

# Lower Thames Crossing

## Consultation Report

### Appendix V Adequacy of Consultation Representations

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Prescribed Forms and Procedure)  
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# Lower Thames Crossing

## 5.1 Consultation Report

### Appendix V Adequacy of Consultation Representations

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## Appendix V AoCR comments and responses

### V.1 Introduction

- V.1.1 This appendix comprises all of the issues raised in the Adequacy of Consultation Representations (AoCRs) submitted by local authorities in response to the development consent application that was submitted by the Applicant in October 2020 but subsequently withdrawn. More information on the AoCRs is provided in Chapter 8 of the Consultation Report.
- V.1.2 Under section 55 of the Planning Act, local authorities may make representations to the Planning Inspectorate concerning the adequacy of Statutory Consultation carried out as part of an application for development consent, to which the Planning Inspectorate must have regard when deciding whether or not to accept that application. The purpose of the AoCRs is to provide local authorities with an opportunity to comment on whether an applicant has complied with sections 42, 47 and 48 of the Planning Act 2008.
- V.1.3 The duties set out in those sections of the Planning Act 2008 are as follows:
- a. Section 42 – duty to consult defined groups of consultees on a proposed application
  - b. Section 47 – duty to consult the local community, including the requirement to prepare a draft Statement of Community Consultation and provide affected local authorities with a formal opportunity to comment on it
  - c. Section 48 – duty to publicise the proposed application, according to guidance set out in relevant regulations.
- V.1.4 It is the duty of the Planning Inspectorate to request, receive and consider the AoCRs in relation to whether or not the statutory duties of the Applicant under sections 42, 47 and 48 of the Planning Act 2008 have been met.
- V.1.5 The Planning Inspectorate received representations between 27 October 2020 and 13 November 2020. A total of 22 local authorities submitted representations, of whom seven raised issues and concerns, and the remainder reported no issues or concerns.
- V.1.6 A summary of the issues raised by the seven local authorities by theme can be found in Chapter 8 along with the response provided by the Applicant.
- V.1.7 The table below provides a comprehensive breakdown of all the issues raised. The process of identifying each of the issues included a comprehensive review of each AoCR, drawing out each issue raised and responding accordingly. The issues were assigned an overarching theme, such as 'Information/Materials' so that related issues could be considered together and responded to accordingly. In some instances issues in AoCRs have been summarised rather than stated

in full, and text that does not describe an issue (for example, introductory text) has not been included in Table V.1.

**Table V.1 AoCR comments**

Row	Organisation	Theme	Issue	Response
1	Gravesham Borough Council	Information/ Materials	<p>Preliminary Environmental Information Report (PEIR) at Statutory Consultation was deficient, particularly in relation to the transport model and contrary to guidance given in the Environmental Impact Assessment (EIA) Scoping Opinion 6.</p> <p>*Potentially in breach of Regulation 14(3)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 in that the Environmental Statement must be based on the most recent Scoping Opinion adopted.</p> <p>*If assumptions built into this modelling are not appropriate the scheme will not meet its objectives and environmental assessments will be wrong.</p> <p>*Council not convinced that inputs into transport model are sufficiently robust or realistic worst-case scenario has been tested.</p>	<p>The PEIR published at Statutory Consultation provided sufficient environmental information to allow consultees to take an informed view of the Project at that point in time, and provide their consultation feedback. The Applicant followed the relevant regulations, paid attention to guidance notes and industry best practice and, where appropriate, involved relevant stakeholders in the development of the PEIR. The Applicant is therefore satisfied that its PEIR is fully compliant with the guidance provided in the EIA Scoping Opinion 6 and with Regulation 14(3)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The PEIR was structured to include the environmental topics around which the 2017 Scoping Report was structured, and the approach to the EIA was updated to reflect the Scoping Opinion. The response to the Scoping Opinion is set out line by line in Appendix 4.1 of the Environmental Statement (ES) (Application Documents 6.1, 6.2 and 6.3). The Applicant has also had further discussions with all relevant stakeholders to discuss and agree the scope of certain assessments, as the Scoping Opinion requested.</p> <p>The information presented in the PEIR included a detailed description of the policy</p>

Row	Organisation	Theme	Issue	Response
				<p>and legislative requirements for the Project, and set out how the Project would respond to areas of concern in the ES.</p> <p>The Applicant’s traffic modelling has been carried out according to the latest Department for Transport guidance<sup>1</sup> and is as reliable and accurate as possible within the limits of the discipline. The detailed modelling reports were provided to the relevant authorities along with the rest of the withdrawn Development Consent Order (DCO) application, providing the opportunity to review and feedback on the modelling process. These documents have been updated for this submission. For more information about how the Applicant has carried out traffic modelling following industry best practice, see the Combined Modelling and Appraisal Report (Application Document 7.7), including Appendices A, B and C. A summary of the methodology is included in the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p> <p>For the Supplementary Consultation, the Applicant published a 140-page Environmental Impacts Update (EIU) document setting out how the Project changes being proposed as part of that consultation affected the preliminary environmental information that was presented in the 2018 PEIR.</p>

1 Transport Analysis Guidance: [www.gov.uk/guidance/transport-analysis-guidance-tag](http://www.gov.uk/guidance/transport-analysis-guidance-tag)

Row	Organisation	Theme	Issue	Response
				<p>An equivalent EIU was produced for the Design Refinement Consultation. In each case the EIU set out the expected effects of each proposal and details of the Applicant's proposed mitigation measures. The EIUs provided comprehensive explanations of how refinements to the proposals impacted on the preliminary assessments reported in the PEIR.</p> <p>In preparing for the Community Impacts Consultation, and having considered feedback provided through the AoCRs, the Applicant set out in significant detail the environmental impacts of both the construction and operation of the updated Project proposals. This information, which was informed by the information originally set out in the 2018 PEIR as well as the two EIUs referred to above, was provided in different formats and at different levels of detail to suit all readers. This included a set of Ward impact summaries in which construction and operational impacts were described and depicted at a local level, with one summary for each local authority electoral ward that is directly affected by the Project, as well as two wards immediately north and south of the Dartford Crossing.</p> <p>The information provided for the Community Impacts Consultation also included (in the Construction update document) a comprehensive construction programme for the Project, with extensive detail around</p>



Row	Organisation	Theme	Issue	Response
				<p>construction phasing and associated traffic management measures. This built upon information previously developed and consulted upon, but, was also informed by the concern expressed by Gravesham Borough Council that more could be done to demonstrate the robustness of data inputs underpinning the Applicant’s transport model. The Applicant is satisfied that the transport model is robust and appropriate, in terms of the logic and information that underpins it as well as the outcomes it predicts.</p> <p>Further assessments and the development of proposals to reduce environmental effects are reported in the ES, which is also informed by the Project’s consideration of consultation responses, and further survey and design work.</p> <p>Considerable care was taken to ensure the consultation materials were clear and understandable, provided an appropriate level of detail, and were suitable for both technical and non-technical audiences. The Guide to Design Refinement Consultation set out the proposals for that consultation. It included maps, photographs, timelines, infographics, visualisations, illustrations and tables intended to make the proposals easy to understand by non-technical readers and those with limited time to consider the proposals.</p> <p>In line with accessibility guidelines and the wishes of local authorities, the Applicant also</p>

Row	Organisation	Theme	Issue	Response
				produced an ‘easy read’ version of the Guide to Design Refinement Consultation, which was designed for people with learning difficulties.
2	Gravesham Borough Council	Information/ Materials	Notwithstanding the above, the content of the PEIR at Statutory Consultation was severely deficient in some areas and did not allow a proper informed consideration of the proposals; their potential impact or the relative performance of reasonable alternatives. This was not rectified at either the Supplementary or Design Refinement Consultation stages in the Environmental Updates, referred to above, which rested on the PEIR as their basis and only considered the potential impacts of the proposed changes. While it would clearly be unreasonable to expect the PEIR to provide the same level of detail and analysis as the final Environmental Statement, it was clearly unsatisfactory in terms of the requirements of Regulation 12 of the 2017 Regulations.	Row 1 above sets out the Applicant’s comments on the suitability of the PEIR. In addition to the information provided in row 1, the PEIR included a chapter (Chapter 3 Alternatives) in which the Applicant provided a summary of the extensive process that had been followed, including multiple phases of consultation, to identify, assess and shortlist a set of alternative proposals to address the capacity issues at the Dartford Crossing. The chapter explained that this process allowed each shortlisted option to be understood in terms of its performance against different criteria and that detailed information was produced for the 2016 Non-Statutory Consultation through which the public and stakeholders were invited to give their feedback. This process enabled the Secretary of State for Transport to select a preferred route for the Project in 2017, and although there were further assessments to validate the performance of that route, it remained the preferred option that the 2018 PEIR was based upon. This process was reported in the Approach to Design, Construction and Operation (Highways England, 2018), included within the Statutory Consultation.

Row	Organisation	Theme	Issue	Response
				<p>An EIU was published as part of the Supplementary Consultation, as described in row 1. Further details can be found in Chapter 6 of this report.</p> <p>For the Design Refinement Consultation, the Applicant published a 208-page EIU setting out how the proposals affected the environmental assessments provided in the PEIR. The EIUs set out the expected effects of each proposal and details of the Applicant’s proposed mitigation measures. The EIUs provided a comprehensive explanation of how refinements to the proposals impacted on the preliminary assessments reported in the PEIR.</p> <p>Following the withdrawal of the original DCO application by the Applicant in November 2020, further consultation, technical engagement and scheme development has been carried out.</p> <p>This included the eight-week Community Impacts Consultation that took place from 14 July 2021 until 8 September 2021. The consultation provided respondents with extensive updates on the proposals, including localised and scheme-wide information on the environmental impacts (and associated mitigation) of the construction and operation of the Project.</p> <p>Further assessments and the development of proposals to reduce environmental effects are reported in the ES, which is also informed by the Project’s consideration of consultation</p>

Row	Organisation	Theme	Issue	Response
				responses, and further survey and design work.
3	Gravesham Borough Council	Information/ Materials	Gravesham Borough Council is content that the relevant bodies have been consulted and had the opportunity to make representations at the various stages. The council is aware that there have been some issues the with serving of notices on those with an interest in land.	Chapter 5 and Appendix J of this report details how the Applicant ensured compliance with S42(1)(d) of the Planning Act 2008 by providing statutory notifications to persons with an interest in land, and, taking appropriate remedial actions to contact parties whose original notices could not be delivered.
4	Gravesham Borough Council	Timing/Duration	<p>Section 47: Duty to Consult the local community</p> <p>The Statement of Community Consultation (SoCC) has been followed as to process and the borough council's comments were taken into account in preparing that document, and in what followed. The borough council does have concern that the COVID-19 pandemic should have allowed additional time for consultees to respond, both for the Supplementary Consultation but especially to the Design Refinement Consultation.</p>	<p>The decision to complete the Supplementary Consultation and to carry out an additional consultation – the Design Refinement Consultation – at the same time as Government measures to restrict the spread of the COVID-19 pandemic was not taken lightly. The Applicant's overriding priority was to protect the health and safety of everyone potentially affected by or interested in the Project proposals, including local residents, stakeholder organisations and staff. The arrangements that were put in place for both consultations ensured that this priority was achieved, while also providing all consultees with convenient and effective ways of engaging with the proposals.</p> <p>Government measures to tackle the pandemic were first announced on 16 March 2020, with lockdown measures legally coming into force on 25 March 2020. Launched on 29 January 2020, most of the eight-week Supplementary Consultation</p>

Row	Organisation	Theme	Issue	Response
				<p>proceeded as planned through February and March 2020 before COVID-19 measures came into effect. At that time, a decision was taken to extend the consultation period by eight days, closing on 2 April 2020 rather than 25 March 2020. This extension was considered appropriate, given the proportion of the consultation that had already been completed, the scope of the consultation material, and other factors. It was also not known at that time how long the COVID-19 restrictions would last for.</p> <p>Thirteen out of 17 planned consultation events had been successfully delivered before the introduction of COVID-19 restrictions prevented the final four from being held.</p> <p>As an alternative to face-to-face events, while restrictions on social gatherings were in place, the Applicant offered two telephone consultation events for those who had not yet had a chance to attend an event. During these events, anyone could phone the Applicant’s helpline and speak to a member of the Project team. The events were publicised on the consultation website and via social media.</p> <p>The Applicant used insights gained from the Supplementary Consultation to develop a robust and accessible ‘digital-first’ approach for the Design Refinement Consultation, which ran for four weeks from 14 July 2020.</p>

Row	Organisation	Theme	Issue	Response
				<p>A consultation period of four weeks was considered appropriate for the Design Refinement Consultation, based on an assessment of the scale and complexity of the consultation proposals and the anticipated public interest. The consultation materials were more contained in scope than those presented at Statutory Consultation, Supplementary Consultation, and the subsequent Community Impacts Consultation.</p> <p>Digital resources were used extensively, as well as non-digital channels. Measures were put in place to ensure the consultation was as accessible as possible, and that there were meaningful opportunities to engage and respond.</p> <p>The Applicant provided a telephone service, through which consultees could speak to a member of the Project staff if they had any questions about the proposals or the consultation, or if they wished to submit a response. Sixty-eight calls were received during the consultation period.</p> <p>Four public webinars were carried out, during which consultees could learn more about the key proposals and ask questions during moderated question-and-answer sessions with Project staff. In total, 79 people registered to attend the webinars and 57 questions were answered during the question-and-answer sections.</p>

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				<p>The consultation was well advertised in local newspapers and on Facebook. Leaflets were sent out two weeks before the consultation launch to 135,000 properties approximately 2km either side of the project area. It was also possible for consultees to request the delivery of a free consultation pack, including a Freepost envelope for response forms.</p> <p>For the Design Refinement Consultation, the Applicant provided an enhanced online offering including an ‘online exhibition’. This section of the website included an interactive map where people could search by address or postcode to see the Project proposals in their area, videos which covered the proposals across the Project, and summary information from the consultation print materials, which included ‘before and after’ images of the proposals.</p> <p>The number of responses submitted to both consultations carried out in 2020, and the depth of information they contain, indicate that public awareness of the exercises and their ability to meaningfully engage with the material was significant. The Applicant acknowledges and appreciates the contribution that consultees made to the proposals during difficult and unusual circumstances.</p> <p>Chapters 6 and 7 of the Consultation Report describe the delivery of the Supplementary Consultation and Design Refinement Consultation in further detail.</p>

Row	Organisation	Theme	Issue	Response
				Chapter 8 describes the Community Impacts Consultation.
5	Gravesham Borough Council	Information/ Materials	Section 48: Duty to publicise Gravesham Borough Council is content that the consultations have been publicised in an appropriate manner, although it does have concerns over the length of time given for the online only Design Refinement Consultation.	Row 4 above sets out the Applicant's comments on the duration of the Design Refinement Consultation. Chapter 7 of this report describes the delivery of the Design Refinement Consultation
6	Gravesham Borough Council	Information/ Materials	The borough council has major concerns over the content of consultation and whether consultees had sufficient information to allow them to take an informed view as required by Regulation 12. In particular: (i) The Preliminary Environmental Impact Report did not contain sufficient information to allow consultees to understand the impacts of the scheme ii) Environmental Updates during the two years of consultation have not contained substantive amounts of additional information (iii) In particular, the transport modelling assumptions for the purposes of the Environmental Assessment do not cover a reasonable worst-case scenario, which feeds through to many of the	Row 1 above provides the Applicant's response to the suitability of the PEIR and the Applicant's transport modelling. In addition to the information provided in row 1, (and addressing point (iv) in Gravesham Borough Council's comment in this row), the core documents produced for the Supplementary Consultation and the Design Refinement Consultation each explained that the proposals being consulted on as part of the latest phase of consultation were informed by consideration of responses to the preceding round. Each document also provided summaries of the respective consultation's proposals and drew attention to some of the factors that informed their development, including feedback provided by consultees. Having considered the concerns raised by Gravesham Borough Council and other authorities, the Applicant chose to produce as part of its Community Impacts



Row	Organisation	Theme	Issue	Response
			<p>impacts in the rest of the document and do not follow the clear guidance of the Scoping Opinion 2017</p> <p>(iv) Insufficient feedback has been provided to consultees over the last two years as to how their comments have influenced the development of the scheme</p> <p>(v) There is a justifiable expectation that the consultation information is that which 'is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development'. In the council's opinion this has not been achieved.</p>	<p>Consultation a 'You said, we did' document. This built on the information provided in earlier consultations and on the material produced for the version of the Consultation Report that was produced in 2020 but not published. It provided significant detail on how the issues and themes raised in responses to three phases of consultation had been considered and, where appropriate, acted on. An equivalent document was produced for the Local Refinement Consultation, explaining how feedback from the Community Impacts Consultation had informed the development of proposals for the Local Refinement Consultation. Chapter 9 of this report describes the preparation and delivery of the Local Refinement Consultation.</p>
7	Gravesham Borough Council	Information/ Materials	<p>Although the applicant has held numerous meetings with the borough council, and other parties, these have frequently been presentations of the latest position, not discussions about options or feedback.</p> <p>The requirement to enter into a non-disclosure agreement with the applicant before information would be released or detail of the scheme discussed has also proved to be an impediment within the planning process. This has only served to delay progress and the ability to</p>	<p>The Applicant has engaged extensively with local authorities and other key stakeholders including Gravesham Borough Council throughout the pre-application period. Information has been provided to local authorities during periods of formal public consultation and as part of an ongoing process of sharing information about the Project. Detailed technical information has been provided on topics such as Project design, environmental impacts and mitigation, and traffic modelling. This technical engagement has involved providing detailed technical information, regular meetings, seminars and workshops with</p>

Row	Organisation	Theme	Issue	Response
			<p>come to agreement on areas of common ground.</p>	<p>project specialists, and feedback from the Applicant on comments provided by the local authority. Where possible, stakeholders have been able to inspect and comment on different options for specific proposed measures. This process is ongoing and offers consistent opportunities for local authorities to comment on the scheme as it progresses through its design and development.</p> <p>Feedback provided by local authorities through AoCRs on the nature of the Applicant’s engagement with stakeholder bodies is welcome and has been actively considered. Efforts have been made in the period following the withdrawal of the first application for development consent to engage on the widest possible range of topics and to do so always at a formative stage in the development of a specific proposal. The Statements of Common Ground (Application Document 5.4) set out further information on the nature and outcomes of discussions with specified stakeholders. The Statement of Engagement (Application Document 5.2) provides an overview of engagement between the Applicant and all stakeholder groups.</p> <p>The Applicant acknowledges comments concerning non-disclosure agreements and the frustrations experienced by some local authorities as a result. Nevertheless, non-disclosure agreements are relatively common features of technical engagement between</p>

Row	Organisation	Theme	Issue	Response
				<p>bodies such as the Applicant and its stakeholders, and have the benefit of enabling engagement on topics that are necessarily sensitive and might otherwise not be shared.</p>
8	Gravesham Borough Council		<p>Consultation has not delivered on what was set out in the SoCC. Council opinion is that the requirement of section 47(7) of the 2008 Act has not been met.</p>	<p>The Applicant ensured that the measures set out in its published SoCC were put into practice during the Statutory Consultation in 2018. Evidence of this is provided in Appendix G of the Consultation Report, which includes a copy of the published SoCC and a compliance checklist.</p> <p>Numerous suggestions were made by local authorities in response to a draft SoCC that was the subject of a formal consultation period in advance of the launch of Statutory Consultation. The Applicant had regard to each suggestion and made changes to the SoCC whenever this was considered to be appropriate. Appendix F of the Consultation Report provides a record of all feedback received in response to the draft SoCC and the Applicant’s response to each point made by local authorities, including explanations of why changes to the SoCC were not made.</p> <p>Although there is no statutory duty to complete an equivalent exercise for subsequent rounds of consultation carried out on a non-statutory basis, the Applicant chose to do so in order to maximise opportunities for local authorities to be involved in key decisions on the Project and to ensure the best possible consultation</p>

Row	Organisation	Theme	Issue	Response
				experience for affected communities. This process is described in chapters 6-9 of the Consultation Report, including information on the issues raised by local authorities and how they were addressed.
9	Gravesham Borough Council	Information/ Materials	<p>*Meetings held did not provide sufficient opportunity for council to provide feedback on proposals.</p> <p>*Lack of opportunity for exchange of views and ideas.</p> <p>The council did not receive any comments from the Applicant to explain what had been done in response to the 254 comments made regarding the SOCG.</p>	<p>See Row 7 above for the Applicant’s response regarding technical engagement and feedback.</p> <p>In addition to the information provided in row 7, the Applicant has used the period following the withdrawn application for development consent to carry out additional work on its SoCGs. This process has involved close interaction with the organisations to whom SoCGs apply, including Gravesham Borough Council.</p> <p>In the period from February 2022 to submission, the Applicant has categorised issues in terms of their importance to respective SoCGs, and shared (on a fortnightly basis) clarifications and responses to these issues, in the lead-up to the development of a SoCG for submission.</p> <p>The Applicant is grateful for the input those organisations have made to the SoCGs, which form part of the application (Application Document 5.4).</p>
10	Gravesham Borough Council	Information/ Materials	There are major areas of concern with the construction process in Gravesham since the scale of the Project means that this is potentially going on for six or seven years. At no	The Applicant maintains the view that information on the plans for construction of the Project that was provided for comment as part of the Statutory Consultation and subsequent non-statutory Supplementary

