the proposed method of consultation. Feedback was received in relation to locations for roadshows, the contact database, distribution of booklets, and publicity of the consultation. Further detail of this exercise is in Chapter 6.</p>	<p>Statement of Community Consultation took place 27 February – 30 March 2015. The further consultation took place from 17 July – 17 August 2015. TfL had regard to and responded to local authority comments following each consultation period undertaken with the host Boroughs.</p>
<p><u>Paragraph 41</u></p>	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>Chapter 6 sets out the responses of the host Boroughs to consultation on the Statement of Community Consultation, and includes TfL's response detailing what action was taken, or an explanation if no action was taken.</p>	<p>The initial consultation with host Boroughs in connection with the Statement of Community Consultation took place 27 February – 30 March 2015. The further consultation took place from 17 July – 17 August 2015. TfL had regard to and responded to local authority comments</p>

			following each consultation period undertaken with the host Boroughs.
<u>Paragraph 42</u>	Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.	The host Boroughs responded to TfL's consultation requests in connection with the Statement of Community Consultation. TfL is satisfied that the approach adopted to consultation, as set out in the Statement of Community Consultation, allowed for full public involvement as appropriate to the scheme. Detail of how the consultation was implemented demonstrates this and is included in Chapter 7.	The initial consultation with host Boroughs in connection with the Statement of Community Consultation took place 27 February – 30 March 2015. The further consultation took place from 17 July – 17 August 2015.
<u>Paragraph 43</u>	Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the	TfL took care to ensure all relevant London local authorities were involved in the development of the	Stakeholder engagement, following non-statutory consultation (October 2009 – October 2014),

	development on the local area are understood and considered prior to the application being submitted to the Secretary of State.	Scheme, and facilitated an extensive series of meetings with those authorities, in addition to the statutory consultation. Further detail is set out in Chapter 3.	has been carried out from early 2015 to present.
<u>Paragraph 49</u>	Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their views regarding them.	TfL identified and consulted people with an interest in the land that might be affected by the Scheme as defined by section 44 of the Act. The process by which it did this is explained in Chapter 5.	The consultation period commenced on 5 October 2015 and closed on 29 November 2015.
<u>Paragraph 52</u>	Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.	In Chapter 5, TfL addresses how it has consulted with section 42 consultees identified during the statutory consultation period. Such consultees were provided at least 28 days to respond to the consultation. Chapter 5 also deals with any landowners / land	

		<p>interests identified after the close of the statutory consultation.</p> <p>Chapter 22 explains changes made to the Scheme after the statutory consultation period closed. It explains in this context the additional consultation and stakeholder engagement that was undertaken as a result.</p>	
<p><u>Paragraph 53</u></p>	<p>Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project’s objectives.</p>	<p>Chapter 3 explains TfL's actions in seeking to engage a wide range of stakeholder groups such as residents associations, in order to raise awareness and maximise stakeholder participation as part of the non-statutory consultation.</p> <p>Chapter 7 sets out how the statutory consultation was</p>	<p>Non-statutory consultation exercises were carried out over the period October 2009 – October 2014. Further stakeholder engagement has been carried out from early 2015 to present.</p> <p>The consultation period commenced on 5 October 2015 and closed on 29 November 2015.</p>

		<p>implemented and demonstrates the extensive community involvement.</p> <p>Chapter 22 explains changes made to the Scheme after the statutory consultation period closed. It explains in this context the additional consultation and stakeholder engagement that was undertaken as a result.</p>	
<p><u>Paragraph 54</u></p>	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>Utilising a variety of methods and techniques was one of the objectives of TfL's Consultation Strategy, as explained in Chapter 4. The set of consultation tools used to meet the objectives of the consultation exercise is set out and discussed in Chapter 4. Further detail is set out</p>	

