

Planning Act 2008 (as amended) – Section 55.

Application by Transport for London (TfL) for an Order Granting Development Consent for the Silvertown Tunnel.

Adequacy of consultation request.

The Royal Borough of Greenwich has been invited to submit a representation, as a local authority consultee, stating whether the authority considers that TfL has complied, in relation to the application, with the following duties:

- Duty to consult – PAct 2008 section 42.
- Duty to consult the local community – PAct 2008 section 47.
- Duty to publicise –PAct 2008 – section 48.

This is the Council’s response to that invitation:

The Council is of the view that TfL’s Statement of Community Consultation (SoCC) was produced and published and the subsequent statutory consultation was undertaken in compliance with the requirements of Sections 42,47 and 48 of the Planning Act 2008 (as amended).

- Section 42 prescribes who should be consulted on the proposals.

The Council is satisfied that TfL has correctly identified the parties to be consulted and, to the best of our knowledge, has subsequently complied with their duty to consult those parties.

- Section 47 obliges developers to prepare a Statement of Community Consultation in consultation with relevant Local Authorities, publish that SoCC and then undertake statutory consultation in conformity with that statement.

On 30th January 2015, TfL contacted the Council (as one of the “host” Boroughs for the proposed Silvertown Tunnel, with a summary of the methodology TfL used in previous consultations, invited comments on that methodology and advised that comments would inform development of the draft SoCC for the statutory consultation on the proposed Silvertown Tunnel.

The Council is satisfied that the comments it provided informed the first draft SoCC which was the subject of further informal consultation with the Council (and the Boroughs of Newham and Tower Hamlets) in March 2015.

TfL undertook further consultation on the draft SoCC, with the Council (and the Boroughs of Newham and Tower Hamlets) from 17th July to 17th August 2015.

The Council responded to the draft SoCC within the consultation period. The following is a summary of the Council’s responses and TfL’ s response:

Royal Borough of Greenwich comment	TfL response
Agree that the Woolwich Centre, Woolwich SE18 should be a documents “deposit” point	Noted
Encourage TfL to ensure that all relevant background information was published during	Confirmed that TfL was preparing a suite of supporting technical reports for publication at the

consultation – especially traffic modelling/forecasting information	commencement of the consultation, covering all relevant disciplines.
Recommended that a road-show event should be held at a venue to the east of the A102/A2 with a generally high footfall	Agreed that a road-show event would be held at Charlton House Community Centre (east of the A102/A2) – publicised in the same way as other road-show events organised by TfL.
Suggested that TfL should rationalise “document creep” within supporting documents to avoid repetition.	Each document needs to be capable of being read and understood on its own. Whilst this will inevitably mean that certain content is repeated (ie a description of the scheme will be repeated in several reports for context) we are taking care during production of the reports to ensure this is rationalised and standardised text is used where possible.
Recommended that road-show events are staffed by team members who can answer technical queries in person rather than arrange for retrospective answers,	Each road-show event will be staffed by no fewer than 3 members of the Silvertown project team, covering a range of disciplines. It may be unrealistic to expect that every query could be resolved in this way and so it may be necessary to answer some specialist and/or detailed queries retrospectively. Where we are able to provide an answer in person we will ensure an answer is provided as soon as possible.
Recommended that the SoCC notice should be published in the “Greenwich Time” newspaper	Agreed
Suggested distributing consultation leaflets in Community Centres within the Royal Borough	Agreed

The Council is satisfied that TfL fully complied with its duty to consult with relevant authorities, and properly considered the responses of those authorities, in preparation of the SoCC.

The SoCC was published on line and made available in hard copy at deposit points agreed with the Council on 21st September 2015 with appropriate notices subsequently published in the local press (including the “Greenwich Time” newspaper).

The Council has no reason to doubt that TfL subsequently undertook statutory (Section 42) consultation (from 5th October to 29th November 2015) in a way that was in accordance with the SoCC and accordingly has complied with the duties set out in section 47 of the Planning Act 2008.

- Section 48 obliges developers to publicise its proposals by means of notices in local and national newspapers.

The Council has no reason to doubt that TfL published the required notices and that the content of those notices complied with the requirements set out in the regulations – and therefore that TfL complied with their duty to publicise as set out in section 48 of the Planning Act 2008.

Notwithstanding the above, the Council is of the view that, because a significant proportion of the information, particularly information relating to the predicted impact of the proposal, published by

TfL to support the statutory consultation was produced in preliminary format, the Council and others being consulted were precluded the from reaching a reasoned, balanced and definitive view of the merits (or otherwise) of the scheme.

Additionally, Section 49 of the Planning Act 2008 requires developers to have regard to all of the issues raised by respondents to the statutory consultation.

The Council is unable to provide a view as to whether TfL has complied with the requirements of section 49, with regard to the issues raised by the Council, at this time since insufficient documentation to allow that judgement to be made was made available to the Council until (13th May 2016) after the application had been submitted.

The Council recognises that there will be opportunity to reiterate those issues within the formal examination process, should The Planning Inspectorate decide whether to accept the application. The Council will utilise that opportunity.

This response dated 17th May 2016.