Row	Organisation	Theme	Issue	Response
			<p>point has an outline construction programme (fully accepting the uncertainties in such a timeline in the absence of a Contractor) has been produced to understand how the various operations (e.g., tunnel approach cutting or major construction work along the A2) interact. Scoping Opinion paragraph 25 item 3 addresses this issue, which may be covered in the unseen Environmental Statement, but certainly has not in the consultation process. The draft environmental assessment chapters did not include the appendices, which precluded meaningful analysis.</p>	<p>and Design Refinement Consultations was appropriate and in line with relevant guidance and expectations for infrastructure projects at that phase of their development. However, in response to feedback provided by local authorities through the AoCR process and out of a desire to consult as openly and comprehensively as possible, the Applicant chose to include in its Community Impacts Consultation a range of materials providing even greater detail on the proposed construction plans for the Project. This included a comprehensive construction programme for the Project, with extensive detail around construction phasing across all sections of the proposed route. It also included (as part of the Ward impact summaries) information on construction impacts and mitigations, set out at a more locally specific level than had been provided previously. Further, the consultation provided draft versions of numerous control documents such as the Code of Construction Practice (CoCP) and the Register of Environmental Actions and Commitments (REAC), thereby enabling technical stakeholders with additional opportunities to influence their development. These actions were taken in response to the AoCR feedback and were further refined through ongoing engagement with host authorities. An EIA has been carried out and submitted with the DCO application. The EIA is documented in the Environmental Statement</p>

Row	Organisation	Theme	Issue	Response
				<p>(Application Documents 6.1, 6.2 and 6.3), and presents the impacts of construction and operation of the Project on the environment, including impacts on woodland and trees. ES Chapter 13: Population and Human Health (Application document 6.1), describes how local communities could be affected by the Project and explains the ways in which these impacts would be reduced.</p> <p>Additional information about how the Project is expected to impact local communities and the steps the Applicant would take to mitigate those impacts can be found in the Community Impact Report (Application Document 7.16).</p> <p>A Health and Equalities Impact Assessment (Application Document 7.10) has also been carried out and is presented as part of the application.</p> <p>A Traffic Modelling Update was also published during Supplementary Consultation, which presented the updated traffic modelling, based on the revised proposals. This update included the latest traffic forecasts for the area most affected by the Project and provided comparisons with the forecasts presented during Statutory Consultation. For more information about the Applicant’s traffic modelling, see the Transport Forecasting Package (Application Document 7.7, Combined Modelling and Appraisal Report, Appendix C) and the Traffic</p>

Row	Organisation	Theme	Issue	Response
				Forecasts Non-Technical Summary (Application Document 7.8).
11	Gravesham Borough Council	Information/ Materials	No response was given on CoCP comments, instead a revised version was issued in August but no track changes and no attempt to give information on the changes/comments that had or had not been taken into account.	<p>The Applicant sought feedback on a draft CoCP from host local authorities and other relevant stakeholders in advance of the submission of its subsequently withdrawn application for development consent. This formed part of ongoing engagement with those bodies rather than a formal consultation process.</p> <p>The Applicant considered all stakeholder feedback in relation to the CoCP and issued a revised version in August 2020. The Statement of Engagement (Application document 5.2) provides further detail on how the Applicant has engaged with stakeholder organisations on matters such as the development of a CoCP.</p> <p>Noting the feedback provided in AoCRs and ongoing engagement with the relevant local authorities, the Applicant chose to include in its Community Impacts Consultation draft versions of many of the documents that would eventually manage environmental impacts through the construction and operation of the Project. These included a draft of the CoCP.</p> <p>As set out in the Statement of Engagement, local authorities raised a number of comments on the CoCP following submission, and then on the revised draft shared at Community Impacts Consultation. These comments were reviewed, categorised</p>

Row	Organisation	Theme	Issue	Response
				<p>and responded to between February and October 2022, providing clarification, details of actions undertaken, and justification of the Applicant’s position, and where appropriate, acknowledging feedback from local authorities and updating the CoCP for DCO submission.</p> <p>Further details on the delivery of the Community Impacts Consultation can be found in Chapter 8, and the Applicant’s regard to issues raised in response to that consultation is set out in Chapter 14.</p>
12	Gravesham Borough Council	Timing/Duration	<p>The COVID-19 pandemic could not have been foreseen when the arrangements for the Supplementary Consultation were set out. It emerged as an issue during the course of the consultation and assumed critical significance in early March 2020. On 16 March 2020, Highways England announced that the remaining four public events were cancelled (one of which was a mobile information centre in Shorne, the rest north of the river). On 19 March 2020, there was the announcement of an extra week being added to the consultation period, extending it from 25 March to 2 April 2020. This predates the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment)</p>	<p>See row 4 for the Applicant’s response to consulting during the COVID-19 pandemic.</p>



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			<p>Regulations 2020 which came into force on 22 July, which provide an up-to-date model in these circumstances.</p> <p>Lockdown was announced on 23 March with little prior warning and this included advice that the clinically extremely vulnerable should stay at home for at least 12 weeks. Schools were shut and parents were asked to work from home if possible and home school their children. The priority at this point for Gravesham Borough Council had to be the needs of the local population. Panic buying meant that supermarkets often had empty shelves and so sourcing food for the most vulnerable in our community, such as baby milk, while trying to keep as many services going as possible was the council's focus. It was also the focus for our residents and businesses.</p>	
13	Gravesham Borough Council	Timing/Duration	<p>Lack of response (in the Design Refinement Consultation) to the Supplementary Consultation – did it mean tacit acceptance of the scheme, or did it show that consultation was not a priority with other challenges that potential respondents faced?</p> <p>The council appreciated that the circumstances are unusual and that</p>	<p>See row 4 for the Applicant's response to consulting during the COVID-19 pandemic. Row 6 sets out how the Applicant used consultation materials to describe the way in which feedback from preceding rounds of consultation had informed the development of Project proposals. It also explains that this approach was enhanced in line with concerns raised through AoCRs, including the production of a comprehensive 'You said, we</p>

Row	Organisation	Theme	Issue	Response
			<p>doing consultation online exclusively will involve a learning curve for all:</p> <ul style="list-style-type: none"> <li>• The impact of COVID-19 will be of more significance to many residents than the consultation.</li> <li>• In the circumstances, including school holidays, six weeks would be a more appropriate time span.</li> <li>• It is not clear why this additional consultation needs to take place now.</li> <li>• There has been no considered feedback from previous consultations.</li> <li>• Those who have no internet access or rely on a mobile phone for such access are disadvantaged.</li> <li>• It is not clear how the document relates to the Government's consultation principles.</li> </ul>	<p>did' document for the Community Impacts Consultation that covered the three preceding rounds of consultation, and an equivalent document produced for the Local Refinement Consultation.</p>
14	Gravesham Borough Council	Information/ Materials	<p>No visibility of the transport report submitted with the DCO even though local authorities were promised sight before submission. WebTag approach is not sufficient to address the requirements for a reasonable worst-case under Environment Agency (EA) regulations. Without this analysis it is not possible for local authorities or residents to form a</p>	<p>The Statement of Engagement (Application Document 5.2) describes the Applicant's engagement with local authorities on matters including the development of materials addressing transport modelling in support of its application for development consent. The Applicant's traffic modelling has been carried out according to the latest</p>

Row	Organisation	Theme	Issue	Response
			<p>proper view of the potential impacts of scheme.</p>	<p>Department for Transport guidance<sup>2</sup> and is as reliable and accurate as possible within the limits of the discipline. The detailed modelling reports were provided to the relevant authorities along with the rest of the withdrawn DCO application, providing the opportunity to review and feedback on the modelling process. These documents have been updated for this submission. For more information about how the Applicant has carried out traffic modelling following industry best practice, see the Combined Modelling and Appraisal Report (Application Document 7.7, Appendices A, B and C). A summary of the methodology is included in the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p> <p>Noting the concerns expressed by Gravesham Borough Council and other authorities on the ability of consultees to respond to the potential impacts of the Project, the Applicant prepared for the Community Impacts Consultation by producing, among other documents, the Ward impact summaries. These summaries described the localised effects of both construction and operation of the Project, including any traffic impacts and proposed mitigations. The Ward impact summaries complemented other documents produced for the consultation, including the Construction update, Operations update, and draft control</p>

<sup>2</sup> Transport Analysis Guidance: [www.gov.uk/guidance/transport-analysis-guidance-tag](http://www.gov.uk/guidance/transport-analysis-guidance-tag)

Row	Organisation	Theme	Issue	Response
				documents such as the outline Traffic Management Plan for Construction in which traffic impacts were set out in further detail.
15	Gravesham Borough Council	Information/ Materials	<p><b>Feedback on the consultation responses</b></p> <p>Neither the Supplementary nor Design Refinement Consultations contained substantive feedback on the results of the previous consultations.</p> <p>The non-statutory consultations have because of their content contained a 'response' to comments made in that the proposals have changed, for example, moving of the tunnel portal further south and the re-arrangement of the connections eastbound from the Marling Cross slips.</p> <p>It will be noted that when Gravesham responded on the proposed approach to the Supplementary Consultation it pointed out that the general public would expect responses on issues raised at the previous consultation.</p>	Row 6 sets out how the Applicant produced and consulted on a document – the 'You said, we did' document – that describes the way in which feedback from preceding rounds of consultation had informed the development of Project proposals. The decision to produce such a document was taken after the Applicant had reviewed comments made on that subject in the AoCRs.
16	Gravesham Borough Council	Information/ Materials	<p>Confirm that 'As part of the Development Consent Order application, the Applicant has had to demonstrate that relevant legislative and policy requirements in relation to climate change impacts are met. Although constructing and operating</p>	The Applicant has assessed the carbon emissions associated with both the construction and operation of the Project. The assessed carbon emissions have been compared to the carbon budgets set by the Government that are relevant to the periods in which the activities are taking place. This

Row	Organisation	Theme	Issue	Response
			<p>the Project would result in the creation of additional carbon emissions, the Applicant has taken steps to reduce these.’</p> <p>It is not clear how this has been done and whether it has sufficient granularity to meet the council's policy. It is noted that two current judicial review cases touch directly on this area, namely those concerning Heathrow and road investment strategy (RIS2). The results of these may have significant implications for this application.</p>	<p>assessment was undertaken prior to the Statutory Consultation in 2018, for the DCO application submission in October 2020, and again for the Community Impacts Consultation held in 2021. The assessment found that the carbon emissions associated with the Project would not have a material impact on the Government's ability to meet its carbon reduction targets.</p> <p>Earlier in 2022, the Project was designated a 'pathfinder' Project, meaning the Applicant would explore carbon neutral construction as part of the Applicant's efforts to make the new crossing the greenest road ever built in the UK.</p>
17	Gravesham Borough Council	Information / Materials	Gravesham Borough Council is of the opinion that the adequacy of consultation test has not been passed and therefore that the Planning Inspectorate should not accept the application.	<p>Consultation in advance of the subsequently withdrawn DCO application was planned and carried out based on all relevant guidance and legislation, and with the objective of providing the best possible opportunities for all interested parties to participate. The same principles have been applied to consultation undertaken since that date and to the compilation of the Consultation Report. Feedback provided by local authorities and other stakeholders has also been carefully considered, with changes made to the Applicant's approach wherever these were considered to be beneficial to those taking part in consultation. The Applicant is therefore of the opinion that the adequacy of consultation test has been met.</p>

Row	Organisation	Theme	Issue	Response
18	London Borough of Havering	Information/ Materials	<p>Obligations under s47(7) which sets out that the Applicant must carry out consultation in accordance with the proposals set out in the document. The SoCC sets out the methodology for carrying out consultation with the public. The council is of the view that it was not possible for the scheme promoter to deliver the consultations in line with the SOCC while restrictions were in place because of COVID-19.</p>	<p>Row 4 sets out the Applicant’s response to consulting during the COVID-19 pandemic. In addition to the information provided in row 4, and in response to the authority’s comment on fulfilment of the SoCC, the Applicant notes that the Supplementary Consultation was undertaken on a non-statutory basis and so the obligations under s47(7) of the Planning Act 2008 do not apply. This is also the case with all subsequent phases of pre-application consultation. However, as stated in row 8 above, the Applicant chose to carry out an equivalent to the formal SoCC process for each phase of non-statutory consultation and sought to ensure that it acted in good faith to fulfil all agreed commitments. In the case of consultations being undertaken during COVID-19 restrictions, which were being introduced and updated irregularly and without prior warning, it was not possible for the Applicant to carry out all of the actions listed in its non-statutory SoCCs. As described in row 4, the Applicant acted promptly to put in place additional or complementary measures – including enhanced digital and telephone services – to ensure that consultations being carried out at that time were fully accessible to the broadest spectrum of consultees.</p>
19	London Borough of Havering	Timing/Duration	<p>The Supplementary Consultation took place when the COVID-19 restrictions were being introduced.</p>	<p>Row 4 sets out the Applicant’s response to consulting during the COVID-19 pandemic.</p>

Row	Organisation	Theme	Issue	Response
			<p>While it is recognised that there were some Public Information Events (PIEs) across locations in Havering, the council is of the view that residents would have been reluctant to attend these because of being in close proximity to other people at these events, particularly once March had started, and some residents may also have already been self-isolating during the consultation period and therefore not able to attend any of the events.</p>	
20	London Borough of Havering	Audience/ Consultee	<p>While it is noted that there was opportunity to review consultation material online, not all households have access or reliable access to the internet, and household devices are often shared which limits the ability to respond to a consultation.</p> <p>In particular, the libraries in Havering closed on 20 March 2020 and therefore it was not possible for local residents without access to the internet to examine the consultation documents.</p>	<p>Row 4 sets out the Applicant’s response to consulting during the COVID-19 pandemic. In addition to the information provided in row 4, the Applicant notes that the Guide to Supplementary Consultation and response form were available to take away from consultation events, deposit locations and information points, as well as from mobile information centre events. Consultees could also request printed copies of the Guide to Supplementary Consultation and response form free of charge by telephone or at the in-person events. They could also request a complete set of printed consultation materials at a cost of £110, including postage and packing, though the Guide was prepared in such a way that consultees could provide an informed response based only on that document. In addition, consultees could request USB memory sticks containing</p>

Row	Organisation	Theme	Issue	Response
				<p>electronic copies of consultation materials free of charge. There were, therefore, numerous ways in which those without access to the internet could view the consultation materials and provide feedback on the proposals.</p> <p>As an alternative to face-to-face events, and to replace the events that were cancelled in light of newly introduced restrictions on social gathering, the Applicant offered two telephone consultation events. During these events, anyone could phone the Project helpline and speak to a member of the Project team.</p> <p>If a consultee’s question could not be answered on the phone immediately, a time was arranged when a Project specialist would call back to discuss the concern. The first telephone event was held on Monday 23 March 2020 from 14:00 to 20:00 and the second was held two days later on Wednesday 25 March 2020 from 14:00 to 20:00. The consultation was also extended by a week from the original closing date of 25 March 2020 to Thursday 2 April 2020, in order to provide consultees with additional time to submit their responses.</p>
21	London Borough of Havering	Timing/Duration	<p>Request to re-open Supplementary Consultation was rejected.</p> <p>Questioned the timing and duration of Design Refinement Consultation and consulting during COVID-19.</p>	<p>See Row 4 for the Applicant’s response to consulting during the COVID-19 pandemic, including the decision to continue with the Supplementary Consultation, and to then hold the Design Refinement Consultation, and the duration of that consultation.</p>



Row	Organisation	Theme	Issue	Response
22	London Borough of Havering	Information/ Materials	It is noted that Highways England published notices in the Romford Recorder and Yellow Advertiser with regards to the Statutory Consultation. These two publications were carried out at the request of the council which is welcomed.	Noted.
23	London Borough of Havering	Information/ Materials	<p>While it is noted that the Applicant shared technical documentation with stakeholders to comment on, this has been at a time when local authorities' resources have been severely constrained because of COVID-19. Furthermore, in some cases the Applicant requested that any comments be provided within 15 working days of receipt of the information.</p> <p>It was simply not practicable for Havering to provide comments on various technical documents within such a constrained time period, and while the borough welcomed the flexibility the Applicant provided in submitting comments outside of those timescales, it put additional pressure on the borough.</p> <p>A number of the draft technical documents circulated for comments were done so in or around other consultations being carried out by Highways England on the scheme, particularly the Design Refinement</p>	<p>The Applicant acknowledges that the resources of local authorities were constrained due to the pandemic and is appreciative of the efforts that were made to engage with the Applicant at that time, either through public consultation or ongoing technical engagement. At each stage of public consultation, the Applicant has provided sufficient time to allow consultees to consider and respond to the material provided as part of that consultation. These consultations have included a 10-week Statutory Consultation in 2018, a nine-week Supplementary Consultation in early 2020, a four-week Design Refinement Consultation later in 2020, an eight-week Community Impacts Consultation in 2021, and a five-week Local Refinement Consultation in 2022.</p> <p>For the Design Refinement Consultation and Community Impacts Consultation, local authorities and other key stakeholders were provided additional time to finalise consultation responses and take them through their internal governance processes.</p> <p>The eight-week Community Impacts Consultation took place from 14 July 2021</p>

Row	Organisation	Theme	Issue	Response
			<p>Consultation. This made allocating resources to review these various consultation materials very challenging.</p>	<p>until 8 September 2021. The consultation provided respondents with extensive updates on the proposals and detailed technical information through the updated control documents.</p> <p>The Local Refinement Consultation, which covered a more localised set of proposals and comprised a significantly shorter set of consultation materials than the Community Impacts Consultation, took place over five weeks, between 12 May and 20 June 2022.</p> <p>The Statement of Engagement (Application Document 5.2) provides further detail on how the Applicant has engaged with stakeholder organisations.</p> <p>The Applicant has undertaken extensive engagement with stakeholders throughout the various stages of the Project. Ongoing engagement has helped to make stakeholders aware of the Project and its design at the most appropriate times (including between consultations) and allowed for them to ask questions and make suggestions.</p> <p>Engagement has been undertaken in various forms including regular meetings (including remote/virtual), issue-specific meetings or workshops, inter-organisational meetings (such as the Community Impacts and Public Health Advisory Group), sharing of technical</p>

Row	Organisation	Theme	Issue	Response
				information, and providing responses to issues raised.
24	London Borough of Havering	Information/ Materials	Documents were not issued prior to DCO application. Specifically, the Applicant made available a number of chapters from the draft Environment Statement, however it did not provide the associated appendices which made it impossible to provide any meaningful comments on the draft documents ahead of the application being submitting to Planning Inspectorate.	The Statement of Engagement (Application Document 5.4) describes the Applicant’s engagement with local authorities on matters including the development of materials in support of its application for development consent. The Applicant acknowledges the concern expressed by the London Borough of Havering over the amount of time allowed to provide feedback on those draft documents or, as in the case of the Environmental Statement, the absence of associated appendices. The Applicant provided what it considered to be a reasonable amount of time for this process, noting that there is no formal requirement to share draft documents ahead of an application for development consent, and always sought to provide drafts at a formative stage in their development. In instances where appendices were not provided with documents, the Applicant maintains that enough detail was provided either in the core document or in contextual information provided separately for the local authorities to provide informed feedback.
25	Thurrock Council	Information/ Materials	* Concern that only 14 summary changes were implemented over a two-year period covering three consultations which collectively	All feedback from consultations on the Project proposals has been properly considered by the Applicant, with changes made to the proposals whenever they were deemed to be appropriate and in keeping with the Scheme Objectives previously

Row	Organisation	Theme	Issue	Response
			<p>resulted in 2,493 summary issues raised.</p>	<p>agreed with the Department for Transport. The Consultation Report submitted as part of the DCO application submitted in October 2020 sought to be transparent about which suggestions had led to changes in the Project proposals and the reasons why other suggestions had not led to changes.</p> <p>In light of feedback provided by Thurrock Council and others, the revised Consultation Report provides further detail and coverage of the changes that have been made to the proposals as a result of consultation. It makes clear that changes previously described under a single heading often comprise hundreds of minor and interrelated design changes. The revised report also includes the numerous instances of changes made to the Project proposals in light of consultee feedback provided through the Community Impacts Consultation and Local Refinement Consultation.</p> <p>As described in row 6 and elsewhere in this appendix, one of the actions taken in light of feedback provided in AoCRs was to prepare and consult on a ‘You said, we did’ document in which feedback from three preceding rounds of consultation was summarised along with explanations of how the Applicant had acted on it. The purpose of this document was to provide greater clarity on the way in which feedback had informed the development of the Project proposals and the</p>