		<p>in Chapter 7 as to how such tools were used in the implementation of the consultation.</p>	
<p><u>Paragraph 55</u></p>	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p>Chapter 4 explains TfL's approach to the materials utilised as part of the statutory consultation, why the various materials were used and how they satisfied the requirements of the guidance. Chapter 4 covers the consultation booklet, consultation questionnaire, factsheets and technical reports.</p> <p>Chapter 5 gives further detail as to how this range of measures was utilised in relation to statutory consultation and what information was provided to consultees. Chapter 6 explains how the variety of measures was taken</p>	

		on board in the preparation of the Statement of Community Consultation, and Chapter 7 explains how those measures were implemented.	
<u>Paragraph 56</u>	Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).	Based on experience from previous non-statutory consultations, TfL determined that community interest in the Silvertown Tunnel scheme was from a much more widespread area than the immediate vicinity of the tunnel. As a consequence it proposed a range of tools for publicising s 47 consultation that would have a greater 'reach' than the immediate vicinity of the tunnel. See Chapters 6 and 7 for further detail.	
<u>Paragraph 57</u>	The Statement of Community Consultation should act as a framework for the community	The Statement of Community Consultation	The SoCC was available for inspection

	<p>consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</p>	<p>comprises a framework for the community consultation in connection with the scheme.</p> <p>Chapter 6 sets out how the finalised Statement of Community Consultation was published and made available to the public. It was available in hard copy at certain locations or by request and also online. Further detail in this respect is also provided in Chapter 7.</p>	<p>from 21 September until 29 November 2015.</p> <p>The newspaper notices were published between 21 - 24 September 2015.</p>
<p><u>Paragraph 58</u></p>	<p>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation</p>	<p>TfL arranged for the s48 notice to first appear in a local newspaper title at the start of its statutory consultation, which was being undertaken pursuant to s.42 and s.47 of the Act, on 5 October 2015. The notices published under s.48 of the Act stipulated that the</p>	<p>The section 48 notice was published between the 5th and 15th October 2015.</p>

	<p>may not always be possible, especially where a multi-stage consultation is intended.</p>	<p>deadline for responses was 29 November 2015, also consistent with the consultation being undertaken pursuant to s.42 and s.47 of the Act. Publicity under section 48 is detailed in Chapter 8 and it includes a table listing the dates and titles in which TfL's s48 notice was publicised.</p>	
<p><u>Paragraph 69</u></p>	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.</p>	<p>TfL has had regard to the guidance in relation to early engagement in the preparation of its consultation strategy, as set out in Chapter 4.</p> <p>In addition, Chapter 3 provides detail of the non-statutory consultation and stakeholder engagement undertaken, which has also allowed TfL to maximise consultee input.</p>	<p>Non-statutory consultation exercises were carried out over the period October 2009 – October 2014. Further stakeholder engagement has been carried out from early 2015 to present.</p>

<p><u>Paragraph 70</u></p>	<p>To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	<p>TfL concluded that there should be an iterative, phased approach to pre-application consultation. It was decided that there would be a number of rounds of non-statutory consultation, followed by a single round of statutory consultation. See Chapter 3 for more detail.</p>	<p>Non-statutory consultation exercises were undertaken over the period October 2009 - October 2014.</p> <p>Stakeholder engagement, following non-statutory consultation, has been carried out from early 2015 to present.</p> <p>The statutory consultation period commenced on 5 October 2015 and closed on 29 November 2015.</p>
<p><u>Paragraph 71</u></p>	<p>Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>TfL identified and consulted people with an interest in the land that might be affected by the scheme as defined by section 44 of the Act. Chapter 5 explains how these parties were consulted as part of the statutory consultation.</p>	<p>The statutory consultation period commenced on 5 October 2015 and closed on 29 November 2015.</p>

<p><u>Paragraph 72</u></p>	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	<p>It is explained in Chapter 3 that TfL has adopted an iterative phased approach to pre-application consultation. TfL has undertaken one round of statutory consultation and considered it should run for a period of eight weeks, in excess of the requirements of section 45 of the Planning Act which provides a statutory minimum of 28 days. TfL felt this time frame would be sufficient for respondents to consider the likely detailed nature of the scheme proposals, taking into account the significant history of non-statutory consultations on the scheme.</p> <p>In scheduling when the consultation should take</p>	<p>Non-statutory consultation exercises were undertaken over the period October 2009 - October 2014.</p> <p>Stakeholder engagement, following non-statutory consultation, has been carried out from early 2015 to present.</p> <p>The statutory consultation period commenced on 5 October 2015 and closed on 29 November 2015.</p>
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		<p>place, TfL took into account DCLG guidance, including paragraph 20 which states that consultation should be 'shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed'. TfL therefore considered that the most appropriate time to hold the statutory consultation would be late 2015. See Chapters 4 for more detail.</p>	
<p><u>Paragraph 73</u></p>	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new</p>	<p>It was not necessary to repeat any consultation rounds.</p>	

