

## Silvertown Tunnel- London Borough of Lewisham- Adequacy of consultation representation

17<sup>th</sup> May 2016

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### **1. Introduction**

1.1 London Borough of Lewisham has been requested by the Planning Inspectorate to comment on the adequacy of consultation undertaken by Transport for London (TfL) in regard to TfL's application for a Development Consent Order to enable the construction and operation of the Silvertown Tunnel project.

1.2 This statement outlines the concerns of the London Borough of Lewisham in regard to the adequacy of consultation undertaken by TFL. We note that at this stage the Planning Inspectorate are not seeking views on the merits of the scheme and will simply consider the adequacy of consultation.

1.3 For the avoidance of doubt we highlight that the London Borough of Lewisham has serious concerns with the merits of the proposed scheme beyond consultation. If the application is accepted for examination by the Planning Inspectorate these concerns will be raised through further representations.

### **2. Duty to consult local authorities on Statement of Community Consultation (Section 47)**

2.1 In accordance with Section 47 (1) TfL prepared a Statement of Community Consultation (SoCC) setting out how it proposed to consult about the proposed application.

2.2 Section 47 (2) requires TfL to consult the local authorities identified in section 43 (1) on the content of the SoCC. Section 43 (1) defines a relevant local authority as:

*"A local authority is within this section if the land is in the authority's area."*

2.3 LB Lewisham was not consulted on the content of the SoCC by TfL. TfL appear to only have consulted the boroughs its Consultation Report refers to as the *"Host Boroughs."*

2.4 However the plan at section 3.2 of the SoCC shows the area TfL define as the *"local community"* for the purposes of section 47. The plan shows that TfL's interpretation of the *"local community"* for the purposes of Section 47 includes a substantial part of the Borough of Lewisham.

2.5 As TfL define a significant part of the London Borough of Lewisham as falling within the *"local community"* for the purposes of section 47 it conflicts with the overarching intention of section 47 for the Borough of Lewisham not to be consulted upon the SoCC which forms the basis of consultation undertaken within the Borough.

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2.6 Because TfL did not consult the Borough of Lewisham on the SoCC the Borough was unable to provide comment, therefore TfL was unable to take account of any comment.

### **3. Lewisham statement of community involvement**

3.1 We would have expected the consultation approach and SoCC to cross refer and make effective use of Boroughs' statements of community involvements (SCIs). Whilst we appreciate that this consultation is carried out by TfL rather than local boroughs, it is the boroughs who have the local knowledge and experience of engaging with local residents and groups. Extensive work has already been undertaken in preparing Lewisham's Statement of Community Involvement and TfL should have incorporated this into their SoCC and its methodology.

### **4. Roadshow events**

4.1 The SoCC sets out that TfL would hold a series of "Roadshow" events at venues in the boroughs of Greenwich, Newham and Tower Hamlets and included a list of consultation booklet collection points within the three boroughs. We question why there were no events (or collection points) held within the London Borough of Lewisham when the SoCC shows Lewisham as falling within the local community for the purposes of section 47.

4.2 TfL published information about the consultation within London-wide newspapers and papers crossing Greenwich and Lewisham but did not offer events within Lewisham. The proposed Silvertown Tunnel will have a significant impact on Lewisham's residents and businesses particularly as it will increase daily traffic congestion and is likely to result in a deterioration of air quality which will have a subsequent negative impact of the health of the borough's population. Consultation, including events, should thus have been targeted at Lewisham's residents and businesses as well as those within the London Boroughs of Greenwich, Newham and Tower Hamlets. This would have ensured that those affected by the proposed tunnel outside the "host boroughs" were provided with sufficient information to be able to participate in the consultation, with the potential to influence the project.

### **5. Modelling impacts to undertake effective consultation**

5.1 To undertake effective consultation it is necessary to first determine the probable impacts of a proposal as the impacts will guide the scope of the consultation. Determination of impacts is guided by modelling. Thus whether or not the modelling is fit for purpose is key in determining:

- *Whether the impacts have correctly been assessed;*
- *Whether the appropriate local community has been identified for the purposes of section 47.*

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5.2 As part of the consultation, the preliminary modelling results were available to LB Lewisham, and serious doubts were raised about the validity of the model and a series of clarification questions raised.

5.3 We understand that the “*host boroughs*” have had a close working relationship with TfL and independent consultants who had audited the modelling and its approach, enabling them to make an informed decision on the proposals and consultation adequacy. This audit was not available at the time and is still currently unavailable to the Borough of Lewisham. Therefore we consider that the Borough of Lewisham has been unable to consider the effects of the proposals accurately and therefore cannot determine whether the consultation has been guided by realistic estimate of the impacts.

## **6. Options consultation**

6.1 The statutory (Planning Act 2008) consultation undertaken by TfL as guided by the SoCC does not consider alternatives, in particular, it states at page 9:

- *“We will explain why we have concluded that the tunnel scheme is the right solution to the issues identified”*

6.2 Consultation is intended to be an iterative process where consultees have a realistic possibility of influencing the proposals. With consideration of alternatives having been concluded prior to the commencement of the statutory consultation (Planning Act 2008) consultation consultees are likely to be concerned as to the adequacy of the statutory consultation.

6.3 Undertaking iterative consultation which has a realistic possibility of influencing the scheme is very different from providing information on a preferred option. Providing information is often wrongly labelled as consultation. TfL having fixed this element of its proposals prior to commencing statutory consultation raises concerns as to the adequacy of the consultation and increases the likelihood of the Borough’s residents being confused as to the nature of the consultation undertaken.