Row	Organisation	Theme	Issue	Response
				many instances in which changes were made as a result of that process.
26	Thurrock Council	Information/ Materials	The council agrees that the Applicant has complied with sections s47 1-4.	Noted
27	Thurrock Council	Information/ Materials	<p>It is acknowledged that some efforts were made to consult with hard to reach groups, however the 'easy read' version of the consultation guide was neither clear nor informative and did not provide an adequate representation of the likely impacts of the scheme.</p> <p>The council therefore consider that Highways England has not complied with section 47(5) of the PA 2008 or paragraphs 54 and 77 of the Ministry of Housing, Communities and Local Government (MHCLG) Guidance, and that a number of communities and individuals will have been substantially prejudiced as a result.</p>	<p>Considerable care was taken to ensure consultation materials produced for all phases of pre-application consultation were clear and understandable, that they provided an appropriate level of detail, and were suitable for both technical and non-technical audiences.</p> <p>In line with accessibility guidelines and the wishes of local authorities,. the Applicant appointed a specialist supplier to develop 'easy read' consultation materials. Easy Read Online are an experienced company who understand the specific requirements for translating documents into 'easy read' for those with learning disabilities. The Applicant reviewed and provided feedback on draft 'easy read' materials but was also guided by Easy Read Online on matters such as the level of detail that was appropriate for the target audience.</p> <p>As such, the Applicant is satisfied that the 'easy read' documents produced for its consultations were appropriate for their intended audience.</p>
28	Thurrock Council	Timing/Duration	Highways England has not taken into consideration the council's comments on the draft SoCC in relation to extending the consultation	The Applicant considered all feedback provided in response to the draft SoCC and made changes where this was considered appropriate and advantageous to the target

Row	Organisation	Theme	Issue	Response
			period to ensure it is proportionate to the likely impacts of the scheme at specific locations in the borough; to take account of the anticipated level of local interest; and to maximise stakeholder engagement by extending the consultation date and timing.	audience. Appendix F of the Consultation Report provides explanations of the actions taken by the Applicant in response to feedback and the reasons why certain suggestions were not acted on. The Applicant's Statutory Consultation, as described in Chapter 4 of the Consultation Report, was one of the most extensive consultations ever undertaken on a road scheme and provided multiple complementary opportunities for all affected parties to participate.
29	Thurrock Council	Information/ Materials	The council has reviewed the Statement of Community Consultation and concludes that the consultations were carried out in the manner set out in the Applicant's SoCC.	Noted.
30	Thurrock Council	Information/ Materials	The council would have benefited from being able to review the original full copies of the consultation responses from statutory consultation bodies and for the applicant to have responded to the council's consultation responses. The council do not consider that its responses have been understood or taken into consideration, particularly in relation to scheme design and proposed mitigation measures. The council consider that Highways England has not complied with section 49 of the PA 2008 and	The Applicant did not consider it necessary, or consistent with known best practice, to share copies of consultation responses with local authorities or other consultees. Instead, the focus was on preparing a consultation report that clearly set out, in a format consistent with other DCO consultation reports, the full range of issues raised by consultees and the Applicant's responses to them. The sections of the consultation report in which this is demonstrated (Chapters 11-15) are extensive, and the explanations provided as to why issues raised by consultees have or have not been acted on are appropriately detailed. The Applicant

Row	Organisation	Theme	Issue	Response
			paragraph 80 and 81 of the MHCLG Guidance and the council has, accordingly, been substantially prejudiced.	therefore refutes the suggestion that its duties under section 49 have not been met.
31	Thurrock Council	Information/ Materials	A copy of the notices required by section 47(6)(a) as they appeared in the newspapers listed above has been provided by Highways England in Appendix N of the Consultation Report. The SoCC was also published on the the Applicant's consultation website. The council can confirm that Highways England has complied with section 47(6).	Noted.
32	Thurrock Council	Information/ Materials	The ES chapter is not compliant with the Planning Inspectorate's Scoping Report. A further scoping exercise to consider the changes to the scheme (as expressed in the joint Adequacy of Consultation with Thurrock Council, Gravesham Borough Council, and the London Borough of Havering) should have been undertaken.	The Applicant followed the appropriate guidance in relation to the EIA Scoping Opinion as adopted by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government pursuant to Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. While the Applicant acknowledges that the site area has increased since the EIA scoping stage, the larger part of this increase has been the inclusion within the Order Limits of additional land for the purposes of mitigating the impacts of the proposals. All of the included land has been assessed in the preparation of the Environmental Statement (Application Documents 6.1, 6.2 and 6.3). The nature of the proposals remains fundamentally the same as at the EIA

Row	Organisation	Theme	Issue	Response
				<p>scoping stage, and therefore the Scoping Opinion remains current and robust. The scope and extent of the study area considered in the Scoping Report was sufficiently broad to accommodate the Order Limits as now presented. Where methodologies have been updated since the Scoping Opinion was sought, due to changes in guidance or legislation, the most recent methodology has been implemented.</p> <p>More information on how the Applicant has responded to the Scoping Opinion is set out in each of the topic specific chapters of the Environmental Statement (Application Document 6.1) and a full response to the Scoping Opinion is included as Appendix 4.1 (Application Document 6.3).</p>
33	Thurrock Council	Information/ Materials	<p>Results from archaeological and utility trial trenching surveys were delayed until late-2019 (and are still ongoing). Even now, very few results have been shared or any conclusions from those results, even from the draft Environmental Statement (ES) chapters, so the councils, as technical authorities, cannot be informed or make informed judgements in their areas on likely impacts or the need for mitigation.</p>	<p>The archaeological trial trenching was completed in October 2021 and the last report was received by the Applicant in April 2022. The archaeological trial trenching in Thurrock was monitored by Essex Place Services through review and approval of the Written Schemes of Investigation and regular site attendance during the fieldwork. No archaeological trial trenching is ongoing. The archaeological trial trenching reports have all been shared with Essex Place Services and the results incorporated into ES Chapter 6: Cultural Heritage, and summarised in the draft Archaeological Mitigation Strategy and outline Written Scheme of Investigation (Appendix 6.9). Thurrock Council do not</p>



Row	Organisation	Theme	Issue	Response
				<p>provide its own archaeological advisory service. Like many Essex Local Planning Authorities (LPAs), Thurrock Council are clients of Essex Place Services who continue the County Council function of archaeological advice to the lower tier local authorities. The Applicant has engaged with Essex Place Services through regular meetings with it and other key stakeholders, workshops, individual meetings and sharing documents.</p>
34	Thurrock Council	Information/ Materials	<p>Timing of documents being issued made it difficult to allocate resources. No in-house expertise and this required external experts but could not source them given that Highways England has monopolised the market with its panel appointments and has taken an unreasonable approach with regard to potential conflicts of interest. It is the council's view that this severely prejudices the council. There has been very little technical engagement from Highways England on the DCO, albeit one workshop on the 21 May 2020.</p>	<p>Feedback provided by local authorities through AoCRs on the nature of the Applicant's engagement with stakeholder bodies is welcome and has been actively considered. Efforts have been made in the period following the withdrawal of the first application for development consent to engage on the widest possible range of topics and to do so always at a formative stage in the development of a specific proposal. The Statements of Common Ground (Application Document 5.4) set out further information on the nature and outcomes of discussions with specified stakeholders.</p> <p>The Statement of Engagement (Application Document 5.2) details the technical engagement with the local authorities and how their feedback has influenced the design of the scheme.</p> <p>The Applicant continues to engage closely with Thurrock Council, including a fortnightly meeting as well as other workshops.</p>

Row	Organisation	Theme	Issue	Response
				<p>The Applicant disputes the matter of the council being severely prejudiced by the panel appointments and potential conflicts and believes that all statutory requirements in relation to conduct and technical engagement have been met.</p> <p>The Applicant has a Planning Performance Agreement in place with Thurrock Council, and pay for non-statutory activities, including attendance at engagement meetings, review of work by consultants, and where appropriate, the preparation of specific studies. Thurrock Council has appointed external advisors, Stantec UK Ltd, using the funding provided by the Applicant. It should be noted that Stantec UK Ltd are also part of a bidding consortium for delivery of one of the Project construction contracts, and the Applicant has worked with the team to ensure that effective advice can continue to be provided while avoiding any conflict of interest.</p>
35	Thurrock Council	Information/ Materials	<ol style="list-style-type: none"> <li>1. Consultation events were disorganised and poorly promoted, not giving people a fair chance to attend.</li> <li>2. Upminster Information Point was listed as being south of the river and Gravesend Information Point being north of the river.</li> <li>3. Events were listed alphabetically rather than in date order, potentially causing further confusion, some</li> </ol>	<p>The Applicant's efforts to make the public and stakeholders aware of the Statutory Consultation were substantial, carried out to a high standard, and proportionate to the scale of the Project.</p> <p>The measures taken to publicise the consultation and its series of events were decided after having consulted the relevant local authorities on the draft SoCC in accordance with the requirements of the Planning Act 2008.</p>

Row	Organisation	Theme	Issue	Response
			<p>events were not listed on the consultation material or website until Thames Crossing Action Group (TCAG) questioned the Applicant after seeing it on social media.</p>	<p>Publicity included the use of wide-area leaflet distribution, social media activities, coverage on television, radio, online and print media, paid-for advertising (including roadside advertising), email marketing, information points and deposit locations, and a campaign of stakeholder engagement, including meeting businesses and organisations.</p> <p>Around 15,000 people attended the programme of 63 events held during Statutory Consultation, indicating that public awareness of the events as well as willingness to participate in the consultation process was consistently high.</p>
36	Thurrock Council	Timing/Duration	<p>The 10-week consultation period was inadequate due to the volume and complexity of the consultation materials, which was intimidating and confusing to the public, definitely not clear or informative.</p>	<p>At each stage of public consultation, the Applicant has provided sufficient time to allow consultees to consider and respond to the material provided as part of that consultation. Decisions on the durations of consultations have been made based, alongside other factors, on the volume and complexity of the material in which the proposals are described. The 10-week period provided for Statutory Consultation is significantly longer than the 28-day statutory minimum period required by the Planning Act 2008 and longer than a majority of statutory consultations.</p> <p>The very high response rate to the Statutory Consultation is evidence that people felt able to participate in the process and clearly express their opinions on the Project proposals.</p>

Row	Organisation	Theme	Issue	Response
				A total of 28,493 responses to the Statutory Consultation were received. The total number of attendees at the public information events was approximately 15,000.
37	Thurrock Council	Information/ Materials	Page 11 of the PEIR summary states under existing conditions 'There are areas that currently do not exceed UK Air Quality Strategy thresholds' yet further down that section on the same page it states '...this baseline information indicated that air quality is currently exceeding UK and EU limits across the study area'. This information is confusing and misleading and does not demonstrate the fact that areas affected by the proposed scheme already have very poor air quality.	<p>The PEIR summary included a sentence that included the words '...do currently exceed UK Air Quality Strategy thresholds...' but which should have read '...do <b>not</b> currently exceed...'. The Applicant acknowledges this mistake but also notes that subsequent chapters of the document and other material produced for the consultation were accurate and clear on the Project's air quality impacts. The Project has been designed to reduce impacts on air quality wherever practicable, such as by ensuring the road largely avoids built-up areas, where the existing air quality tends to be worse, and by providing sufficient capacity to allow for free-flowing journeys, avoiding congestion.</p> <p>Detailed information about the air quality impacts has been presented in the Environmental Statement that is included in the application for development consent.</p> <p>Considering the feedback in the AoCRs, the Applicant recognised a concern that the extensive and complex nature of the Project made it challenging to understand the impacts on a localised level. Consequently, in development of the Community Impacts Consultation, the Applicant prepared Ward impact summaries, setting out on a more localised level the impacts of the Project</p>

Row	Organisation	Theme	Issue	Response
				<p>during both construction and operation, as well as providing information on what mitigation and other control measures would be put in place.</p>
38	Thurrock Council	Information/ Materials	<p>There was inadequate information at [Supplementary Consultation] events and mobile events. The events did not include certain areas that would be affected and should therefore have been given the opportunity of a local event.</p>	<p>The frequency and locations for Supplementary Consultation public information events were selected to achieve a balance between high-capacity venues that were not necessarily in the immediate proximity of the proposed route, and smaller venues that were as close as possible to affected communities. Venues were also assessed in advance so that they were accessible to people with disabilities and mobility issues.</p> <p>The Applicant engaged with local authorities before Supplementary Consultation launched, sharing proposed venues and dates for the consultation events. In addition to these events, a number of ‘mobile information centre’ events were held, often in smaller communities where a venue was otherwise unavailable. There were no instances of event venues becoming overcrowded or otherwise affected by the volume of visitors.</p> <p>More information on the delivery of engagement events for the Supplementary Consultation is provided in Chapter 6 of this report.</p> <p>Feedback provided by local authorities in response to the draft SoCC and non-statutory equivalents for subsequent consultations has</p>

Row	Organisation	Theme	Issue	Response
				<p>helped to inform the Applicant's decisions on the locations of consultation events. Where possible and appropriate, this has prompted changes to the proposed event schedules, with new events added or locations changed.</p> <p>For example, further consultation event locations were agreed with Thurrock as part of the Community Impacts Consultation and Local Refinement Consultation.</p> <p>For full details on the delivery of consultations and the way in which local authority feedback has influenced the Applicant's plans, refer to Chapter 4 for Statutory Consultation, and Chapters 6-9 for the Supplementary Consultation, Design Refinement Consultation, Community Impact Consultation and Local Refinement Consultation respectively.</p>
39	Thurrock Council	Information/ Materials	<p>The maps presented in the [Supplementary Consultation] material were difficult to decipher, legends were confusing and not easily understandable by the public. Non-technical language would have helped the public to understand technical terminology, such as, 'Land not included within the Order Limits'.</p>	<p>The Applicant maintains the view that the maps produced for Statutory Consultation, Supplementary Consultation and Design Refinement Consultation provided clear information about the proposals to the public and stakeholders. They were produced in line with the Applicant's extensive experience of public consultation across numerous different projects as well as consideration of best practice learned from other scheme developers.</p> <p>Each individual map included a compass symbol to make it clear which way on the map was north. In some instances, the orientation of the maps changed, although</p>

Row	Organisation	Theme	Issue	Response
				<p>this was a deliberate choice based on what was considered to be the most sensible and easily understood way of presenting what is necessarily a complex set of plans.</p> <p>In response to feedback received during the Design Refinement Consultation, the maps produced for the Community Impacts Consultation were designed to provide a consistent north orientation in both printed and online versions.</p>
40	Thurrock Council	Information/ Materials	<p>There was inadequate notification of the consultation, especially for residents in affected areas. This was raised with Highways England who claimed it was a Royal Mail error. This is unacceptable and Highways England should have mitigated for this issue. Once the issue had been notified to Highways England, it should have been immediately rectified.</p>	<p>The Applicant's efforts to make the public and stakeholders aware of its consultations were substantial and proportionate to the scale of the Project. The promotional activities used were discussed with local authorities before the launch of consultations and, where appropriate, their views were taken into account in finalising the approach.</p> <p>Publicity included the distribution of leaflets across a wide area, social media activities, coverage on television, radio, online and print media, paid-for advertising (including roadside advertising), email marketing, information points and deposit locations, and a campaign of stakeholder engagement, including meeting businesses and organisations. Public notices were also published in numerous publications.</p> <p>Any instances of issues being reported to the Applicant about the effective delivery of leaflets or letters have been acted on promptly. In the case of notification letters being delayed or not received by their</p>

Row	Organisation	Theme	Issue	Response
				intended recipients, the Applicant has arranged for new letters to be sent and, where necessary, for the consultation deadline to be extended for those parties so that their opportunity to respond has not been prejudiced.
41	Thurrock Council	Information/ Materials	Highways England issued letters to residents informing them that their property was within the Order Limits when it was not. Highways England only admitted this error and issued apology letters after it was brought to its attention. It is not acceptable for such stress-inducing mistakes to happen.	Chapter 5 of the Consultation Report provides a thorough description of the Applicant's process of notifying s42(1)(d) consultees through successive phases of pre-application consultation. The Applicant took appropriate action and followed best practice whenever it became aware of issues affecting the notification of those parties.
42	Thurrock Council	Information/ Materials	Requested hard copies of consultation materials were not delivered in time.	The Applicant put in place measures to ensure that requests for hard copies of consultation materials were acted on promptly. It is acknowledged that late delivery of materials would cause inconvenience to consultees and the Applicant apologises for any instances of this happening. However, there is no evidence to suggest systemic problems with the arrangements put in place to manage the delivery of documents.
43	Thurrock Council	Timing/Duration	It is believed that Highways England has failed to take into account the very genuine and serious impact that COVID-19 has had on everyone's lives and how this has affected their ability to participate in the	Row 4 sets out the Applicant's response to consulting during the COVID-19 pandemic.



Row	Organisation	Theme	Issue	Response
			consultation during such unprecedented times.	
44	Thurrock Council	Timing/Duration	<p>Issues already raised in relation to COVID-19 in the Supplementary Consultation were exacerbated with a further round of consultation during a global pandemic. With no physical consultation events this had a huge impact on people’s ability to gather information and knowledge during the consultation. Members of the community with no access to internet were at a severe disadvantage in that it was impossible for them to participate in the consultation at all – let alone effectively.</p> <p>The virtual only event meant that many who are not online missed out. Even those who are online which could be limited to small screens, such as phone screens, makes viewing maps and some documents very difficult. Given that the consultation was undertaken during the COVID-19 crisis, it is considered that the length of the consultation period was inadequate.</p> <p>Other issues during this consultation were:</p> <ul style="list-style-type: none"> <li>Highways England did not allow adequate time during the webinar for Q&amp;As and no opportunity to</li> </ul>	<p>See row 4 for the Applicant’s response to consulting during the COVID-19 pandemic, and the measures put in place to facilitate public engagement at that time.</p> <p>In addition to the information provided in row 4, and in response to specific points made by Thurrock Council in this row, the two webinars carried out by the Applicant as part of the Design Refinement Consultation provided a useful alternative to in-person events, which were not at that time able to be held. The duration of the events was considered to be appropriate to the format and the anticipated level of interest. It should be noted that it was possible throughout the consultation to make use of a telephone surgery, meaning questions on the proposals – including any that could not be addressed at the webinars – could be put to appropriate members of the Project team.</p> <p>As described in Chapter 7 of the Consultation Report, the notification and engagement measures used for the consultation were extensive and proportionate to the scale of the consultation. Engagement with local authorities in advance of the consultation provided opportunities for local authorities to comment on the developing plans for consultation, and the Applicant provided explanations of any instances of feedback not being acted on.</p>

Row	Organisation	Theme	Issue	Response
			<p>follow up for clarification of answers</p> <ul style="list-style-type: none"> <li>• Leaflets were only sent to properties within 2km of the route, which is not acceptable, a far greater area will be affected by the scheme and, everyone needs to be aware of any consultation. Elected members in Stanford-le-Hope and Corringham expressed their concern that the notification was not broad enough to include their areas, yet these areas are likely to be impacted by the scheme</li> <li>• The Environmental Impacts Update frequently referenced the PEIR which was not available offline to view in a public location, this made it a challenge for the public to understand likely significant impacts. Furthermore, the PEIR should have been added to the Design Refinement Consultation Exhibition as a supporting document, for stakeholders to be able to review in conjunction with the Environmental Impacts Update.</li> </ul>	<p>Noting Thurrock Council’s comments on the EIU produced for the consultation, the Applicant maintains that it was a standalone document that did not need to be read alongside the PEIR on which it was based in order to be properly understood.</p>
45	Thurrock Council	Information/ Materials	The council noted the volume of material, timescales, ES chapter issued without appendices and plans which did not facilitate meaningful	The Statement of Engagement (Application Document 5.2) provides further detail on how the Applicant has engaged with stakeholder organisations on matters such as the

Row	Organisation	Theme	Issue	Response
			<p>engagement. This is also true of the Environmental Masterplan (EMP) which highlights the limited amount of landscape and ecology mitigation along much of the length with only false cutting and some planting being provided. The key lists the proposed landscape elements in only the most general terms at this point. The EMP and draft ES chapters were issued without the detailed results and mapping of the Landscape Visual Impacts Assessment (LVIA) and ecology surveys and it is difficult to review and comment on the adequacy of what is proposed. The council is still unaware of how its comments have been taken into consideration and incorporated into the scheme (see below).</p>	<p>development of the Environmental Masterplan (EMP).</p> <p>The Applicant has undertaken extensive engagement with stakeholders throughout the various stages of the Project. Ongoing engagement has helped to make stakeholders aware of the Project and its design at the most appropriate times (including between consultations) and enabled them to ask questions and make suggestions.</p> <p>This engagement has been undertaken in various forms, including regular meetings (including remote/virtual), issue-specific meetings or workshops, inter-organisational meetings (such as the Community Impacts and Public Health Advisory Group), sharing of technical information, and providing responses to issues raised.</p> <p>The Applicant has listened to feedback on the nature of its engagement with stakeholder organisations, in particular the feedback provided through AoCRs, and has sought to act on it in the period following the withdrawn application. The Statement of Engagement (Application Document 5.2) provides a summary of the extensive work that has been undertaken to involve stakeholder organisations in the Applicant's developing plans.</p>
46	Thurrock Council	Information/ Materials	<p>The council still unaware of how its comments and observations have been taken into consideration in the</p>	<p>The Statement of Engagement (Application Document 5.2) details technical engagement</p>

Row	Organisation	Theme	Issue	Response
			<p>design of the scheme. Council has significant concerns about not receiving any feedback to demonstrate how consultation responses have been taken into consideration. The council consider that Highways England has therefore not complied with paragraph 81 of the MHCLG Guidance which states that '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>with local authorities and how their feedback has influenced the design of the scheme.</p> <p>Row 6 sets out how the Applicant produced and consulted on a document – the 'You said, we did' document – that describes the way in which feedback from preceding rounds of consultation had informed the development of Project proposals. The decision to produce such a document was taken after the Applicant had reviewed comments made on the subject in the AoCRs.</p> <p>As well as the 'You said, we did' document, the Applicant also explained during regular meetings with local authorities the rationale for taking on board some feedback, while rejecting other suggestions.</p> <p>In addition, the Applicant also presented their responses to issues raised as part of the Consultation Report, shared with local authorities in October 2020 as part of the DCO submission. This document summarised the issues raised during Statutory, Supplementary and Design Refinement Consultation, as well as providing responses from the Project to those issues.</p> <p>Overall, the Applicant has made extensive efforts to communicate how feedback from individuals and stakeholders has been considered and acted on, as evidenced by the Consultation Report, Statements of</p>

Row	Organisation	Theme	Issue	Response
				Common Ground, and the Statement of Engagement.
47	Thurrock Council	Information/ Materials	Consultation does not make provision for aspirations of the borough in respect to: the emerging Local Plan.... The consultation scheme has direct impacts on three of these key components in terms of: prejudicing the delivery of strategic employment sites; compromising the ability to meet the need for new housing in Thurrock and the wider subregion in a sustainable manner; and not providing the quality of access infrastructure needed in Thurrock to support these economic ambitions (for example, see section 5.3 relating to the removal of the Tilbury Link Road from the Project).	The Applicant has considered the wider implications of the Project and has engaged with local authorities to ensure, where possible, the aspirations and strategic objectives of the authorities have not been prejudiced by the Project. Successive phases of consultation on the Project have invited feedback on specified updates to the proposals but have also enabled feedback on any other topics, and the Applicant has considered such topics appropriately. Chapters 11-15 of the Consultation Report set out the issues raised through consultation and the Applicant's responses to them. The Statement of Engagement (Application document 5.2) provides further detail on how the Applicant has engaged with Thurrock Council on matters such as concerns regarding their emerging Local Plan.
48	Thurrock Council	Audience/ Consultee	Due to COVID-19, Highways England sought to extend the Supplementary Consultation to the 2 April 2020 as a virtual consultation. This generated significant concern to the community, when there was undoubtedly higher priority matters and concerns affecting people's health, wellbeing and in many cases, their ability to work. The leader of the council wrote to Highways England on the 27 March 2020, stating that a	See Row 4 for the Applicant's response to consulting during the COVID-19 pandemic.