	<p>information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>		
<p><u>Paragraph 77</u></p>	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>	<p>TfL considers that the consultation it has undertaken is proportionate to the impacts of the proposed Scheme, and has responded to anticipated levels of local interest. TfL considered that community interest in the Silvertown Tunnel Scheme was from a much more widespread area than the immediate vicinity of the tunnel, and so proposed a range of tools for publicising s 47 consultation that would have a greater 'reach' than the immediate</p>	

		<p>vicinity of the tunnel. Details of the approach and how it was implemented in this respect are set out in Chapter 6 and 7, and demonstrate the wide reach of the consultation exercise and how the variety of measures utilised maximised public involvement.</p> <p>TfL's engagement with local authorities is set out in Chapters 3, 5 and 6.</p>	
<u>Paragraph 78</u>	<p>Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.</p>	<p>A Consultation Report has been prepared to support TfL's application for development consent and as required by Section 37(3)(c) of the Planning Act 2008.</p>	
<u>Paragraph 80</u>	<p>Therefore, the consultation report should:</p> <ul style="list-style-type: none"> • provide a general description of the consultation process undertaken, which can helpfully include a timeline; 	<ul style="list-style-type: none"> • An overview of the consultation is included in 	

	<ul style="list-style-type: none"> • set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate; • set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant’s statement of community consultation; • set out a summary of relevant responses to consultation (but not a complete list of responses); • provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed; • provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts; • where the applicant has not followed the advice of the local authority or not complied with this guidance or any 	<p>Chapter 2.</p> <ul style="list-style-type: none"> • Chapter 6 explains how TfL has consulted the relevant local authorities about the SoCC and taken into account the comments received. • Chapters 12 - 21 of this Consultation Report detail what issues were raised in the statutory consultation and what account TfL took of these. TfL established a process to ensure that every issue raised in the statutory consultation would be comprehensively 	
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	<p>relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and</p> <ul style="list-style-type: none">• be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.	<p>considered. This process is described in more detail in chapter 10: Analysing the responses to the consultation.</p> <ul style="list-style-type: none">• The Consultation Report provides, from chapters 12 - 21, a summary of the issues raised by respondents to the statutory consultation and explains how TfL has taken account of these.• where TfL has not followed advice given by a local authority it has provided a clear explanation for this in the Consultation Report.	
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		<ul style="list-style-type: none"> TfL has complied with DCLG Guidance and relevant Advice Notes in the preparation of the consultation report, and the document is expressed in a way that is sufficient for the Secretary of State's purposes. 	
<p><u>Paragraph 81</u></p>	<p>It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.</p>	<p>TfL has written to respondents to the statutory consultation to keep them informed in regards to the outcomes of the consultation and TfL's progress in submitting an application for Development Consent. Further details are in chapter 22 of the Consultation Report. TfL has also publicised</p>	<p>Press Releases in regards to TfL's intention to submit an application for Development Consent were issued on 4 and 15 February 2016. An email explaining TfL's intention to submit an application for Development Consent was sent to all respondents to the statutory consultation</p>

		its intentions to submit an application for Development Consent via press releases. These are also described in chapter 22.	(who had provided a valid email address) on 8 February 2016. Letters to landowners describing changes to the Scheme were sent between 12 – 21 April 2016.
<u>Paragraph 83</u>	The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.	This is included in chapter 1 of this Consultation Report.	
<u>Paragraph 84</u>	A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an	TfL has continued to meet with a range of stakeholders since the close of statutory consultation, including local authorities, landowners and other prescribed bodies. The purpose of these meetings has been to enable TfL to continue	