Row	Organisation	Theme	Issue	Response
			<p>one-week extension was not beneficial to the community and requested that the consultation should be postponed, which Highways England did not take into consideration, nor did they set out the justification to extend the consultation period by only one week. There is no evidence that the decision to extend by one week was itself based on any evidence as to the likely effectiveness of the additional one week period, given the serious constraints presented by the lockdown. For example, many individuals with school-age children assumed the responsibility of daily childcare and it is not clear to the council that an additional seven days' worth of virtual consultation will have been sufficient to have enabled such individuals to participate in the consultation.</p>	
49	Thurrock Council	Audience/ Consultee	<p>Consulting with disadvantaged groups – non-internet users, disabled, travellers and older population. 'Easy read' Guide to Design Refinement Consultation in the Design Refinement Consultation material which can only be accessed online. In order to submit a response to the consultation, this document navigates the reader to the standard</p>	<p>During the Design Refinement Consultation measures were put in place to ensure that those with limited or no access to computers or the internet could participate. These measures include the delivery of leaflets to over 135,000 addresses across the area where the Project would be situated, letters to people with an interest in land that would be affected by the Project, as well as public notices in local newspapers.</p>

Row	Organisation	Theme	Issue	Response
			<p>online consultation which is not easy to read. Self-evidently someone who requires an ‘easy read’ document would also require an ‘easy read’ version of the consultation response questions.</p> <p>Therefore, Highways England is not compliant with paragraph 54 of the MHCLG Guidance which states that an inclusive approach is needed when consulting on project proposals, to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. These groups and the individuals comprising the groups have therefore been substantially prejudiced.</p>	<p>The consultation website was designed to be compatible with desktop, tablet and mobile devices, and consultation materials were presented in accordance with best practice UK web usability guidelines.</p> <p>For those with reading or learning difficulties, the Applicant also provided paper and online ‘easy read’ documents explaining the latest proposals.</p> <p>The Applicant appointed a specialist supplier to develop the ‘easy read’ consultation materials. Easy Read Online are an experienced company who understand the specific requirements for translating documents into ‘easy read’ for those with learning disabilities.</p> <p>The Applicant actively encouraged consultees to make use of contact information provided on consultation materials, including the ‘easy read’ document, in the event that they had questions on the proposals or the consultation process. It was also possible, from the Design Refinement Consultation onward, to respond to consultations on the Project over the telephone. As such, the Applicant considers that sufficient steps were put in place to provide assistance to any person who was not able to use the standard online or hardcopy response form.</p>
50	Thurrock, Havering & Gravesham joint response	Information / Materials	The councils believe that there was a lack of adequate information and that they consider National Highways to	See Row 8 for the Applicant’s response regarding the withdrawal of the October 2020 application for development consent, and the



Row	Organisation	Theme	Issue	Response
			<p>have not complied with Paragraph 68 of MHCLG guidance and the councils, in their role as technical authorities have been substantially prejudiced since they were not able to properly or effectively participate in the consultation.</p>	<p>subsequent phases of engagement and consultation.</p> <p>The Applicant acknowledges the feedback provided by local authorities but does not accept that any of the consultations held on the Project proposals has failed to provide adequate information for any party to respond. The volume of responses received, and the breadth of issues that they address, indicate that consultees felt able to access and understand the Project proposals and to submit informed feedback. The Consultation Report – in particular chapters 11-15 – provide substantial evidence of the wide range of topics covered by consultees and the extent to which the Applicant has considered and responded to those topics.</p>
51	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The PEIR did not contain a standalone assessment of the human health impacts. While an overarching consideration of human health was provided in the People and Communities chapter, the context and background were not clear. Furthermore, a working definition of human health was not provided in the chapter, which made it unclear how determinants of health of relevance to the Project development were identified. The assessment on human health included in the People and Communities chapter was</p>	<p>See Row 1 for the Applicant’s response on the suitability of the PEIR.</p> <p>In addition to that information, and, noting the councils’ specific concern regarding the treatment of human health in the PEIR, the Applicant maintains that this treatment followed relevant guidelines and best practice, and was consistent with the objective of providing preliminary environmental information on a Project at that stage of its development.</p> <p>Public consultations need to provide clarity on the proposals, and sufficient information on the impacts to allow the public to undertake informed consideration and prepare suitable responses. Equally, they</p>



Row	Organisation	Theme	Issue	Response
			<p>inadequate in substance, for example and as stated in Thurrock Council’s response to Statutory Consultation, ‘There are limitations in data used to understand human health. Health baseline data at the local authority level is not sufficiently detailed to understand nuances of the health baseline. Data should be provided at the Lower Layer Super Output Area (LSOA) level (as committed for the Health Impact Assessment (HIA)) and the assessment should consider differential impact on specific groups. No deprivation data (key areas of deprivation in Tilbury, Chadwell St Mary, South Ockendon) or understanding of vulnerable groups to be considered is provided’.</p>	<p>need to be undertaken at a time when proposals are still at a formative stage, to allow the consultation to influence the proposals. As a result, it is recognised in the guidance that the full environmental assessments may not be available at the time of consultation, and that it is appropriate to consult on preliminary environmental information. Importantly, the concept of ‘preliminary environmental information’ is embedded in the statutory regime itself, which plainly recognises a distinction between preliminary environmental information and a full environmental statement submitted with an application.</p> <p>The Applicant considers that the level of detail of the information provided in the PEIR on human health was proportionate to the need to communicate preliminary environmental information, and was sufficient to allow for meaningful responses by consultees.</p> <p>As referred to in row 1 and elsewhere in this document, the EIU documents produced for the Supplementary Consultation and the Design Refinement Consultation were informed by the approach taken to the PEIR and were focused primarily on updates to the Project proposals rather than the Project as a whole.</p> <p>Noting feedback provided by local authorities through AoCRs, the Applicant chose to produce a series of Ward impact summaries</p>

Row	Organisation	Theme	Issue	Response
				<p>as part of its Community Impacts Consultation. These included 'Health' as a dedicated heading for each summary, thereby making it as simple as possible for residents of each affected area to understand the Applicant's assessment of potential health impacts in each area and the proposed measures to address them. In addition, the Applicant chose to provide draft versions of numerous control documents as part of that consultation, including some that provided information on how the Applicant proposed to control health impacts of the Project through construction and operation. The intention of the Community Impacts Consultation was to provide consultees – including non-technical audiences as well as technical stakeholders – with new insights and information on how they might be affected by the Project.</p> <p>ES Chapter 13: Population and Human Health (Application Document 6.1), describes how local communities could be affected by the Project and explains the ways in which these impacts would be reduced.</p> <p>Additional information about how the Project is expected to impact local communities and the steps the Applicant would take to mitigate those impacts can be found in the Community Impact Report (Application Document 7.16).</p> <p>A Health and Equalities Impact Assessment (Application Document 7.10) has also been</p>

Row	Organisation	Theme	Issue	Response
				<p>carried out and is presented as part of the application.</p> <p>A Traffic Modelling Update was also published during Supplementary Consultation, which presented the updated traffic modelling, based on the revised proposals. This update included the latest traffic forecasts for the area most affected by the Project and provided comparisons with the forecasts presented during Statutory Consultation. For more information about the Applicant's traffic modelling, see the Transport Forecasting Package (Application Document 7.7, Combined Modelling and Appraisal Report, Appendix C) and the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p>
52	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The traffic modelling output available as part of the consultation materials did not include the results of any option testing and did not contain the level of detail that would reasonably have been required for consultees to develop an informed view of the likely significant environmental effects of the consultation scheme on the local networks as well as on residents, businesses, open countryside and designated environmental areas. In addition, no information was presented in the PEIR or the consultation material, which considered the likely</p>	<p>The Applicant's traffic modelling has been carried out according to the latest transport analysis guidance (Department for Transport, 2021) and is as reliable and accurate as possible. The Project's transport model (the Lower Thames Area Model (LTAM)) has been produced by the Applicant's specialist traffic modelling team. An independent specialist assessor within National Highways has assessed the LTAM throughout its development. The independent specialist assessor has concluded that the LTAM is suitable to assess the Project. The traffic modelling presented at Statutory Consultation was carried out according to best practice and in line with Government</p>

Row	Organisation	Theme	Issue	Response
			<p>significant effects of fear and intimidation, pedestrian amenity and delay. A fundamental basis of the EIA for such a road scheme is the transport modelling that underpins it and the justification of the preferred option against stated scheme objectives and reasonable alternatives. If the assumptions built into this modelling are not appropriate, the scheme will not meet its objectives and the environmental assessments will be unsound. The councils therefore consider that the inputs to the transport model are not sufficiently robust and that a realistic worst-case scenario has not been tested and therefore, stakeholders were not provided enough traffic modelling information for an effective consultation to take place until late-April 2020 (although the councils do acknowledge receipt of earlier traffic modelling data from Highways England in June 2019). No information was presented in the PEIR for consultees to develop an informed view of the likely significant cumulative effects of the consultation scheme, nor did the PEIR include an assessment on reasonable alternatives.</p>	<p>guidance, as were all subsequent rounds of traffic modelling, including that presented as part of the application for development consent.</p> <p>For more information about how the Applicant has carried out traffic modelling following industry best practice, see the Combined Modelling and Appraisal Report (Application Document 7.7, Appendices A, B and C). A summary of the methodology is included in the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p>

Row	Organisation	Theme	Issue	Response
53	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>At the time, a number of surveys were still underway and were required as input to the EIA, these surveys related to ground investigation, ecological, archaeological, air quality and noise. For example, many archaeological and utility trial trenching surveys undertaken by Highways England were delayed until late-2019 (and are still ongoing). Even now, very few results have been shared or any conclusions from those results, even from the draft Environmental Statement (ES) chapters, so the councils, as technical authorities, cannot be informed or make informed judgements in their areas on likely impacts or the need for mitigation. This lack of sharing of technical data has prejudiced the councils from engaging/consulting with Highways England on these matters since, in particular, the councils have not been able to review (let alone provide consultation responses to Highways England) on the likely significant cumulative effects of the consultation scheme or the reasonable alternatives to it. The councils consider that this is a major defect in the consultation.</p>	<p>At the time of the submission of the DCO application in 2020 the Applicant had completed sufficient surveys to provide the necessary input to inform the EIA process. Information on the surveys was set out in the DCO application. Following withdrawal of the October 2020 application, the documents and assessments prepared at that time were shared with the authorities.</p> <p>Further surveys continued following preparation of the Environmental Statement in 2020, to reduce uncertainty and prepare for the next stage. These surveys continued, and where appropriate information from those further surveys has been incorporated into the revised application.</p>

Row	Organisation	Theme	Issue	Response
54	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Measures to mitigate adverse environmental effects during the construction phase were not described in the consultation documents. The consultation material placed a strong reliance on developing a Code of Construction Practice (CoCP) in order to control environmental impacts during construction. No information was provided regarding designing out construction impacts, which may have helped assure consultees that potentially adverse environmental effects were not only being mitigated but avoided entirely, where possible. Again, the councils consider that this is a major defect in the consultation since in effect the councils have not been consulted on measures to mitigate adverse environmental effects that will arise during the construction phase. Furthermore, the councils have never been issued with an outline construction programme to understand what processes are concurrent or how long they will last, so as to understand the implications at least illustratively.</p>	<p>Row 10 above sets out the Applicant’s position on the appropriateness of information on the construction effects of the Project that was provided at Statutory Consultation. It also describes the steps taken as part of the Community Impacts Consultation to provide a more comprehensive set of information on the developing plans for the construction of the Project.</p>
55	Thurrock, Havering and Gravesham joint response	Audience/ Consultee	<p><b>Accessibility of the information</b> The councils, in their role in representing their communities, are concerned that it was not made clear</p>	<p>In preparing for and delivering the Statutory Consultation, the Applicant ensured that information and material was made accessible to hard to reach groups. This</p>

Row	Organisation	Theme	Issue	Response
			<p>in the consultation material how vulnerable or ‘hard to reach’ groups were engaged during the Statutory Consultation exercise; for example, the elderly, those with disabilities, those who may not be able to read, those for whom English is not their first language. It should be noted that, in relation to equalities and engaging with hard to reach (or seldom heard) groups, the volume of information being consulted upon, which runs to over 1,000 pages, much of which is technical in nature, has proved a challenge for many sectors of the community to engage fully in the Statutory Consultation. This was compounded with the challenge for the public to understand the maps books which were confusing and difficult to decipher, with the north orientation arrow pointing in a different direction on each plan. Furthermore, it would have been beneficial if there was an overarching large scale plan to provide context to the smaller plans. The plans relating to the A13 junction were particularly difficult to read and the layout of roads could not be properly understood, therefore, it was extremely difficult for the public to engage in the consultation.</p>	<p>included making information available, sometimes on request, in formats suitable for older and disabled people. These included information in digital and traditional formats. The Applicant organised focus groups with members of the community with characteristics protected by the Equality Act 2010 to encourage and aid them in responding. These included sessions for deaf people, using British Sign Language (BSL) interpreters, and sessions for members of traveller communities.</p> <p>Information about the preparation and delivery of the Statutory Consultation, including a summary of how the Applicant ensured the consultation was accessible, can be found in Chapter 4.</p> <p>The material produced for Statutory Consultation included a number of maps depicting different areas and elements of the proposed route. Some were complex because of the need to convey information about the design, utilities and topography of the land affected. However, the Applicant also produced simplified maps and other illustrations so that consultees could find information appropriate to their needs and level of interest.</p> <p>More information about the maps produced for Statutory Consultation can be found in Chapter 4 of this report.</p> <p>Feedback on the accessibility of material produced for consultations that was provided</p>

Row	Organisation	Theme	Issue	Response
				<p>in AoCRs has been actively considered and acted on, whenever appropriate and possible.</p> <p>The Community Impacts Consultation provided respondents with extensive updates on the proposals and detailed technical information through the draft control documents.</p> <p>This material included different documents that covered broadly the same topic areas but at different levels of detail aimed at different groups of consultees. For example, the draft control documents contained more information, often using technical terms that are appropriate to documents of that type, than was used in sections of the Construction update that summarised the purpose of those control documents. The Guide to Community Impacts Consultation, which was an overview of all of the consultation proposals, provided a more simplified summary of the same information.</p> <p>The Applicant also appointed a specialist supplier to develop 'easy read' versions of consultation materials.</p>
56	Thurrock, Havering and Gravesham joint response	Audience/ Consultee	The councils consider that Highways England has not complied with paragraph 20 of the MHCLG Guidance which require consultation to be engaging and accessible in style to encourage consultees to react and offer their views, or paragraph 54 of the MHCLG	<p>Row 55 describes some of the actions taken by the Applicant to ensure that its consultations have been accessible to the widest possible range of consultees.</p> <p>In addition, the Applicant took steps to ensure that consultation proposals were set out, where necessary, in different levels of</p>



Row	Organisation	Theme	Issue	Response
			<p>Guidance, which requires an inclusive approach when consulting on project proposals to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. In fact, these groups have been substantially disadvantaged as a result of the way that the consultation has been carried out and as a result of errors in the presentation of the consultation material itself.</p>	<p>detail and complexity. For example, the PEIR produced for Statutory Consultation was accompanied by a summary document that covered the same topics as the PEIR but at a reduced page count. The use of technical terminology was avoided where possible and visual aids such as infographics and maps were also used in material aimed at non-technical audiences.</p> <p>The Applicant was receptive to any feedback on perceived errors in consultation materials, though there were none that were considered to be a significant impediment to consultees providing feedback on the proposals.</p> <p>The high volume of responses received to pre-application consultation and the wide range of issues they address are taken to be an indication that the consultation material produced in each case, and the measures taken to promote interest in the Project proposals, have been successful.</p>
57	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Supplementary Consultation (29 January–25 March (extended to 2 April 2020). Elements of the proposed scheme evolved since Highways England’s Statutory Consultation and a series of design changes were published and subject to a Supplementary Consultation exercise in early 2020. The councils wish to make clear the inadequacies in this round of consultation.</p>	<p>Responded to in row 58 below.</p>

Row	Organisation	Theme	Issue	Response
58	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Lack of adequate information</b></p> <p>The high level and generic nature of the commentary provided by Highways England meant it was not possible for the councils, in their role as technical authorities, to reach sufficiently detailed conclusions with the information provided or to be able to understand the true effects of the design changes or to make specific recommendations regarding possible mitigation measures, specifically.</p>	<p>The Applicant acknowledges the criticism made by the councils but refutes the suggestion that information provided at any stage of pre-application consultation was insufficient for any consultee wishing to understand the Project proposals and submit a response. In each case, the material produced for consultation was a fair reflection of the Project proposals at that stage of their development, and the Applicant sought to be as clear as possible on what had changed from consultation to consultation as well as the likely associated impacts. The Applicant conveyed information on Project changes in a simplified format that would be appropriate for a non-technical audience, or for people with limited time to read and respond to the proposals, but this was typically accompanied by technical drawings, maps, and other information for those who preferred that level of detail.</p> <p>As described in row 1 and elsewhere in this appendix, the Applicant produced an extensive PEIR for the Statutory Consultation as well as other documents in which the proposed route and its associated infrastructure were described in detail.</p> <p>The material produced for Supplementary Consultation followed a similar approach, with an EIU (as described earlier) based on the format and level of detail provided in the PEIR but focusing on the elements of the Project that were proposed to be revised. It</p>

Row	Organisation	Theme	Issue	Response
				<p>described the nature of those changes and reported on any effects they may have on the assumptions made in the PEIR.</p> <p>In addition to the EIU, the Applicant published as part of the Supplementary Consultation a detailed update on the proposals affecting utilities infrastructure as well as a Traffic Modelling Update. In total, over 500 pages of information were published for the Supplementary Consultation, which included a core consultation document – the Guide to Supplementary Consultation – in which the proposals as a whole were summarised.</p> <p>Although the Applicant is satisfied that the information that was produced for the Supplementary Consultation and subsequent Design Refinement Consultation was sufficient, it chose to act on the feedback provided by local authorities in AoCRs concerning the level of detail provided to consultees. As referred to elsewhere in this appendix, the Community Impacts Consultation provided a more localised approach to the description of the impacts and associated mitigations of the Project, principally through the Ward impact summaries. In this way, local residents as well as technical stakeholders have been able to gain new perspectives on the Project proposals and influence them through consultation feedback.</p>