	individual basis.	to discuss the Scheme, including responses to the statutory consultation. These meetings are listed in Appendices B8, B8 and B11.	
<u>Paragraph 88</u>	It is important to stress that pre-application consultation is a statutory duty for applicants, and it should, as this guidance makes clear, be carried out to a certain standard. Issues about the adequacy of consultation should be considered prior to the Inspectorate (on behalf of the Secretary of State) accepting an application for examination. Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate. In all cases, the final decision as to whether pre-application consultation was adequately carried out rests	TfL has complied with all statutory requirements, Advice Notes and statutory guidance with respect to its pre-application consultation, as evidenced by this Consultation Report.	

	with the Secretary of State.		
<u>Paragraph 93</u>	<p>For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.</p>	<p>TfL confirmed in its Statement of Community Consultation that the Silvertown Tunnel scheme constitutes 'EIA Development' for the purposes of the EIA Regulations. TfL set out in the Statement of Community Consultation how it would be publicising and consulting on the Preliminary Environmental Information Report, as part of the statutory consultation undertaken between 5 October and 29 November 2015. Further information in respect of how the PEIR was publicised and consulted upon is included in chapters 6 and 9.</p>	<p>Statutory consultation was undertaken between 5 October and 29 November 2015.</p>

		<p>TfL considers that sufficient preliminary environmental information was provided as part of this process to enable consultees to develop an informed view of the project.</p>	
<p><u>Paragraph 96</u></p>	<p>It is the applicant's responsibility to consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulations Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an applicant to agree an evidence plan. The Planning Inspectorate can also comment on the applicant's draft report in advance of formal submission of the application if it is provided in good time. Further advice on Habitats Regulations Assessments for major infrastructure projects is available from the Inspectorate's Advice Note.</p>	<p>A Stage 1 HRA was appended to TfL's Preliminary Environmental Impact Report (PEIR). As part of its consultation undertaken pursuant to section 42 of the Act, TfL consulted Natural England and the Environment Agency. It also consulted the London Wildlife Trust. The consultation with statutory and non-statutory consultees on the Stage 1 HRA was undertaken between 5 October – 29 November 2015.</p>	<p>The consultation with statutory and non-statutory consultees on the Stage 1 HRA was undertaken between 5 October – 29 November 2015.</p>

		<p>Of relevance to the Habitats Regulation Assessment, TfL received responses to the statutory and non statutory consultation from Natural England and the Environment Agency. No consultation response was received from London Wildlife Trust. A table set out in Chapter 9 provides a summary of the responses from Natural England and the Environment Agency which related directly to the Stage 1 HRA.</p>	
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Reference to statutory provision relevant paragraph in guidance/advice note	Requirement	Action Taken
Advice Note 14 - Compiling the consultation report		
	An application must be accompanied by the applicant's consultation report prepared under	Chapters 5, 7 and 8 of this Consultation Report provides an account of the Statutory consultation

	<p>section 37 of the 2008 Act. That report should draw together:</p> <ul style="list-style-type: none"> a. an account of the statutory consultation, publicity, deadlines set, and community consultation activities undertaken by the applicant at the pre-application stage under s42, s47 and s48 b. A summary of the relevant responses to the separate strands of consultation; and c. The account taken of responses in developing the application from proposed to final form, as required by s49(2). 	<p>under sections 42, 47 and 48 of the Planning Act 2008.</p> <p>A summary of the responses to consultation and account taken of the responses received is included at Chapters 12 – 21.</p>
	<p>The primary purpose of the report is to capture and reflect upon all of the responses received from these three distinct pre-application consultee groups and explain how the developer has met its duty (s49 of the Act) in the preparation of the application to have regard to the views expressed. The consultation itself should be carried out in a way that allows the submission of a robust and detailed report at application stage.</p>	<p>Chapters 12 to 21 include a response from TfL in respect of consultees responses. The response explains how TfL has had regard to the comment raised and explained what changes, if appropriate, has been made to the Scheme. There is also a specific column which explains whether the consultee response has resulted in a change to the Scheme.</p>
	<p>The report can also capture non-statutory or 'informal' consultation that takes place outside</p>	<p>Chapter 3 details the non-statutory pre-application consultation that has taken place.</p>

	the requirements of the Planning Act 2008 so that the Secretary of State has a comprehensive picture of all the consultation activity relevant to a particular project.	
	Explain where DCLG guidance has not been followed in terms of the pre-application consultation.	TfL has complied with DCLG Guidance and relevant Advice Notes in the preparation of the consultation report.
	Provision of a quick reference guide, summarising the all the consultation activity in chronological order.	Table 2-1 in Chapter 2 of this Consultation Report provides a quick reference guide summarising all consultation undertaken (non-statutory and statutory) in chronological order that has taken place on the Scheme.
	Explanatory text should set the scene and provide an overview and narrative of the whole pre-application stage as it relates to the particular project.	Chapter 2 of this consultation report includes a summary of the overall approach to pre-application consultation
	Set out the wider historical context where national infrastructure projects have evolved over an extended period of time, perhaps with previous incarnations not coming to fruition for one reason or another. Give a brief description of any historic consultation activity including any information available about the scale and nature of the response at that time.	Chapters 2 and 3 of this consultation report includes a summary of the evolution of the Scheme from inception to the point of making an application for development consent.
	A full list of prescribed consultees should be	Appendix D1 of this consultation report lists the

	<p>provided as part of the Consultation Report. Explain where the prescribed consultees have been consulted on multiple occasions. Justify any instance where the applicant's list of prescribed consultees varies from the list of organisations set out in Schedule 1 of the APFP Regs 2009.</p>	<p>prescribed consultees that have been consulted. Where a particular consultee has been consulted multiple time this is also noted in the appendix.</p> <p>Variations between the applicant's list of prescribed consultees and Schedule 1 of the APFP Regulations is explained in Appendix D1.</p>
	<p>The list of organisations set out in schedule 1 of the APFP should be followed in terms of the order in which the consultees are presented.</p>	<p>Appendix D1, which lists the prescribed consultees is set out in the same order as Schedule 1 of the APFP Regulations.</p>
	<p>A short description of how s43 of the Act has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</p>	<p>The application of Section 43 of the Planning Act 2008 and A and B authorities contacted during statutory consultation is described in Chapter 5 of this consultation report.</p>
	<p>Section 44 parties to be identified as a distinct element of the wider section 42 consultation.</p>	<p>Section 44 parties were identified as persons with an interest in land. Appendix D2 provides a list of PILs consulted under section 42 of the Planning Act 2008.</p>
	<p>Where compulsory acquisition forms part of the draft DCO the consultees who are also included in the book of reference for compulsory acquisition purposes should be highlighted in</p>	<p>Appendix D1 has been annotated so that those prescribed consultees that also appear in the book of reference are highlighted blue.</p>

	the consolidated list of prescribed consultees.	
	Provide a summary of the rationale behind the SoCC methodology.	Chapter 6 of this Consultation Report provides a summary of the rationale behind the SoCC.
	Evidence should be submitted as part of the consultation report which shows which local authorities were consulted about the content of the draft SoCC; what the local authorities' comments were; confirmation that they were given 28 days to provide their comments and a description about how the applicant had regard to the local authorities' comments.	Chapter 6 of this Consultation Report details that the London Borough of Newham, London Borough of Tower Hamlets and London Borough of Greenwich (as host Boroughs) were consulted on the draft SoCC content. Chapter 6 includes additional information, including the time scales of the informal discussions, the first statutory consultation and the final statutory consultation. It also details how TfL took into account the consultees comments
	Copies of the published SoCC as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when.	It is no longer a requirement that the SoCC is published in full in the local press. A copy of the section 47 notice publicising where and when the SoCC can be inspected is included at Appendix E7. Chapter 6 confirms the local newspapers in which the section 47 notice was published and the corresponding dates.
	Explain/justify where there were any inconsistencies with the SoCC, for example where additional activities took place that were not included in the SoCC.	All of the activities specified in the SoCC were delivered. Table 7-1 in chapter 7 lists the commitments contained in the SoCC and an explanation as to how TfL met each of these. Section 7.6 in chapter 7 provides an explanation and rationale for additional activities TfL undertook