Row	Organisation	Theme	Issue	Response
59	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Assessment of air quality and related human health effects</b></p> <p>The councils raised the issue of needing to measure PM<sub>2.5</sub> within the assessment of air quality impacts at several meetings of the Community Impacts and Public Health Working Group (CIPHAG) during 2019. This is also a requirement in Section 4.1, item 1 on page 19 of the Scoping Report. Highways England declined to include this measure specifically and consequently the councils are unable to properly assess impacts or any possible mitigation and cannot reach an informed opinion to enable proper engagement with Highways England. The councils have accordingly been substantially prejudiced and the consultation has been ineffective.</p>	<p>The Applicant's air quality assessment has considered the impact of the Project on Particulate Matter (PM), both for PM<sub>10</sub> and PM<sub>2.5</sub>. PM<sub>10</sub> has been explicitly modelled using road traffic PM<sub>10</sub> emissions factors and Department for Environment, Food and Rural Affairs background pollution maps. In the case of PM<sub>2.5</sub>, it has been assumed that all road traffic PM<sub>10</sub> is also equivalent to PM<sub>2.5</sub>, which is a worst-case assumption given that PM<sub>2.5</sub> typically makes up less than 70% of PM<sub>10</sub>. The concentrations predicted have been assessed against national air quality objectives and limit values. The final modelling results are presented in the ES Chapter 5: Air Quality (Application Document 6.1).</p>
60	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Health Impact Assessment</b></p> <p>No detail provided in order to consider the potential effects of the scheme and any associated mitigation. The councils have accordingly been substantially prejudiced and the consultation has been ineffective.</p>	<p>The Applicant refutes the suggestion that information provided at any stage of pre-application consultation was insufficient for consideration of the impacts of the scheme and any associated mitigation.</p> <p>Row 1 sets out how the Applicant provided preliminary environmental information through the consultation process. This included, where relevant, both information on health and the proposed mitigation.</p>

Row	Organisation	Theme	Issue	Response
				<p>In preparing the Community Impacts Consultation, specific and separate consideration was provided in Ward summaries setting out the health impacts, providing further clarity on the nature of the effects and mitigation, and the control plan documents were also provided to set out further detail on the anticipated mitigations.</p>
61	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Assessment of cumulative effects and interaction of effects</b></p> <p>Potential prolonged adverse effects on the communities and environment from major construction projects in the area. Inadequate information was provided in the consultation material to consider these effects. Although Highways England did share its Cumulative Assessment Methodology and long lists in early March 2020 during the Supplementary Consultation (but separately to it) and the pandemic, some councils have been unable to comment until October 2020, leaving very little time for Highways England to account for comments or discuss the issues with councils. Outstanding issues remain unresolved, Thurrock Council has not received feedback from Highways England that its comments and additional proposed developments added to Highways England long list have been</p>	<p>In the period following the withdrawal of the October 2020 application, the Applicant has twice shared the long lists and proposed developments with Thurrock Council. The authority's feedback and comments has been considered and acted on in relation to the Cumulative Effects Assessment.</p> <p>The Statement of Engagement (Application Document 5.2) provides more information on the Applicant's engagement with local authorities.</p>

Row	Organisation	Theme	Issue	Response
			incorporated into the Cumulative Assessment Methodology and long lists. Due to the timing of Thurrock Council's response on the Cumulative Assessment Methodology and long lists, it is highly likely that Highways England was not able to incorporate these substantial comments prior to its DCO submission. Therefore, the assessment within the ES is likely to be unsound. The councils have accordingly been substantially prejudiced and the consultation has been ineffective.	
62	Thurrock, Havering and Gravesham joint response	Information/ Materials	Lack of adequate information for Supplementary Consultation – REAC and Construction Environmental Management Plan (CEMP). The CoCP was not shared with councils until 3 June and then it lacked the critical mitigation detail which is contained in the REAC which was not issued to the councils until in mid-August. The councils have accordingly been substantially prejudiced and the consultation has been ineffective.	Row 11 above describes the process of seeking and acting on feedback from local authorities on a draft of the CoCP and on the subsequent decision to consult on a wider set of draft control documents, including another draft of the CoCP, as part of the Community Impacts Consultation.
63	Thurrock, Havering and Gravesham joint response	Information/ Materials	The traffic modelling presented did not include the results of any option testing and was insufficient in detail to understand the impacts of the Supplementary Consultation Scheme	The material produced for Supplementary Consultation focused on the changes being proposed to the plans presented at Statutory Consultation. It provided appropriate detail for consultees to understand the extent of

Row	Organisation	Theme	Issue	Response
			<p>on local road networks. The councils therefore could not form reasonable conclusions of the likely effects on local road networks relating to various option tests. Furthermore, the traffic modelling presented in the consultation material only assessed operational impacts and does not make reference to construction impacts. The councils are yet to be presented with any information relating to construction traffic impacts. The councils have accordingly been substantially prejudiced and the consultation has been ineffective.</p>	<p>those changes, including environmental impacts and changes to utilities infrastructure.</p> <p>A Traffic Modelling Update was published for Supplementary Consultation, which was based on the revised proposals and included the latest traffic forecasts for the area most affected by the Project and provided comparisons with the forecasts presented during Statutory Consultation. For more information about the Applicant's traffic modelling, see the Transport Forecasting Package (Application Document 7.7, Combined Modelling and Appraisal Report, Appendix C) and the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p> <p>The Applicant consulted again on the predicted impacts on local people during the Project's construction and operation, as part of the Community Impacts Consultation in July 2021.</p> <p>Additional information about how the Project is expected to impact local communities and the steps the Applicant would take to mitigate those impacts can be found in the Community Impact Report (Application Document 7.16).</p>
64	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The councils were disappointed that Highways England did not provide key stakeholders with technical information or adequate feedback from earlier consultation in a timely</p>	<p>The Statement of Engagement (Application Document 5.2) provides a summary of the extensive efforts made to work closely with</p>



Row	Organisation	Theme	Issue	Response
			<p>manner, as part of its programme of technical engagement, which may have allowed a greater level of detail to be included in the consultation exercise. Even at this stage, the councils are not clear how their comments from each previous round of consultation were taken into consideration on the approach to subsequent consultations and the design and likely impacts of the scheme. As stated above with regard to the Statutory Consultation, the councils consider that Highways England has not complied with paragraph 68 of the MHCLG Guidance.</p>	<p>stakeholder organisations on the development of its plans for the Project. One of the ways in which local authorities have been informed of the Applicant’s consideration of feedback to consultation has been the Consultation Report that accompanied the October 2020 application for development consent, which was shared with them at that time. This document summarised the issues raised during Statutory, Supplementary and Design Refinement Consultation, as well as providing responses from the Applicant to those issues.</p> <p>Noting the concerns raised by local authorities in their AoCRs, the Applicant has sought to engage more closely with those bodies in the period after the withdrawal of the initial application for development consent. One of the core outputs of this process is the Statements of Common Ground (Application Document 5.4), which provide a detailed record of the Applicant’s engagement with the organisations to which each Statement applies.</p>
65	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Highways England did not provide any information for stakeholders to distil how vulnerable or hard to reach groups were engaged in the process. The Consultation Report does not set out clearly in Sections 3.5.2, 3.5.28, 4.5.1, 5.2.57, 5.3.50 and Table 5.16 how hard to reach’ groups were</p>	<p>As described earlier in this appendix, including rows 4 and 13, the Applicant has consistently put in place measures to ensure that its consultations would be accessible to the widest possible range of consultees, including those who could be classified as hard to reach through conventional engagement methods. For example,</p>



Row	Organisation	Theme	Issue	Response
			<p>engaged or the results and conclusions of any such engagement. In addition, the engagement with vulnerable groups is given very little detail, even in Tables 7.16, 7.24 and 8.8.</p>	<p>consultations have enabled consultees to access information online or to request or collect hard copy responses. It has also been possible to respond to the consultation by online methods or by post, with the option of telephone responses being added for Supplementary Consultation and thereafter.</p> <p>The consultation website has been designed to be compatible with desktop, tablet and mobile devices, and consultation materials were presented in accordance with best practice UK web usability guidelines.</p> <p>At each stage of consultation an ‘easy read’ version of the core consultation document has been produced in advance and made available on request and at consultation events.</p> <p>The Applicant has also identified and informed a variety of community groups whenever consultations are launched, with many of these groups representing communities that are recognised by the Equalities Act and could be classified as hard to reach. The Applicant has an ongoing relationship with many such groups and shares information with them outside of formal consultation periods. Information about how the Applicant has consulted community groups is included in Chapters 4, 6, 7, 8 and 9, as well as Appendix O.</p>
66	Thurrock, Havering and Gravesham joint response	Information/ Materials	The consultation events did not include certain areas that would be affected and should therefore have	Mobile events were provided in locations where no alternative venues were available and ensured that the public had an

Row	Organisation	Theme	Issue	Response
			<p>been given the opportunity of a local event. For example, East Tilbury which is likely to be greatly impacted by the scheme, did not receive a local event, only a mobile event, which consisted of a van, with limited staff and material.</p>	<p>opportunity to meet with the team, ask questions, and receive the relevant information required for an informed decision on the proposals to be made. The events made use of a large vehicle that had been modified by the Applicant to provide a convenient, accessible space for visitors to inspect consultation material and speak with staff. Events held using the mobile information centre were typically well attended.</p> <p>The Applicant held a mobile event in East Tilbury on 10 December 2018 from 15:00 to 19:00, outside the Village Hall, Princess Margaret Road, East Tilbury, RM18 8SB.</p>
67	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Later consultation events for the Supplementary Consultation, in March 2020, were cancelled due to the COVID-19 pandemic (four in total out of 21 events), meaning it is likely that many missed the opportunity to attend an event. The councils, in their role of representing their communities, expressed their concerns to Highways England regarding the likely impacts of the pandemic on the community, and that extending the consultation by one week was inadequate when there was likely higher priority matters and concerns affecting people’s health, wellbeing and in many cases, their ability to work. The</p>	<p>See row 4 for the Applicant’s response to consulting during the COVID-19 pandemic.</p>

Row	Organisation	Theme	Issue	Response
			one-week extension was likely to have little benefit to the public at this time. Many stakeholders provided feedback on Highways England’s (Lower Thames Crossing) Facebook page, claiming that the consultation should either be postponed further or cancelled, and that higher priority matters in relation to the global pandemic are at hand.	
68	Thurrock, Havering and Gravesham joint response	Information/ Materials	The councils raised concerns with regard to the arrangement of maps presented in map books at Statutory Consultation and the fact that the map books were found to be confusing and difficult to decipher, with the north orientation arrow pointing in a different direction on each plan. Highways England did not address the concerns of the councils and amend the map books format in all subsequent consultations. In addition, non-technical language would have helped the public to understand technical terminology, such as, ‘Land not included within the Order Limits’. These challenges would have discouraged the public from engaging with the consultation.	Row 39 addresses the concerns expressed by local authorities on the maps produced for consultations.
69	Thurrock, Havering and Gravesham joint response	Information/ Materials	The ‘easy read’ Guide to Supplementary Consultation was poor and did not give a true representation of the design and the	Row 27 addresses the criticisms made by local authorities on the provision of ‘easy read’ materials.

Row	Organisation	Theme	Issue	Response
			likely effects of the scheme. For example, it included one page for the environment which did not set out any of the potential environmental impacts. The consultation material could have been much clearer to engender a more meaningful response.	
70	Thurrock, Havering and Gravesham joint response	Audience/ Consultee	Highways England has suggested that the much more limited response to Supplementary Consultation gives tacit acceptance, whereas the councils think that the consultation was not a priority with the other challenges that respondents potentially faced. The focus from the public during this worrying time was looking after its community, ensuring children were properly schooled at home and sourcing food for the most vulnerable. More information is contained within the Gravesham Borough Council response.	See row 4 for the Applicant's response to consulting during the COVID-19 pandemic.
71	Thurrock, Havering and Gravesham joint response	Timing/Duration	Request to postpone consultation was denied. Extension of one week was of no benefit to any party given the state of emergency. The councils consider that Highways England has not complied with paragraph 20 or 54 of the MHCLG Guidance.	See row 4 for the Applicant's response to consulting during the COVID-19 pandemic. The Applicant maintains that consultations undertaken at that time were compliant with paragraphs 20 and 54 of the MHCLG Guidance.
72	Thurrock, Havering and Gravesham joint response	Timing/Duration	Design Refinement Consultation (14 July – 12 August 2020)	Row 4 sets out the Applicant's position on the decision to hold the Design Refinement

Row	Organisation	Theme	Issue	Response
			<p>A further round of design refinement was presented at the Design Refinement Consultation, which was undertaken virtually only. The councils consider that there were significant issues and challenges associated with a further consultation exercise, undertaken virtually, so soon after the Supplementary Consultation, during a global pandemic and in the summer holiday period. It is generally good practice, if undertaking a consultation exercise during an extended holiday period (Christmas, Easter or summer school holidays (mid-July to end August)), that the consultation period be extended to accommodate annual leave arrangements so as to seek to maximise stakeholder engagement. Furthermore, Thurrock Council took the decision to cancel all of its consultation events during the global pandemic as there were higher priority matters at hand.</p> <p>Some councils wrote to Highways England about the Design Refinement Consultation's shortcomings in June/July 2020 prior to its commencement, particularly commenting on the Highways England document entitled: 'Lower Thames Crossing: Design Refinement Consultation 2020 – Our</p>	<p>Consultation, including its timing and duration.</p> <p>As described in row 18 above, the Applicant chose to undertake equivalent exercises to the SoCC for each of its non-statutory consultations, including the Design Refinement Consultation. This enabled local authorities to provide their feedback on the Applicant's developing plans for public consultation and to receive the Applicant's response. This process is described in Chapter 7 of the Consultation Report, including the Applicant's description of why the Design Refinement Consultation was able to provide various meaningful opportunities for all consultee groups to engage with the consultation material and provide informed responses.</p>

Row	Organisation	Theme	Issue	Response
			<p>Approach’ and these comments were not fully accounted for in the final version. In addition, there were a number of Council Leadership briefings in July 2020 about the proposals for the Design Refinement Consultation and at these briefings comments/feedback made were not adequately taken into consideration. Strong recommendations from many councils to extend the consultation period did not change Highways England’s proposals.</p>	
73	Thurrock, Havering and Gravesham joint response	Timing/Duration	<p>The consultation ran for 30 days. It is considered that this is insufficient time to enable an adequate level of meaningful review and response, compounded by the fact that Highways England undertook this round of consultation so soon after the completion of the Supplementary Consultation (March 2020) which would not have allowed time to reflect on the feedback from the last round of consultation and incorporate stakeholder comments into the scheme or the consultation approach. This further round of consultation so soon after the Supplementary Consultation (ending in early April 2020) gave rise to stakeholder ‘consultation fatigue’. It is the councils opinion that it would</p>	<p>Row 4 sets out the Applicant’s position on the decision to hold the Design Refinement Consultation, including its timing and duration.</p> <p>Supplementary Consultation ended on 2 April 2020, while the Design Refinement Consultation launched on 14 July 2020. The Applicant considers that this provided an appropriate separation between the two consultations and allowed sufficient time for feedback provided at Supplementary Consultation to be considered and, where relevant, to inform the proposals that were presented as part of the Design Refinement Consultation.</p> <p>The Applicant began reviewing responses to the Supplementary Consultation as soon as they were received, and, made use of established methods and appropriately trained Project members to ensure that all</p>

Row	Organisation	Theme	Issue	Response
			<p>have been very difficult for Highways England to consider feedback and comments from Supplementary Consultation and take it into account prior to Design Refinement Consultation.</p>	<p>issues raised were promptly acted on. In this way it was possible to ensure that the development of proposals for the Design Refinement Consultation was fully informed by issues raised at Supplementary Consultation.</p>
74	Thurrock, Havering and Gravesham joint response	Timing/Duration	<p>Programme and length of consultations were not altered. Councils consider that this does not comply with guidance. The councils consider that this does not comply with paragraph 25 of the MHCLG Guidance which states that ‘...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. 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...’. The councils also consider that it does not comply with</p>	<p>In row 4 the Applicant explains the reasons why the durations of the Supplementary and Design Refinement Consultations are considered to be valid and proportionate. The Statutory Consultation in 2018 was held over a period of 10 weeks, which is significantly longer than the 28-day minimum required by the Planning Act 2008. A period of 10 weeks was considered appropriate in terms of the scale of the proposals and the materials in which they were described, the level of anticipated public interest and the measures planned to encourage public participation. It allowed for an extensive series of public information events and other engagement activities, and generated a very high volume of responses covering a wide range of issues.</p> <p>The Community Impacts Consultation in 2021 was held over a period of eight weeks, again allowing for an extensive engagement programme to be undertaken and for consultees to gain a thorough understanding of the range of materials that had been published.</p> <p>The Local Refinement Consultation in 2022 was based around a significantly smaller set</p>



Row	Organisation	Theme	Issue	Response
			<p>paragraph 72 of the MHCLG Guidance which requires applicants to set consultation deadlines that are realistic and proportionate to the proposed project.</p>	<p>of consultation materials describing a more contained series of updates to the Project proposals. For that reason, a consultation period of five weeks was considered to be appropriate.</p>
75	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Lack of adequate information: at the time of the Design Refinement Consultation, the councils, in their role as technical authorities, raised concerns in relation to the adequacy of the consultation materials and the ability of stakeholders to understand and influence the design proposals. Many of the comments provided above in relation to the Supplementary Consultation are also pertinent to the Design Refinement Consultation and the councils would like to highlight the lack of adequate information in relation to the following:</p> <ul style="list-style-type: none"> <li>• The Design Refinement Consultation material focused on detailed design changes and did not address the wider issues, relating to strategic policy, supporting sustainable local development and encouraging regional economic growth.</li> <li>• Several of the utility diversion proposals were not shown in the map books. For example, design refinement number 36 'Additional</li> </ul>	<p>The Applicant does not share the view that the material produced for the Design Refinement Consultation was inadequate either on the basis of the points made by the joint authorities in row 75 or on any other basis. The material produced for the Design Refinement Consultation focused on the changes being proposed to the Project since the Supplementary Consultation, rather than wider strategic questions concerning the Project as a whole or its interaction with local development and regional economic objectives. The Applicant considers this to be a valid approach, given that the Statutory Consultation held in 2018 addressed topics such as the overall need for the Project, including its potential contribution to the region.</p> <p>The Applicant continued to engage with local authorities and other stakeholders before, during and after the Design Refinement Consultation on matters that were not the subject of the consultation.</p> <p>Addressing the issue noted by Thurrock Council concerning maps produced for the consultation, the Applicant is grateful for the feedback that was provided and apologises for any difficulties posed by the apparent</p>



Row	Organisation	Theme	Issue	Response
			<p>working area for multi-utility construction' (within Thurrock). Thurrock Council responded within its response to Design Refinement Consultation (July 2020) with the following statement: 'The location of Design Change 36 is unclear, this makes the review challenging and therefore the information provided is inadequate'. Thurrock Council did not receive any feedback from Highways England as to whether this was an omission or just inadequate. This prejudiced the ability of the councils to adequately and effectively review these design refinements, particularly because it was not possible in some cases to understand the potential effects of the changes.</p> <ul style="list-style-type: none"> <li>No environmental assessment work was provided for many design changes, for example: Design Change 23: 'Tilbury watercourse'. The justification within the Environmental Impacts Update is limited and states: 'Please refer to Map Book 1: General Arrangements to view this information in more detail', however, no detail was provided. The consultation was defective in</li> </ul>	<p>error. The Applicant is satisfied, however, that sufficient information on the proposed changes was set out in the consultation material as a whole to enable consultees to provide an informed response.</p> <p>On the subject of environmental information related to the changes proposed for the Design Refinement Consultation, the Applicant published an EIU in which those changes were summarised in terms of their potential environmental effects and any planned mitigation. The information provided in the EIU was considered to be appropriate to the scale of the changes being proposed and to the maturity of the Project plans overall.</p> <p>As described in row 39, feedback provided by local authorities on the orientation of maps produced for the Design Refinement Consultation prompted the Applicant to amend its approach for the Community Impacts Consultation, where a north orientation became consistent across all maps.</p>

Row	Organisation	Theme	Issue	Response
			<p>this respect since it did not enable the councils to consider or respond to these matters. Map orientation – the north arrow in the map books did not generally point due north when viewing the map online as a pdf. This was compounded by the consultation exercise being carried out solely online which means that the public would have had limited means to print out plans and reorientate them to make them easier to view. This matter had been raised repeatedly in the past and while it has previously been acknowledged as an issue, it still was not addressed by Highways England. This impeded consultees’ ability to properly understand the consultation materials and means that the consultation has been ineffective.</p>	
76	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Over reliance on the PEIR published for Statutory Consultation. The councils consider that Highways England has therefore not complied with paragraph 68 of the MHCLG Guidance.</p>	<p>Row 1 sets out the Applicant’s views on the suitability of the PEIR.</p>
77	Thurrock, Havering and Gravesham joint response	Audience/ Consultee	<p><b>Accessibility of information</b> The councils, in their role as representing the community, expressed their concerns with</p>	<p>Row 4 sets out the Applicant’s position on the timing and duration of the Design Refinement Consultation and the measures taken to</p>