		in respect of consultation under s47 that were not specified in the SoCC.
	Set out the relevant local authorities' views about any changes made to the consultation methodology that were not dealt with by way of review of the SoCC	TfL did not receive comments from the local authorities about the additional activities undertaken to promote consultation with the local community.
	A copy of the s48 notice as it appeared in the local and national newspapers, together with a description of where the notice was published and confirmation of the time period given for responses should be included in the report. Applicants should also provide confirmation that the s48 notice was sent to the prescribed consultees at the same time as the notice was published. A description of the consultation material used and how the prescribed consultees were able to access it would also be useful.	<p>A copy of the Section 48 notice is included at Appendix G1. Chapter 8 of this consultation report explains where the notice was published and the timescales for consultation responses to be provided.</p> <p>Chapter 8 also confirms that a copy of the Section 48 notice was sent to the consultation bodies and all persons identified on the Regulation 9 list.</p> <p>The consultation materials are described in Chapter 4.</p>
	Indicate and identify separately in the report any consultation undertaken outside of the requirements of the Act.	The non- statutory consultation is explained in Chapter 3 of this Consultation Report.
	Include a description of the consultation	The consultation undertaken pursuant to the EIA

	<p>undertaken as part of the EIA regime as a separate part of the report.</p>	<p>regime is explained in Chapter 9 of the Consultation Report.</p>
	<p>If appropriate, group responses under headline issues. Where this approach has been adopted identify and explain this approach, including any safeguards and cross checking.</p>	<p>TfL has grouped the responses it received to the statutory consultation according to a series of descriptive codes, which have been further categorised according to ten 'Themes'. The analysis process is described in chapter 10.</p>
	<p>A list of the individual responses received should be provided and categorised in an appropriate way.</p>	<p>Appendix I1 includes a table which lists all of the issues raised in the statutory consultation and identifies which respondents raised each of these. Responses from individuals have been anonymised for Data Protection purposes.</p>
	<p>Advise that applicants group responses under three strands of consultation:</p> <ul style="list-style-type: none"> • section 42 prescribed consultees (including sections 43 and 44) • section 47 community consultees • section 48 responses to statutory publicity <p>Make a further distinction within those categories by sorting responses according to whether they contain comments which have led to changes to matters such as siting, route, design, form or scale of the scheme itself, or to mitigation or compensatory measures proposed,</p>	<p>Chapters 12 – 21 summarise the issues raised by respondents to the statutory consultation and identifies under which strand of consultation they were received.</p>

	or have led to no change.	
	A summary of responses by appropriate category together with a clear explanation of the reason why responses have led to no change should also be included, including where responses have been received after deadlines set by the applicant.	Chapters 12 – 21 summarise the issues raised by respondents to the statutory consultation and identifies whether TfL’s consideration of each issue had led to a change to the Scheme. Where TfL was not able to change the Scheme as requested by a respondent, this is also explained in these chapters.
	Where a resolution has not been reached in areas of disagreement a summary should be provided.	Chapters 12 – 21 summarise the issues raised by respondents to the statutory consultation and identifies whether TfL’s consideration of each issue had led to a change to the Scheme. Where TfL was not able to change the Scheme as requested by a respondent, this is also explained in these chapters.
	Ensure that the addresses and other contact information of private individuals are treated appropriately within the context of this statutory process e.g. ensure it has been fully redacted.	Each public respondent to the consultation was provided with a unique number reference for identification purposes. These references are used to ensure personal information is not published.

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Appendix A2 Direction Provided by Secretary of State

A2.1 Introduction

This appendix comprises a copy of the direction by the Secretary of State for Transport designating the Silvertown Tunnel Scheme as a nationally Significant Infrastructure Project



Department for
Transport

From the Secretary of State

Boris Johnson
Mayor of London
Greater London Authority
City Hall
The Queen's Walk
More London
London
SE1 2AA

Great Minster House
33 Horseferry Road
London SW1P 4DR

Web site: www.dft.gov.uk

Our Ref: MC/40145

26 JUN 2012

Dear Boris,

Thank you for your letter of 1 June 2012 setting out the case for designating the proposed Silvertown tunnel a Nationally Significant Infrastructure project.

Please find attached a signed Direction recording my decision to designate the proposed Silvertown tunnel and associated matters as a Nationally Significant Infrastructure Project. The reasons for the Direction are set out in the attached Annex.

Best Wishes,



JUSTINE GREENING

DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE SILVERTOWN TUNNEL DEVELOPMENT

By letter to the Secretary of State received on 1st June 2012, the Mayor of London formally requested that the Secretary of State exercise the power vested in the Secretary of State under section 35 of the Planning Act 2008 ("the Act") to direct that the proposed development set out in the Mayor of London's letter and known as the Silvertown Tunnel, as well as any associated matters, be treated as development for which development consent is required.

The Secretary of State is satisfied that:

- the development does not currently fall within the definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35; and
- the Mayor of London's request constitutes a "qualifying request" in accordance with section 35(10) of the Act.

The Secretary of State has made a decision within the primary deadline set out in section 35A(2) and wishes to convey that decision.

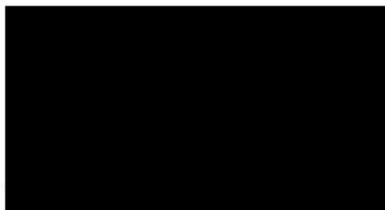
Having considered the details of the Silvertown Tunnel development set out in the request, the Secretary of State is of the view that this development by itself is nationally significant, for the reasons set out in the Annex below.

Accordingly, as the Secretary of State is satisfied that the proposed Silvertown Tunnel development is nationally significant, THE SECRETARY OF STATE DIRECTS that development, together with any matters associated with it, is to be treated as development for which development consent is required.

In addition, the Secretary of State further directs that any proposed application in relation to the Silvertown Tunnel development is to be treated as a proposed application for which development consent is required.

This direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to the Silvertown Tunnel development.

Signed by authority of the Secretary of State



Caroline Wood
Deputy Director: London & Olympics, Department for Transport
25 June 2012

ANNEX

REASONS FOR THE DECISION TO ISSUE THE DIRECTION

The Secretary of State is of the opinion that the Silvertown Tunnel is of national significance for the following reasons:

1. London as an engine for economic growth nationally

The connection between the productivity and effectiveness of London and the corresponding economic wellbeing of the country is well established. The fact that the proposed development is intended to have a significant impact on reducing both current and forecast congestion in London means it may have a corresponding impact on the country as a whole.

2. The projected growth of London

London is forecast to grow, a large proportion of which will be in the East of London. As such The London Plan has designated both Greenwich Peninsula and Royal Docks as Opportunity Areas. Consequently the amount of traffic is also forecast to increase significantly. Current infrastructure is likely to be unable to absorb this additional capacity leading to even greater congestion. Given the position of London as an economic driver nationally any decrease in efficiency in London's transport network may have a consequential detrimental impact nationally. The proposed development is in part intended to address that increased congestion.

3. Current congestion at the Blackwall Tunnel is having a direct impact on the strategic road network

The Blackwall Tunnel is currently suffering from severe congestion leading to delays for traffic entering and exiting the tunnel. Due to congestion traffic is diverting to other crossings which can have detrimental affects on both the Dartford Crossing and the M25, which are part of the Strategic Road Network. The proposed development is intended in part to alleviate the strain on the Blackwall Tunnel and therefore may remove the current impact on the strategic road network.

4. The size and nature of the Silvertown Tunnel and comparison to other NSIPS

The proposed development is of a substantial size, both in terms of engineering scope and financial commitment. It is consistent with a Nationally Significant Infrastructure Project (NSIP), in size and scale and indeed, in many cases may be considerably larger than many NSIPS. The reason it is not a NSIP is solely the identity of the local authority. The Infrastructure Planning Commission has already received applications relating to local highways which are nonetheless nationally significant. For example, the Heysham to M6 Link Scheme promoted by Lancashire County Council, which principally comprises the construction of a new dual carriageway road 4.8km in length which connects to the M6.