Row	Organisation	Theme	Issue	Response
			<p>regards to virtual only consultation. Directly affected residents and the wider community were at a disadvantage to meaningfully engage with the ‘virtual’ Design Refinement Consultation, for example, due to lack of ability to hold ‘in person’ exhibitions, view notices in public locations, inspect hard copies of vital, complex documents and plans. In addition, the councils consider that the consultation was conducted in an unjustifiably truncated timeframe by Highways England.</p> <p>The public, once again were required to gain a rapid understanding of a highly complex scheme, and in a period when there were higher priority matters and concerns affecting people’s health, wellbeing and, in many cases, their ability to work resulting in significant personal and financial challenges. Given that the consultation was online only, the councils are concerned that certain vulnerable groups were underrepresented, particularly those with limited access to the internet or with difficulties in downloading large documents, which was further exacerbated by the failure of Highways England to address the concerns previously raised about the map books. Highways England did</p>	<p>ensure it was as accessible as possible to a wide range of consultees.</p>

Row	Organisation	Theme	Issue	Response
			<p>state in its Guide to Design Refinement Consultation, ‘If you do not have access to the internet, we can send a printed consultation pack’, however, this Guide was an online document, so consultees would have had to be online to view the statement. For stakeholders where internet access is only via a mobile phone this means they are effectively excluded from the consultation, as it would likely be very difficult to understand the plans on a mobile phone.</p>	
78	Thurrock, Havering and Gravesham joint response	Audience/ Consultee	<p><b>Concerns relating to virtual consultation</b></p> <p>Other concerns with a virtual only consultation, which were not accommodated by Highways England but were well documented with them in advance and at every stage of every consultation, were:</p> <ul style="list-style-type: none"> <li>• The scale of the map books versus the scale of the scheme, for example, it was extremely difficult to decipher the layout of works around the A13, due to the complexity of the junction alterations.</li> <li>• The feedback received from professionals as well as the resident community of the need</li> </ul>	<p>Row 4 sets out the Applicant’s position on the timing and duration of the Design Refinement Consultation and the measures taken to ensure it was as accessible as possible to a wide range of consultees.</p> <p>Row 39 sets out the Applicant’s position on the appropriateness of maps produced for its consultations.</p> <p>The Applicant acknowledges the suggestions made regarding the need for hardcopy versions of large-scale maps, but maintains that the digital versions of maps, which could be magnified to focus on specific elements, provided a viable alternative to large scale hardcopies.</p> <p>Descriptions of the Design Refinement Consultation materials and links to copies of</p>

Row	Organisation	Theme	Issue	Response
			<p>to see hard copies of the plans in large scale to truly understand the effects.</p> <ul style="list-style-type: none"> <li>• The format with changing north points on the plans on each sheet which makes it incredibly confusing and difficult to understand the context.</li> <li>• Extending the consultation period owing to the complexity of, and ability to understand, the scheme and the proposed changes.</li> </ul> <p>The councils consider that Highways England has therefore not complied with paragraph 20 or 54 of the MHCLG Guidance.</p>	<p>each on the consultation website can be found in Appendix R of this report.</p>
79	Thurrock, Havering and Gravesham joint response	Timing/Duration	<p>The COVID-19 pandemic emerged as an issue during the course of the Supplementary Consultation period and assumed critical significance in March 2020. In response to the COVID-19 pandemic, Highways England extended the Supplementary Consultation period by one week and cancelled the four remaining consultation events. Lockdown was announced on the 23 March with little prior warning and this included advice that the clinically extremely vulnerable should stay at home for at least 12 weeks. Schools were shut and parents were asked to</p>	<p>Row 4 sets out the Applicant's response to consulting during the COVID-19 pandemic.</p>

Row	Organisation	Theme	Issue	Response
			<p>work from home if possible and home school their children.</p> <p>The leader of Thurrock Council wrote to Highways England on the 20 and 2 March 2020, requesting that the consultation be postponed and that a one-week extension, given the state of emergency, is of no benefit to any party. Highways England did not postpone the consultation.</p>	
80	Thurrock, Havering and Gravesham joint response	Timing/Duration	<p>The COVID-19 pandemic emerged as an issue during the course of the Supplementary Consultation period and assumed critical significance in March 2020. In response to the COVID-19 pandemic, Highways England extended the Supplementary Consultation period by one week and cancelled the four remaining consultation events. Lockdown was announced on the 23 March with little prior warning and this included advice that the clinically extremely vulnerable should stay at home for at least 12 weeks. Schools were shut and parents were asked to homework if possible and home school their children.</p>	<p>The majority of Supplementary Consultation was able to proceed as planned through February and March 2020, when Government measures to tackle COVID-19 were beginning. Row 4 sets out the Applicant’s response to consulting during the COVID-19 pandemic.</p>
81	Thurrock, Havering and Gravesham joint response	Timing/Duration	<p>The Design Refinement Consultation was undertaken in full knowledge of the COVID-19 pandemic, albeit in a period when restrictions had been relaxed. The consultation period was</p>	<p>Row 4 sets out the Applicant’s response to consulting during COVID-19 restrictions, including information on the timing and duration of the Supplementary Consultation and Design Refinement Consultation. Further</p>

Row	Organisation	Theme	Issue	Response
			<p>only 30 days and took place only virtually in the summer holiday period. The councils consider that there were significant issues and challenges associated with a further consultation exercise, undertaken virtually, so soon after the Supplementary Consultation, during a global pandemic and in the summer holiday period and expressed these concerns to Highways England at that time. While Highways England acknowledged stakeholder concerns regarding the length and timing of the consultation, the programme was not altered.</p> <p>It is considered that 30 days is insufficient time to enable an adequate level of meaningful review and response, compounded by the fact that Highways England undertook this round of consultation so soon after the completion of the Supplementary Consultation (March 2020), which would not have allowed time to reflect on the feedback from the last round of consultation and incorporate stakeholder comments into the scheme or the consultation approach.</p>	<p>information on the measures taken to ensure that feedback from the Supplementary Consultation informed the development of the Design Refinement Consultation proposals is set out in row 73.</p>

Row	Organisation	Theme	Issue	Response
82	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Technical engagement</b></p> <p>The councils have sought to actively engage with Highways England throughout the pre-application process. The ‘Summary of Tier 1 LA Technical Engagement’, which is updated periodically by Highways England, illustrates the volume of technical meetings, workshops and technical documents which Highways England has sought to engage the councils with, albeit on tight timescales. This summary was last issued on 3 July 2020 and was inaccurate as there were a number of technical meetings not held and technical documents not issued.</p> <p>It should be noted that during this time of intensive technical engagement, Highways England undertook two rounds of consultation (Supplementary Consultation (January 2020) and the Design Refinement Consultation (July 2020)). This is compounded by the fact that key council officers and members have also been engaged in responding to matters in relation to the COVID-19 pandemic.</p>	<p>Row 7 sets out the Applicant’s position on the steps taken to provide meaningful technical engagement with stakeholder organisations. It includes a reference to the Statement of Engagement (Application Document 5.2), in which more information on engagement with local authorities is provided.</p> <p>During the period after the withdrawal of the October 2020 application, the Applicant has established a workstream-based issue resolution process to address technical issues. Through this process, technical issues are being discussed and respective positions agreed.</p> <p>Where meetings have been postponed or cancelled, or technical documents not issued, the Applicant has provided a justification as to why these may have been delayed or cancelled.</p>
83	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The timing of Highways England’s technical engagement means that the councils have been placed under the burden of a compressed</p>	<p>Row 7 sets out the Applicant’s position on the steps taken to provide meaningful technical engagement with stakeholder organisations. It includes a reference to the Statement of</p>



Row	Organisation	Theme	Issue	Response
			<p>programme. This has meant that the councils have been unable to undertake informed analysis of the information in the time provided and respond quickly. There has also been a distinct lack of feedback from Highways England with regard to the councils' responses and only summary responses to issues raised are included in the Consultation Report. The councils believe that many of their comments have therefore not been taken into consideration by Highways England. By withholding information which could have been reviewed and agreed upon earlier in the pre-application process, Highways England compressed the time in which the councils could meaningfully inform the scheme prior to the submission of the DCO application. Also, a number of the draft ES chapters were issued to the councils for comment at the same time as the launch of Highways England's Design Refinement Consultation (14 July 2020) and the Health and Equalities Impact Assessment was issued during the course of the Design Refinement Consultation (3 August 2020). Such requests for comments, of which there were a many, during a public</p>	<p>Engagement (Application Document 5.2), in which more information on engagement with local authorities is provided.</p> <p>See row 23 for the Applicant's response regarding the time allowed to respond to consultation material, including details of the additional time local authorities were provided for the Design Refinement Consultation to produce their responses and take them through internal governance processes.</p>

Row	Organisation	Theme	Issue	Response
			<p>consultation exercise, place an enormous strain on councils.</p> <p>For example, the draft ES chapters for 12 topics were issued to the councils on 2 and 14 July 2020, but were incomplete and contained very little information on mitigation, relying instead on CoCP and its accompanying REAC. The draft CoCP in ‘skeleton’ form (with only headings with no content) was shared with the councils on 28 November 2019, in ‘preliminary’ form it was shared with councils on 3 June and then finally in its draft final form on 18 August together with the draft REAC for the first time. This late sharing of these key ‘control plan-type’ documents so late in the pre-application process has prevented the councils from considering impacts or likely mitigation properly and limited the time available to respond or for Highways England to account of its key comments. <b>In these respects, the consultation has therefore been defective.</b></p>	
84	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Furthermore, as the Transport Assessment has still not been shared, no assessment could be made of construction impacts on local roads or the need for mitigation. The effect on local roads could not</p>	<p>Row 7 sets out the Applicant’s position on the steps taken to provide meaningful technical engagement with stakeholder organisations. It includes a reference to the Statement of Engagement (Application Document 5.2), in</p>

Row	Organisation	Theme	Issue	Response
			<p>be assessed from any materials supplied within the three consultations (including the PEIR during Statutory Consultation) and has only been assessed from operational modelling information supplied by Highways England in late April 2020. Highways England declined to share the draft Transport Assessment relating to construction transport impacts in its emails dated 21 September and 8 October 2020. The technical response from Thurrock Council was issued to Highways England on 19 October in three technical reports (with the later timing due to the Design Refinement Consultation and the effects of the pandemic). Gravesham Borough Council in concert with other local authorities met with Highways England on the 2 October 2020 to discuss a consultant report on the LTAM traffic model. The assessment in that southern local authorities report identified that seven local junctions south of the river needed mitigation measures, quite apart from issues on M2 J1-J3 and A229, M2 J3 to M20 J6; in addition the Thurrock assessment identified that three key junctions in Thurrock will be over-capacity as a result of the Project and require mitigation. In view of the</p>	<p>which more information on engagement with local authorities is provided.</p> <p>The information provided for the Community Impacts Consultation included (in the Construction update document) a comprehensive construction programme for the Project, with extensive detail around construction phasing and associated traffic management measures. This built upon information previously developed and consulted upon, but was also informed by the concern expressed by Gravesham Borough Council that more could be done to demonstrate the robustness of data inputs underpinning the Applicant’s transport model.</p> <p>The Community Impacts Consultation also provided detailed technical information through the draft control documents, including the Wider Network Impacts Management and Monitoring Plan, which set out a traffic impact monitoring scheme to be carried out a year prior to opening (to establish a baseline), and again one and five years after the road opens. This is to identify delays and/or any worsening impact on the surrounding local, major, and strategic road networks.</p> <p>A Traffic Modelling Update was also published during Supplementary Consultation, which presented the updated traffic modelling, based on the revised proposals. This update included the latest traffic forecasts for the area most affected by</p>

Row	Organisation	Theme	Issue	Response
			<p>consultation process on technical matters being delayed, as indicated elsewhere in this representation, there has been no ability to discuss these local impacts and significant effects with Highways England or agree any mitigation measures. Gravesham Borough Council are of the view that Highways England should be tackling the Bluebell Hill traffic impact issue and if not part of the DCO there should be some form of explicit commitment to a process for a solution. In the email dated 8 October 2020, Highways England declined to meet with Thurrock Council to discuss these matters prior to DCO submission, therefore the councils were unable to progress their collective concerns and attempt to resolve matters in the pre-application period.</p>	<p>the Project and provided comparisons with the forecasts presented during Statutory Consultation. For more information about the Applicant’s traffic modelling, see the Transport Forecasting Package (Application Document 7.7, Combined Modelling and Appraisal Report, Appendix C and the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p>
85	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Concern about how comments have been accounted for in the DCO submission. Councils have commented, wherever possible during the pandemic, on these technical documents, despite the lack of detail and missing vital accompanying documentation such as the appendices not being issued with the draft ES. It is highly unlikely that such comments could have been</p>	<p>Row 7 above sets out the Applicant’s response to criticisms of its technical engagement and feedback. It also refers to the steps taken since the withdrawal of the October 2020 DCO application to revise and improve the nature of its engagement with stakeholder organisations.</p>

Row	Organisation	Theme	Issue	Response
			<p>accounted for in the DCO submission. Furthermore, many of the major documents shared by Highways England only requested significant and not detailed comments. Consequently, the pre-Examination and Examination period will be the only opportunity for Highways England and the councils to resolve these many issues. The lateness of sharing technical documents (often missing the detail needed), coupled with a formal consultation and all during a pandemic has significantly compromised the councils ability to comment, discuss and resolve issues and develop any draft Statement of Common Ground at this stage.</p>	
86	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Highways England should have taken into account paragraph 25 of the MHCLG Guidance ‘...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. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this...’ In this case the councils consider that insufficient</p>	<p>Row 23 provides the Applicant’s response regarding the time allowed to respond to consultation material, including allowances made for local authorities to finalise and undertake necessary internal governance protocols for their responses.</p> <p>Row 7 above sets out the Applicant’s response to criticisms of its technical engagement and feedback. It also refers to the steps taken since the withdrawal of the October 2020 application for development consent to revise and improve the nature of its engagement with stakeholder organisations.</p>

Row	Organisation	Theme	Issue	Response
			<p>time has been afforded and that the consultation has been defective.</p> <p>Highways England's compressed programme and volume of technical documents shared late in the process has also meant that there has not been an adequate amount of time for Highways England to consider and incorporate comments into its DCO. The councils have been prejudiced and as a result the consultation has been defective.</p> <p>Furthermore, Gravesham Borough Council Adequacy of Consultation letter makes reference to the Planning Performance Agreement (PPA) to explain that no funding for additional resources was available until September 2020.</p>	
87	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>EIA Scoping Opinion</b></p> <p>While it is acknowledged that there is a need for flexibility, and the Scoping Opinion notes this, section 2.3.15 of the Opinion also notes that '...if the Proposed Development changes substantially during the EIA process and prior to submission of the application the Applicant may wish to consider requesting a new Scoping Opinion'. This point is particularly important given the recent changes to the EIA Regulations which place a greater emphasis on the content of</p>	<p>See row 1 for the Applicant's response on the suitability of the PEIR.</p> <p>The Applicant followed the appropriate guidance in relation to the EIA Scoping Opinion as adopted by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government pursuant to Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>While the Applicant acknowledges that the site area has increased since the EIA scoping stage, the larger part of this increase has been the inclusion within the Order Limits</p>

Row	Organisation	Theme	Issue	Response
			<p>Scoping Opinion. Regulation 14(3)(a) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 No.572) states that ‘...the environmental statement... must, where a Scoping Opinion has been adopted, be based on the most recent Scoping Opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)’.</p>	<p>of additional land for the purposes of mitigating the impacts of the proposals. All of the included land has been assessed in the preparation of the Environmental Statement (Application Document 6.1). The nature of the proposals remains fundamentally the same as at the EIA scoping stage, and therefore the Scoping Opinion remains current and robust. The scope and extent of the study area considered in the Scoping Report was sufficiently broad to accommodate the Order Limits as now presented. Where methodologies have been updated since the Scoping Opinion was sought, due to changes in guidance or legislation, the most recent methodology has been implemented.</p> <p>More information on how the Applicant has responded to the Scoping Opinion is set out in each of the topic specific chapters of the Environmental Statement (Application Document 6.1) and a full response to the Scoping Opinion is included as Appendix 4.1 (Application Document 6.3).</p>
88	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>A broad analysis of the Consultation Report has revealed that overall, over the three consultations only 14 key summary changes have been made to the scheme. This would appear to be an inaccurate representation of all the summary changes made by Highways</p>	<p>Row 25 addresses the issue of how changes made to the Project proposals as a result of consultation feedback were reported in the October 2020 Consultation Report, and how AoCR feedback on that point is reflected in the updated report. Row 25 also refers to the ‘You said, we did’ document produced for the Community Impacts Consultation.</p>

Row	Organisation	Theme	Issue	Response
			<p>England. They are summarised below:</p> <p><b>Statutory Consultation:</b></p> <ul style="list-style-type: none"> <li>• Improved connectivity at the [Marling Cross] Gravesend East junction</li> <li>• Relocation of the South Portal, 35m further south</li> <li>• Landscaping proposals at the tunnel portals using materials excavated in the tunnelling</li> <li>• Removal of the roadside service facility, maintenance depot and Tilbury junction</li> <li>• Removal of one lane southbound between the M25 and A13/A1089 junction</li> <li>• Changes to the structures over the Mardyke River, Golden Bridge Sewer and the Orsett Fen Sewer</li> <li>• Provision of additional green bridges and changes to the design of those previously included</li> <li>• Modified proposals for walkers, cyclists and horse riders</li> </ul>	
89	Thurrock, Havering and Gravesham joint response	Information/ Materials	A broad analysis of the Consultation Report has revealed that overall, over the three consultations only 14 key summary changes have been	Row 25 addresses the issue of how changes made to the Project proposals as a result of consultation feedback were reported in the October 2020 Consultation Report, and how



Row	Organisation	Theme	Issue	Response
			<p>made to the scheme (refer to Sections 7.6.6, Section 8.5.6 and Section 9.5.6 of the Consultation Report (reproduced below) and are broadly (although the text in bracketed italics provided further context and additions to the changes, but which were not included within the summary changes in the Consultation Report). This would appear to be an inaccurate representation of all the summary changes made by Highways England. They are summarised below: <b>Supplementary Consultation:</b></p> <ul style="list-style-type: none"> <li>• Reducing [Increased] the land required for utility works [and compensation planting areas]</li> <li>• [Ground stabilisation tunnel from Lower Higham Road into the North Kent Marshes]</li> <li>• [New electricity substation at one of three locations on the A226]</li> <li>• Refinements to the design of utility diversions in some areas along the route</li> <li>• Updated paths for walkers, cyclists and horse riders</li> <li>• Relocating the Gammonfields Way traveller site</li> </ul>	<p>AoCR feedback on that point is reflected in the updated report. Row 25 also refers to the 'You said, we did' document produced for the Community Impacts Consultation.</p>

Row	Organisation	Theme	Issue	Response
90	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>A broad analysis of the Consultation Report has revealed that overall, over the three consultations only 14 key summary changes have been made to the scheme (refer to Sections 7.6.6, Section 8.5.6 and Section 9.5.6 of the Consultation Report (reproduced below) and are broadly (although the text in bracketed italics provided further context and additions to the changes, but which were not included within the summary changes in the Consultation Report). This would appear to be an inaccurate representation of all the summary changes made by Highways England. They are summarised below: <b>Design Refinement Consultation:</b></p> <p>A revised proposal for the gas pipeline diversions under the Project near Thong [along the northern edge of the A2 through the AONB, thereby reducing the area involved].</p> <ul style="list-style-type: none"> <li>• Revised proposals for the overhead power line diversion near the Tilbury Loop railway [and at Thong]</li> <li>• [Selection of a site for the A226 substation and addition of a smaller switching station at the</li> </ul>	<p>Row 25 addresses the issue of how changes made to the Project proposals as a result of consultation feedback were reported in the October 2020 Consultation Report, and how AoCR feedback on that point is reflected in the updated report. Row 25 also refers to the 'You said, we did' document produced for the Community Impacts Consultation.</p>

Row	Organisation	Theme	Issue	Response
			southern end of Thong Lane by A2]	
91	Thurrock, Havering and Gravesham joint response	Information/ Materials	Scope of each EIA topic assessment does not appear to have been reviewed and/or updated as result of the changes in the application area and scheme. Query whether the Applicant discussed with the Planning Inspectorate (PINS) if the changes required scoping of additional topics. It is the councils' opinion that an updated Scoping Opinion should have been sought. Highways England should have taken into consideration paragraph 4.9 of the Inspectorate's Advice Note 7: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements (2020) (Advice Note 7), which states that '...applicants should consider carefully the best time to request a Scoping Opinion. In order to gain the most benefit, applicants should consider requesting the opinion once there is sufficient certainty about the design of the Proposed Development and the main design elements likely to have a significant environmental effect.'	See row 1 for the Applicant's response on the suitability of the PEIR. The Applicant followed the appropriate guidance in relation to the EIA Scoping Opinion as adopted by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government pursuant to Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
92	Thurrock, Havering and Gravesham joint response	Information/ Materials	Potentially significant non-compliance matters in relation to	Row 14 above sets out the Applicant's view that its approach to transport modelling has

Row	Organisation	Theme	Issue	Response
			<p>transport modelling. Councils have not seen the submitted transport assessments with the DCO, even though the councils were promised sight of it before submission, but as far as we are aware the central case is based on the WebTag approach, with high and low options around that. This is however not sufficient to address the requirements for a reasonable worst-case under the EIA regulations. Without such analysis it is not possible for the councils or residents to form a proper view of the potential impacts of the scheme, or whether it is even fit for purpose in terms of its proclaimed objectives. It is considered that Highways England should rerun the LTAM with higher development numbers (to be agreed with local authorities) and follow through the logic of the results to both the ES and scheme design.</p>	<p>adhered to the guidance provided by the Department for Transport and is therefore valid.</p>
93	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>In the absence of a Transport chapter, and the ability for the councils to understand likely impacts of traffic (and its knock-on effects to air quality, noise and health), Highways England should have shared the draft Transport Assessment with the councils prior to the DCO submission, however, Highways England declined this</p>	<p>As described in row 14, transport modelling for the Project has been carried out according to the appropriate guidelines, as required by the Department for Transport. Consultation on traffic impacts associated with the Project has also been appropriate and thorough. For Statutory Consultation, this included the publication of a Traffic Forecasting Report and an accompanying non-technical summary, with information also</p>

Row	Organisation	Theme	Issue	Response
			<p>opportunity. Therefore, the councils are prejudiced in that they have been unable to provide essential feedback in matters relating to traffic to affect the scheme and likely mitigation at a time when the scheme was still at a formative stage. The consultation has, therefore, been defective and, it is no answer to this to say that the councils will have the opportunity to articulate their concerns about these matters at a later stage, because it is essential for consultation to be carried out while proposals were still at a formative stage.</p>	<p>provided in the core consultation document – Your Guide to Consultation – and elsewhere. The Supplementary Consultation held in 2020 provided a Traffic Modelling Update, and the Guide to Design Refinement Consultation published later that year included further information on the traffic impacts associated with the revised proposals.</p> <p>In addition to the information provided for public consultation, the Applicant engaged extensively with stakeholder organisations including local authorities on a range of topics, including transport modelling. The Applicant understood the need for and benefits of transparency in terms of sharing information with those stakeholders, and did so whenever possible. It should be noted that the ability to respond to successive phases of pre-application consultation did not rely on any additional information that was shared with stakeholder organisations, or information that stakeholders had requested as part of ongoing engagement but had not received. More information on the nature of technical engagement with local authorities is provided in the Statement of Engagement (Application Document 5.2).</p> <p>The Applicant maintains that the information on transport modelling provided in the application for development consent submitted in October 2020 was appropriate and relevant. That notwithstanding, the</p>

Row	Organisation	Theme	Issue	Response
				<p>Applicant took the opportunity to include in its Community Impacts Consultation held in 2021 a number of additional documents in which traffic impacts were presented. These included the Ward impact summaries, the Construction update and Operations update, and various draft control documents such as the outline Traffic Management Plan for Construction.</p>
94	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The ES should clearly set out the assumptions that have been made within the assessment of transportation impacts. A worst-case scenario should be assessed. Where transportation by river or rail is relied upon to mitigate road transportation impacts (as implied in paragraph 6.9.4 of the Scoping Report), the Inspectorate would expect to see commitments made to these movements e.g., through the draft DCO. The Applicant should also have regard to the points raised by Port of London Authority (PLA) on this matter. As above, the councils are not in receipt of the draft Transport Assessment to validate where transportation by river is relied upon to mitigate road transportation impacts, nor is a commitment made in the draft DCO (issued to the councils (29 June 2020).</p>	<p>In line with the Rochdale Envelope approach, parameters have been established across the Project to manage uncertainty, accommodate design flexibility and ensure that reasonable worst-case scenarios are assessed. These parameters are described within the description of the Project and its construction and operation within ES Chapter 2: Project Description (Application Document 6.1), and include the defined reasonable worst-case scenario. The approach to consideration of this Rochdale Envelope is further set out in the topic specific chapters.</p> <p>The Applicant has made specific commitments relating to the use of port facilities, and so by implication, river or rail, in the outline Materials Handling Plan (Application Document 6.3).</p>

Row	Organisation	Theme	Issue	Response
95	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>It is acknowledged that there is a need to retain flexibility in designing major infrastructure schemes, however the significant increase in application area, which has increased by some 55% since EIA scoping stage, compounded by the very significant material changes to the scheme which have taken place since scoping, lead to the conclusion that Highways England’s October 2017 EIA Scoping Report was submitted prematurely and at a point in time where there was considerable uncertainty about the design of the scheme. It should have been reviewed subsequently (but has not been) and, as a result of modifications to the scheme since it was submitted, it is no longer fit for purpose.</p>	<p>The Applicant followed the appropriate guidance in relation to the EIA Scoping Opinion as adopted by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government pursuant to Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>While the Applicant acknowledges that the site area has increased since the EIA scoping stage, the larger part of this increase has been the inclusion within the Order Limits of additional land for the purposes of mitigating the impacts of the proposals. All of the included land has been assessed in the preparation of the Environmental Statement (Application Document 6.1). The nature of the proposals remains fundamentally the same as at the EIA scoping stage, and therefore the Scoping Opinion remains current and robust. The scope and extent of the study area considered in the Scoping Report was sufficiently broad to accommodate the Order Limits as now presented. Where methodologies have been updated since the Scoping Opinion was sought, due to changes in guidance or legislation, the most recent methodology has been implemented.</p> <p>More information on how the Applicant has responded to the Scoping Opinion is set out in each of the topic specific chapters of the Environmental Statement (Application</p>

Row	Organisation	Theme	Issue	Response
				Document 6.1) and a full response to the Scoping Opinion is included as Appendix 4.1 (Application Document 6.3).
96	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Adequacy of consultation on draft Environmental Statement</b></p> <p>Concerns have been raised previously over Highways England’s compressed programme and the lack of meaningful technical engagement. This has remained a considerable concern throughout the technical engagement, as it has resulted in limited time to explore and agree appropriate measures to mitigate the adverse effects of the scheme with Highways England.</p>	Row 7 sets out the Applicant’s response regarding technical engagement. It includes a reference to the Statement of Engagement (Application Document 5.2) in which a summary is provided of the way in which the Applicant has sought feedback on draft chapters and appendices of the Environmental Statement.
97	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Health - over the course of the last 18 months the CIPHAG has met and, during this time, very limited information has been shared with members relating to the impacts identified and how this has shaped the scheme or informed mitigation. This has been compounded with the lack of technical appendices, consequently, it has been difficult to provide any meaningful input during this time period. Despite holding nine CIPHAG meetings during 2019 and 2020, there was no detail provided of the likely significant effects or potential mitigation until the late receipt of the draft ES Chapter:</p>	<p>Row 7 sets out the Applicant’s position on the nature of its technical engagement with stakeholders, including the efforts made to revise and improve its approach since the withdrawal of the application for development consent in November 2020.</p> <p>Additional information on the predicted impacts of the Project on human health was provided as part of the Community Impacts Consultation in 2021. It included the Ward impact summaries, in which health impacts and associated mitigation were presented at a localised level in order to give local residents and other consultees a better understanding of how they may be affected.</p>



Row	Organisation	Theme	Issue	Response
			<p>Population and Human Health (shared on 2 July 2020) and the draft Health and Equalities Impact Assessment (HEqIA) (shared on 3 August 2020). Although these may have been commented on by some councils during October 2020, the comments would not have been accounted for within the final DCO submission. The Gravesham Borough Council Adequacy of Consultation letter includes, in its appendices, comments from Bureau Veritas and other consultants in relation to health impacts. Therefore, the opportunity to resolve issues prior to DCO submission has been lost.</p>	<p>Additional information about how the Project is expected to impact local communities and the steps the Applicant would take to mitigate those impacts can be found in the Community Impact Report (Application Document 7.16). A Health and Equalities Impact Assessment (Application Document 7.10) has also been carried out and is presented as part of the application.</p>
98	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>There is a heavy reliance on the CoCP and the REAC to deliver appropriate mitigation during the construction phase. The REAC which forms a critical part of the CoCP in understanding the proposed mitigation was limited in information and should have been shared with the councils providing enough time for meaningful engagement for Highways England to illustrate how comments have been incorporated into the mitigation package, it is unclear if the councils comment have been incorporated into the scheme.</p>	<p>Row 11 sets out the Applicant's response to criticisms of the way technical engagement on a draft CoCP was carried out. It also refers to the inclusion of a further draft of the CoCP in the Community Impacts Consultation. The Statement of Engagement (Application Document 5.2) provides a summary of the way in which the Applicant has sought to engage local authorities and other organisations on draft control documents, including the CoCP and REAC.</p>

Row	Organisation	Theme	Issue	Response
			<p><b>The CoCP was not shared with councils until 3 June and then it lacked the critical mitigation detail which is contained in the REAC which was not issued to the councils until in mid-August.</b></p>	
99	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Cultural Heritage Desk-Based Assessment:</b></p> <ul style="list-style-type: none"> <li>• Failed to use all of the available data, with most of the information provided relying on list descriptions and the Historic Environment Record</li> <li>• Failed to identify the significance of the asset, or the contribution made by their setting</li> <li>• The values assigned to the assets are questionable in numerous cases</li> <li>• No considerations of how research aims within the various areas can be addressed</li> <li>• No clear identification of the assets which can be excluded from the Environmental Statement.</li> </ul> <p>Further concerns have been raised more recently, with how the Design Manual For Roads and Bridges (DMRB) LA 106 Cultural Heritage Assessment (January 2020, Rev 1) determines the 'value' of individual</p>	<p>At a regular key heritage stakeholder meeting in June 2021 the archaeological advisors to Gravesham Borough Council (Kent County Council), Thurrock Council (Essex Place Services), the London Borough of Havering (Greater London Archaeological Advisory Service) and Historic England agreed that the Desk-Based Study should be regarded as a 'point in time' document and the Applicant would only make factual updates. The meeting agreed that more detailed description and values for those affected assets would be provided in ES Chapter 6: Cultural Heritage and summarised in the draft Archaeological Mitigation Strategy and outline Written Scheme of Investigation (Appendix 6.9). These documents would also incorporate additional information gained through the archaeological trial trenching. The latest version of DMRB LA 106 Cultural Heritage Assessment has been used to assess sites of historical, cultural or archaeological significance. This document no longer sets out which particular asset should have which value but refers to DMRB LA104 Environmental assessment and monitoring. This allows a greater degree of</p>

Row	Organisation	Theme	Issue	Response
			<p>heritage assets compared to the National Policy Statement for National Networks (NPSNN). It is considered that there is a fundamental problem with a methodology which considers Grade I, II* and II listed buildings being of equal value.</p>	<p>flexibility in the allocation of value to designated assets. In Table 3.2 this document clearly states that medium value assets should be of importance on a regional scale, but listed buildings are designated because of their national importance, and therefore all listed buildings should be of at least high value in terms of the ES assessment. For Tilbury Fort and Coalhouse Fort, the Applicant's assessment suggested that a very high value was appropriate. It should be noted that in terms of the National Policy Statement for National Networks, there is a distinction between Grade I and II* listed buildings and Grade II listed buildings in terms of whether their loss should be exceptional or wholly exceptional. That distinction has been retained throughout the ES.</p>
100	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The above comments are on the draft ES and the Councils are unable to comment on whether these comments have been carried forward into the final ES as they have not yet received it. Consultation has been carried out in respect of a single NSIP, the road. The Councils understand that the DCO application may consist of five additional NSIPs, which includes, but not limited to, overhead line diversion and utility diversions. The Councils, therefore, reserve their position to determine</p>	<p>At each consultation, the Applicant has set out the necessary utility diversions and provided preliminary environmental information to enable consultees to understand the proposals, the impacts and the proposed mitigations. To provide further clarity, the Community Impacts Consultation set out the NSIPs that were part of the Project at that time. The Local Refinement Consultation updated on this position, and the final position with regard to inclusion of utilities NSIPs included in the application is set out below.</p>

Row	Organisation	Theme	Issue	Response
			<p>the adequacy of how the other NSIPs have been dealt with in the ES.</p>	<p>The Guide to Local Refinement Consultation stated on page 27 that ‘we will continue to keep the legal assessment of whether the proposed works are Nationally Significant Infrastructure Projects (NSIPs) under review’. This is to ensure due diligence in the application. The borough's interface with the Project's energy NSIPs is limited to the completion of restringing and earthing operations at two existing pylons in the borough.</p> <p>The powers to undertake the utility works required for the Project are included within the DCO application and they will not require their own DCO. Due to the scale of some of the utilities diversions, some of them also constitute an NSIP for the purposes of the Planning 2008 Act. This is applicable for the following:</p> <ul style="list-style-type: none"> <li>• Diversion of National Grid Electricity Transmission’s (NGET) overhead line (ZB018-027).</li> <li>• Three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act. The diversion of the National Grid Feeder 5 (Phase 1 and 2), and National Grid Feeder 18 high-pressure gas pipelines (Works G2, G3, and G4).</li> </ul> <p>While these diversions are NSIPs, the draft DCO contains sufficient powers to authorise them.</p> <p>Further details are provided in Appendix 1.3 Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act</p>

Row	Organisation	Theme	Issue	Response
				2008 and relevant sections of Appendix 1.3 to the Explanatory Memorandum.
101	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Lack of key documentation</b></p> <p>Many of the technical documents issued by Highways England have not included the appendices or place which contain the detailed analysis of the EIA. The failure to include appendices means that key details could not be considered and the consultation has not been effective since many of the appendices either have not been consulted upon and the potential effects (and mitigation) of the scheme cannot be properly understood. Therefore, the adequacy of the assessment cannot be confirmed.</p> <p>The councils, including Kent County Council and Essex County Council, wrote to Highways England (7 October 2020) requesting early sight of the Consultation Report and other related application documents prior to the DCO submission (Advice Note 14, paragraph 6) and whether Highways England intends to allow a soft copy of the application documents to be issued to the councils as soon as is practicable following submission of the application to the Inspectorate (Advice Note 2, paragraph 15.1).</p>	<p>Row 7 sets out the Applicant's position on the nature of its technical engagement with stakeholders, including the efforts made to revise and improve its approach since the withdrawal of the October 2020 application for development consent.</p> <p>Further, row 11 states the Applicant's views on the nature of technical engagement on a draft CoCP.</p> <p>Noting the feedback provided in AoCRs and ongoing engagement with the relevant local authorities, the Applicant chose to include in its Community Impacts Consultation draft versions of many of the documents that would eventually be used to manage environmental impacts through the construction and operation of the Project. These included a draft of the CoCP and REAC.</p> <p>Further details on the delivery of the Community Impacts Consultation can be found in Chapter 8, and the Applicant's regard to issues raised in responses to that consultation is set out in Chapter 14.</p>

Row	Organisation	Theme	Issue	Response
			<p>Highways England responded (14 October 2020):</p> <p>‘Firstly, I would like to thank you for your and all of your teams’ time in the very extensive engagement over the course of the development of the Project. Your input and feedback, particularly since our Preferred Route Announcement in April 2017, has been invaluable in developing and shaping the Lower Thames Crossing proposal... We have also sought to share much of our developing thinking as the design has progressed. This includes over 20 key documents ahead of submission – such as drafts of the Code of Construction Practice, Health Equalities Impacts Assessment, Environmental Masterplan, and the Environmental Statement Chapters.’</p>	
102	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>The councils sent a subsequent letter (16 October 2020) expressing their concerns:</p> <p>‘We note your comments about our contributions to shaping the Lower Thames Crossing proposals, but we are unsure of what contributions we have made as we have had very little feedback from you regarding our comments and contributions, which continues to be the case in the lead up to DCO submission. With regard</p>	<p>Row 7 sets out the Applicant’s position on the nature of its technical engagement with stakeholders, including the efforts made to revise and improve its approach since the withdrawal of the October 2020 application for development consent.</p> <p>Further, row 11 states the Applicant’s views on the nature of technical engagement on a draft CoCP.</p> <p>Noting the feedback provided in AoCRs and ongoing engagement with the relevant local authorities, the Applicant chose to include in</p>

Row	Organisation	Theme	Issue	Response
			<p>to your comments about ‘doing things differently’, our understanding is that the A303 was the first HE project to use a planning performance agreement (PPA) with a local authority, although promoters such as Thames Water, National Grid and EDF were using PPAs in accordance with the Planning Inspectorate Advice Notes and Government Guidance, since the early introduction of the Planning Act 2008. We do agree that operational traffic modelling information has been shared early and has been helpful. However, you have told us that the construction traffic Transport Assessment will not be shared at all prior to DCO submission, despite the NPS requiring otherwise.</p> <p>‘We also take issue with your assertion that key technical documents have been shared early, they have, but either just before/during a formal consultation or very late in the process that has presented us with a resource challenge and more importantly we are unsure how our comments will be accounted for, if at all. We set out below the documents and when they were shared (with Thurrock but presumably consistently with all of the affected local authorities</p>	<p>its Community Impacts Consultation draft versions of many of the documents that would eventually manage environmental impacts through the construction and operation of the Project. These included a draft of the CoCP and REAC.</p> <p>Further details on the delivery of the Community Impacts Consultation can be found in Chapter 8, and the Applicant’s regard to issues raised in response to that consultation is set out in Chapter 14.</p>



Row	Organisation	Theme	Issue	Response
			<p>simultaneously which has been the usual approach) to illustrate the point:                      CoCP – latest version with text shared on 18 August 2020 (largely for information only);                      HEqIA – first shared 3 August 2020;                      EMP – shared on 14 July, but with no corresponding detail (the commencement date of the Design Refinement Consultation which closed on 12 August 2020);                      ES Chapters – 12 shared on 2 and 14 July (again just prior and at the commencement date of the Design Refinement Consultation which closed on 12 August 2020).'</p>	
103	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Highways England responded on the 23 October 2020 stating that there have been significant changes made to the scheme as a result of the stakeholder feedback but did not intend to list them in the letter, however, this may have been beneficial to the councils to understand how stakeholder comments have been incorporated into the scheme. Highways England further noted the early sharing of documents and used the CoCP as an example, which was shared on the 3 June 2020, however, the CoCP</p>	<p>Row 11 sets out the Applicant's views on the nature of technical engagement on a draft CoCP.                      The Applicant acknowledges the criticism that the Consultation Report was shared with local authorities one day before the formal submission of its October 2020 application for development consent to the Planning Inspectorate. The Applicant is aware of the recommendation that was made in what was in 2020 the most up-to-date iteration of Advice Note 14 that consultation reports should be shared with local authorities in advance of an application. It was not possible to share the report at an earlier date, but the</p>



Row	Organisation	Theme	Issue	Response
			<p>lacked the critical mitigation detail which is contained in the REAC and was not issued to the councils until in mid-August.</p> <p>The Consultation Report was shared with the councils on the 22 October, the day before submission of the DCO. This is clearly not in compliance with the Inspectorate’s Advice Note 14, which states that it is particularly useful if applicants provide local authorities with early sight of the Consultation Report to inform their views, given the short 28-day timescale allowed for the acceptance stage and the 14-day timescale local authorities have to provide their Adequacy of Consultation Response. However, Highways England refused to provide a soft launch of DCO documents prior to the application being accepted.</p> <p>Furthermore, the councils have never been issued the Project business case, which was promised to Gravesham Borough Council members at a presentation from Highways England in February 2020.</p>	<p>Applicant maintains that the report was logically structured and contained the relevant information to enable local authorities to gain an understanding of it in the designated period.</p> <p>It should be recognised that there is no requirement in legislation for the Consultation Report to be shared in advance of application, and it is noted that the latest iteration of Advice Note 15 has removed the recommendation, which the Applicant considers is likely to reflect a recognition of the lack of a legal obligation to do so.</p>
104	Thurrock, Havering and Gravesham joint response	Information/ Materials	<b>Lack of public environmental information</b>	Row 1 sets out the Applicant’s response to criticisms of the PEIR.

Row	Organisation	Theme	Issue	Response
			<p>Regulation 12 of the Infrastructure EIA Regulations 2017 states:</p> <p>(2) In this regulation, ‘preliminary environmental information’ means information referred to in Regulation 14(2) which:</p> <ul style="list-style-type: none"> <li>• (a) has been compiled by the applicant; and</li> <li>• (b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development).</li> </ul> <p>Furthermore, paragraph 93 of MHCLG Guidance states ‘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 key issue is that the information presented must provide clarity to all consultees.’ For adequate consultation to be carried out, sufficient environmental information needs to be made available. The information presented in the PEIR during the Statutory Consultation (December 2018) and the ES Update Reports during the Supplementary Consultation (January 2020) and the Design</p>	

Row	Organisation	Theme	Issue	Response
			<p>Refinement Consultation (July 2020), did little to provide the public with information to review and understand the baseline conditions and develop an informed view of the likely significant environmental effects.</p> <p>The councils consider that Highways England has therefore not complied with paragraph 93 of the MHCLG Guidance.</p>	
105	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Throughout all three rounds of formal consultation, the councils have not received any feedback to demonstrate how their comments have been taken into consideration into the design of the scheme.</p> <p>Neither the Supplementary Consultation nor the Design Refinement Consultation contained substantive feedback on the results of the previous consultations. In summer 2019 a Project update was published which contained high level information on the responses to the Statutory Consultation, this was not considered an adequate response to the effort and resources from stakeholders in responding to the Statutory Consultation. It should be noted, in Gravesham Borough Council's response on the proposed approach to the Supplementary Consultation, it pointed out that the</p>	<p>Row 6 sets out the Applicant's explanation of how feedback from completed rounds of consultation was reported on, including the publication as part of the Community Impacts Consultation of a 'You said, we did' document. The decision to produce such a document was made through consideration of the feedback provided in AoCRs.</p> <p>The Statement of Engagement (Application Document 5.2) provides a summary of the way in which the Applicant engaged with local authorities on feedback that they had provided as part of formal consultation as well as ongoing engagement.</p>

Row	Organisation	Theme	Issue	Response
			<p>general public would expect responses on issues raised at the previous consultation. Two years have elapsed since the Statutory Consultation and no feedback has been received.</p> <p>Summary responses are now available in the Consultation Report, although the councils full comments and Highways England’s responses do not appear to be available for review.</p>	
106	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p>Given that the DCO process was intended by Parliament to be front-loaded, the council has found the stance adopted by Highways England, for example, in terms of transport scenario testing and the timely release of detailed technical information, to be frustrating. The request that cross-sections of the A2 junction and 3D visualisation to provide a clearer overview of a three-level interchange has never been responded to. Although Highways England has held numerous meetings with the councils, and other parties, these have frequently been presentations of the latest position, not discussions about options or feedback.</p> <p>The councils have repeatedly and formally requested feedback to the</p>	<p>Row 7 sets out the Applicant’s position on the nature of its technical engagement on the development of documents included in the DCO application. It includes a reference to the Statement of Engagement (Application Document 5.2), in which further detail is provided on this process, and a further reference to the way in which the Applicant has developed and improved its approach to technical engagement in the period after the withdrawal of the October 2020 application. The Applicant maintains that the process it followed to share draft materials with local authorities and to involve them in their development has been appropriate and earnest.</p> <p>Addressing the councils’ concern at the failure to provide 3D visualisations of the A2 junction proposals, the Applicant notes that a fly-through visualisation was provided that allowed consultees to understand the layout</p>

Row	Organisation	Theme	Issue	Response
			<p>comments and advice provided to Highways England on the three rounds of consultations and further technical engagement as to how their comments have been taken into consideration in the scheme. Most recently, the councils issued a letter (16 October 2020) setting out their concerns that key documents have not been shared early enough in the process (further referenced above in Section 5.9.3).</p> <p>An important part of the pre-application process is for local authorities to be able to influence the preparation of the developer's application. The Inspectorate's Advice Note 2, Section 6, states that the preparation of the application is an 'iterative process' which should have meant that the amount of detail should increase as the preparation proceeds. Highways England has instead proceeded to release high volumes of technical material in a short period of time whereby, it does not appear to be the case that the substantial comments made by the councils have been adequately or genuinely considered by Highways England and certainly have not been incorporated into the scheme.</p>	<p>of the proposals, as well as visual photomontages of the junction.</p> <p>Considerable information on the junction (and other key features of the Project) has been provided to local authorities, as part of successive phases of public consultation and through ongoing technical engagement. It is acknowledged that 3D visualisations can be useful tools for presenting complex engineering plans, but the information that was shared in other formats on the A2 proposals was detailed and accurate, and suitable for a design at the pre-application stage of its development.</p>

Row	Organisation	Theme	Issue	Response
107	Thurrock, Havering and Gravesham joint response	Information/ Materials	<p><b>Outstanding issues that may affect the Examination timetable</b></p> <p>Section 98(1) of the Planning Act 2008 imposes a duty on the Examining Authority to complete the Examination within six months. There is serious concern that the quality of the application and the level of information presented during the pre-application stage will pose a challenge to be able to complete the Examination within the statutory timescales. The number of outstanding issues has escalated in the lead up to the DCO submission. These outstanding issues are likely to result in a greater number of Examiner questions and hearings, which will add undue pressure on all parties. Furthermore, there may be a need for requests for further information, i.e., under the Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 which could add undue pressure to all parties.</p> <p>As an example to a delay to an Examination, a recent procedural decision by the Inspectorate on Thurrock Power Limited DCO under Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 6, 9 and 17,</p>	<p>The Applicant maintains that the documents that comprised the October 2020 application for development consent were thorough and appropriate, having been refined and finalised through an extensive multi-phase consultation period and several years of ongoing technical engagement. The Applicant also maintains that it would have proved possible to complete the Examination phase within the required six months.</p> <p>However, noting the concerns raised by the local authorities in their AoCRs, the Applicant undertook to prepare and carry out the Community Impacts Consultation in the summer of 2021. As noted above, including row 1, the consultation provided detailed information on the predicted impacts and associated mitigations linked to the construction and operation of the Project. The consultation also included draft versions of many of the control documents in which information is provided on how environmental effects would be managed by the Applicant and its appointed contractors. The purpose of including this information in the Community Impacts Consultation was to ensure that consultees were provided with further opportunities to understand the Project proposals and raise issues that the Applicant could then consider and apply where appropriate to the finalisation of its application for development consent.</p>

Row	Organisation	Theme	Issue	Response
			<p>requested further information in respect of the ES due to written submission and the oral submission at the Preliminary Meeting Part 1. The Inspectorate’s reasoning was as follows:</p> <p>‘One of the primary purposes of the Examination process is to resolve issues that arise from the ES as opposed to providing a mechanism for resolving numerous omissions and inadequacies. Indeed, the frontloading of project development in the PA2008 is, in part, intended to avoid such issues acting as an impediment to the Examination of applications in the statutory timescales.’</p> <p>The councils consider that Highways England has submitted its DCO despite the significant amount of outstanding issues to be resolved, resulting in a significant risk to the statutory timescales of the Examination timetable.</p>	<p>As is also noted above, including row 7, the Applicant used the period following the withdrawal of the October 2020 application to revise and improve its processes of technical engagement. Again, the purpose of this work was to make sure that outstanding concerns could be addressed in advance of the submission of a revised application. This work is documented in the Statement of Engagement (Application Document 5.2) as well as the Statements of Common Ground (Application Document 5.4).</p> <p>The Applicant is therefore confident that the revised application for development consent has effectively and rationally minimised the volume of outstanding issues to be addressed and that proper consideration of the application can be achieved within the defined six-month period.</p>
108	Thurrock, Havering and Gravesham joint response	Information/ Materials	Should the application be accepted for Examination, there is a significant risk that the number of outstanding issues and concerns is so significant that it will consume a disproportionate amount of Examination time. This is	Row 107 sets out the Applicant’s explanation of the measures taken to minimise through effective technical engagement and consultation the number of issues concerning the Project proposals left to be resolved as part of Examination.



Row	Organisation	Theme	Issue	Response
			<p>unacceptable. The application should only be accepted for Examination if there can be a reasonable degree of confidence that it can be examined within the statutory period. The councils do not consider that it can be, for all of the reason set out above. There are numerous outstanding issues arising from a number of defects in the consultation process that have significantly prejudiced the councils, and other consultees, such that the application should not be accepted for Examination at this stage without those matters being rectified.</p>	
109	Thurrock, Havering and Gravesham joint response		<p>Section 55(5) of the Planning Act 2008 (the PA2008) defines adequacy of consultation as ‘...a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.’ However the councils wish to comment on Highways England’s compliance with section 49 of the PA2008, which requires the Applicant to take account of responses to consultation and publicity, and section 50 of the PA2008, which requires the Applicant to have regard to relevant guidance issued under section 50 of</p>	<p>Noting the local authorities’ comments regarding compliance with section 49 of the Planning Act 2008, the Applicant is satisfied that it has correctly carried out its duties in that regard. Chapters 11-15 of the revised Consultation Report provide extensive evidence of the steps taken to understand the comments – both positive and negative – raised by consultees and to consider whether changes to the Project proposals should be made. It is evident from those chapters that numerous changes have been made through successive phases of consultation and that, when changes were not considered appropriate, sufficient information has been provided to explain those decisions.</p>



Row	Organisation	Theme	Issue	Response
			<p>the PA2008, such as Advice Note 2 'The role of local authorities in the development consent process' (2015), Advice Note 14 'Compiling the consultation report' (2012) and MHCLG Guidance.</p> <p>The Applicant has sought to undertake pre-application consultation on the scheme in response to sections 42, 47 and 48 of the PA2008. However, the councils have serious concerns about the adequacy of consultation and is of the view that, in many respects, the defects of the consultation that Highways England has carried out have not been effective and have substantially prejudiced the councils. It is therefore the councils view that the Applicant has not complied with the requirement of the PA2008 or the associated guidance on the pre-application process which the Applicant must have regard to. Table 6.1 below is provided as a schedule of compliance to demonstrate to the Inspectorate whether the councils are satisfied that the application fulfils the conditions for acceptance required under section 55(3)(e) of the PA2008 (Appendix 3 of Advice Note</p>	<p>In fulfilling section 49 requirements, both the act of considering issues raised in responses and the act of describing that process in the Consultation Report, the Applicant has paid close attention to the Planning Act 2008 as well as the relevant guidance provided by the Planning Inspectorate and MHCLG, and, has sought to apply best practice from other consultation reports.</p> <p>The Applicant has applied this approach to all other aspects of pre-application consultation and other chapters and appendices of the Consultation Report. In particular, the approach taken to involving relevant local authorities in the development of the Project proposals has been carried out in full knowledge of Advice Note 2. Evidence of this involvement is provided not only in Chapters 11-15 of the Consultation Report but in the Statement of Engagement (Application Document 5.2) and the Statements of Common Ground (Application Document 5.4).</p> <p>Addressing the local authorities' wider assertion that pre-application consultation has not been adequate, the Applicant has sought to address that concern in Appendix V by providing further detail of how consultation prior to the withdrawn application was carried out, and how the actions taken since that point have improved the overall quality of pre-application consultation for all parties. These measures include a revised approach</p>

Row	Organisation	Theme	Issue	Response
			6: Preparation and submission of application documents). The council has previously raised concerns to Highways England's with regards to the programme, the adequacy of technical engagement to date, lack of associated data, and the time available to enable a period of meaningful technical review and engagement to address stakeholder comments and explore and agree appropriate mitigation, prior to the submission of the DCO application.	to technical engagement, with new opportunities provided for local authorities and other stakeholders to understand and influence the emerging plans for the Project. They also include the delivery of the Community Impacts Consultation, in which new information on the impacts of the Project was provided for comment.
110	Basildon Borough Council	No issues	N/A	N/A
111	Brentwood Borough Council	No issues	N/A	N/A
112	Cambridgeshire County Council	No issues	N/A	N/A
113	Castle Point Borough Council	No issues	N/A	N/A
114	Chelmsford City Council	No issues	N/A	N/A
115	Dartford Borough Council	No issues	N/A	N/A
116	East Sussex County Council	No issues	N/A	N/A
117	Essex County Council	Timing/Duration	*Consultation during pandemic and consultation processes. *Defer to principal host authorities on whether or not this further prejudiced the ability of people to contribute to the consultation or whether hard to reach	See row 4 for the Applicant's response to consulting during the COVID-19 pandemic.

Row	Organisation	Theme	Issue	Response
			<p>groups in particular were disenfranchised, and as to whether this complies with set MHCLG Guidance as to its adequacy.</p> <p>* It is also suggested that in the time of a national pandemic the public, and consultees, have other pressing priorities other than responding to an NSIP, hence reducing the potential impact in knowledgably commenting on and seeking to shape the scheme as it develops.</p>	
118	Essex County Council	Information/ Materials	<p>Clearly an NSIP of this magnitude is problematic to comprehend, especially the potential environmental impact of the same on the proposed affected and host communities which stand in close proximity to the as proposed route. It is seemingly correct that this is further prejudiced by late design changes, brought on by amendments to the route which were only considered very late in the process.</p> <p>It is for PINS to consider whether this prejudiced engagement with and feedback from local communities in particular, and whether their comments, as well as those submitted by a wide range of stakeholders, were correctly considered in the aforementioned design changes. On a technical note,</p>	<p>For Projects of this scale, it is common for consultation to be undertaken on a phased basis as design development progresses, encompassing an initial Statutory Consultation followed by further rounds of non-statutory consultation. The former Department for Communities and Local Government guidance on the pre-application process encourages such an approach. It provides at paragraph 70 that ‘...applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods’.</p> <p>Row 87 sets out the Applicant’s position on the alignment of the current Project proposals with the version on which the Scoping Opinion was based.</p> <p>Row 7 describes the Applicant’s approach to technical engagement, including the efforts made to refine and improve this approach in</p>

Row	Organisation	Theme	Issue	Response
			<p>the scheme has undergone some changes from that submitted with the original EIA Scoping Report, the route is now changed, and this could have a significant impact particularly on the transport implications of the development, something which a scheme of this type is to focus on. It is noted that prior to submission an updated Transport chapter of the eventual EIA has not been presented to stakeholders as they would have wished to allow for needed additional discussion to reduce the time the eventual DCO spends at Hearing.</p> <p>While it remains Essex County Council's wish that dialogue with the Applicant will continue up to and during any accepted formal submission this will be further prejudiced by speed the scheme is being progressed at a time when resources are and will continue to be stretched.</p>	<p>the period following the withdrawal of the October 2020 application for development consent.</p>
119	Hertfordshire County Council	No issues	N/A	N/A
120	Kent County Council	Timing/Duration	<p>Highways England undertook a Statutory Consultation under section 42 of the Planning Act 2008. As part of the Statutory Consultation, a Preliminary Environmental Impact Report (PEIR) was submitted to help consultees understand the likely</p>	Noted.

Row	Organisation	Theme	Issue	Response
			<p>significant effects of the proposed development on the environment.</p> <p>Kent County Council was invited to respond to the Statutory Consultation, which was held from 10 October 2018 to 20 December 2018 and the County Council subsequently provided a response on 19 December 2018.</p> <p>The Applicant then held a further Supplementary Consultation between 29 January 2020 and 2 April 2020, and Kent County Council responded on 2 April 2020. Following this, a Design Refinement Consultation was held between 14 July 2020 and 12 August 2020, and the County Council provided a response on 1 August 2020.</p>	
121	Kent County Council	Timing/Duration	<p>The 10 weeks instead of 12 for Statutory Consultation caused issues for the council. Also eight-week Supplementary Consultation and 28-day Design Refinement Consultation proved difficult for Kent County Council to formulate a meaningful response and meet internal governance procedures.</p> <p>Nevertheless, we have been pleased with Highways England’s willingness to undertake further presentations to members and other formal forums throughout all three consultations.</p>	<p>Row 36 explains the Applicant’s position that the duration of the Statutory Consultation was proportionate to the scale of the consultation and well in excess of the statutory minimum period.</p> <p>Row 4 addresses the durations of the Supplementary Consultation and Design Refinement Consultation. It is nevertheless acknowledged that local authorities are required to commit significant resources to preparing responses to consultations and the Applicant has sought to fully consider all of the feedback that it has received as a result.</p>

Row	Organisation	Theme	Issue	Response
			<p>This included briefings to Kent County Council members on 21 November 2018, 3 February 2020 and 21 July 2020. Overall the council is satisfied that it was given the opportunity to comment during the various consultation processes, and the Applicant has generally engaged with the County Council.</p> <p>Kent County Council was also concerned that in some areas, in particular within the Supplementary Consultation, there was a lack of information and detail which prevented respondents being able to make meaningful detailed comments, particularly with regard to the anticipated environmental impacts and traffic modelling.</p>	<p>Chapter 6 of the Consultation Report summarises the wide range of information that was presented at Supplementary Consultation so that the updated proposals were sufficiently clear and accessible. This information included extensive coverage of the environmental and traffic impacts of those proposed changes, including two documents dedicated to those topics and summaries in the core consultation document.</p>
122	Kent County Council	Information/ Materials	<p>In response to the draft SoCC, the County Council raised concerns regarding the absence of any reference to an Equality Impact Assessment (EqIA), and asked for it to be made clear how the EqIA had been used to inform the format of the consultation process, in particular to ensure the consultation was accessible to all. It was disappointing that these comments did not seem to have been considered and little information was provided upfront as to how the applicant would</p>	<p>The Applicant considered the point raised by Kent County Council in its response to the draft SoCC. Appendix F of the Consultation Report sets out how feedback was considered, and Appendix G includes a table demonstrating how compliance with the finalised SoCC was achieved.</p> <p>Page 7 of the finalised SoCC explains that the Applicant had considered the need to make sure the Statutory Consultation was accessible to groups with protected characteristics under the Equalities Act 2010. It went on to explain that these steps included the preparation of events and</p>

Row	Organisation	Theme	Issue	Response
			endeavour to engage with more marginalised groups.	materials that would be accessible to people with disabilities, and the use of the mobile information centre in areas of higher deprivation. More information on how the consultation was delivered is provided in Chapter 4.
123	Kent County Council	Timing/Duration	Throughout the Statutory Consultation period, the Applicant held a total of 10 public information events at a variety of venues across the county. A further 16 events were held using a dedicated mobile information centre, including at Ebbsfleet International Station, which was recommended by the County Council in our response to the SoCC. Furthermore, consultation material was made available at a total of 16 libraries and community centres across Kent. While the council raised concerns regarding all of the weekday public information events being held from 14:00 – 21:00, those who were unable to attend at these times could access the consultation material and gather further information at one of the mobile information centre events or deposit locations.	Noted.
124	Kent County Council	Timing/Duration	Unclear within the Approach to Consultation how the approach built on the lessons learnt from the previous Supplementary	Noted. Row 4 provides the Applicant’s explanation of the decision to hold consultations at the same time as COVID-19 restrictions and the

Row	Organisation	Theme	Issue	Response
			<p>Consultation. Consultation during the pandemic resulted in a number of planned exhibition events, including one mobile event in Kent being cancelled. Deposit locations displaying hard copies of the consultation materials also had to close. In response to this, the Applicant extended the consultation period by one week, and telephone consultation events were held on Monday 23 March 2020 and Wednesday 25 March 2020 from 14:00 to 20:00 for those members of the public who had planned to go to a cancelled exhibition event. The County Council was satisfied with the approach taken given that lockdown was instigated two days before the original closing date for consultation responses, 25 March 2020.</p>	<p>steps taken to ensure an accessible consultation process.</p>
125	Kent County Council	Audience/ Consultee	<p>Although not required by the Planning Act, it would have been helpful if the Applicant had provided a summary of the consultation findings to stakeholders and the public following each round of consultation. A 'Project Update' document was published in July 2019, following the Statutory Consultation, but this provided no indication of how the design had been influenced. This made it difficult</p>	<p>Row 6 describes the way in which the material produced for the Supplementary Consultation and Design Refinement Consultation included information on how feedback from preceding rounds of consultation had informed the ongoing development of the Project proposals. It also explains the decision to produce a comprehensive 'You said, we did' document and to seek feedback on it as part of the Community Impacts Consultation.</p>



Row	Organisation	Theme	Issue	Response
			<p>for respondents to see that their feedback had been listened to and, where appropriate, changes had been made to the scheme proposals as a result of the consultation.</p> <p>Despite Kent County Council's original concerns, the council is content that the overall approach to consultation was proportionate.</p>	
126	Kent County Council	Information/ Materials	<p>Duty to publicise – section 48</p> <p>Kent County Council has no comments to make in relation to the Applicant's compliance with section 48 of the Planning Act 2008. The County Council is satisfied that the Applicant sufficiently publicised all three consultations to both stakeholders and the public.</p>	Noted.
127	Kent County Council	Timing/Duration	<p>Highways England could have improved consultation in terms of allowing more time for responses. However, on balance, Kent County Council considers that the Applicant has generally complied with its duties under sections 42, 47 and 48.</p>	Noted.
128	Kent County Council	Audience/ Consultee	<p>Highways England could have improved consultation in terms of better engagement with marginalised groups. However, on balance, the County Council considers that the Applicant has generally complied</p>	Noted.

Row	Organisation	Theme	Issue	Response
			with its duties under sections 42, 47 and 48.	
129	Kent County Council	Information/ Materials	Overall, there are areas that Highways England could have improved its consultations in terms of allowing more time for responses; better engagement with more marginalised groups; further detail on traffic and environmental impacts; and greater transparency in how it responded to input from the public consultations and then reflected this feedback in design changes. However, on balance, Kent County Council considers that the Applicant has generally complied with its duties under sections 42, 47 and 48.	The Applicant acknowledges the suggestions made by Kent County Council and applied these and others made by local authorities to the work carried out in the period following the withdrawal of the October 2020 application. This work included a revised and improved approach to stakeholder engagement, as evidenced in the Statement of Engagement (Application Document 5.2), as well as the delivery of the Community Impacts Consultation in which consultees were provided with new opportunities to understand the Project proposals and influence them through feedback.
130	London Borough of Barking and Dagenham	No issues	N/A	N/A
131	London Borough of Bexley	No issues	N/A	N/A
132	London Borough of Bromley	No issues	N/A	N/A
133	London Borough of Enfield	No issues	N/A	N/A
134	London Borough of Redbridge	No issues	N/A	N/A
135	Medway Council	Information/ Materials	Medway Council has highlighted concerns regarding the traffic modelling in previous consultations. The 'Traffic Modelling Update' as part of the 2020 Supplementary Consultation noted that 'growth	Rows 1 and 14 explain that the Applicant's traffic modelling has been carried out in accordance with Government guidelines and requirements. For more information about the Applicant's traffic modelling, see the Transport Forecasting Package (Application

Row	Organisation	Theme	Issue	Response
			<p>associated with Government housing targets which have not yet fully progressed through the planning system is not included.’ This presents challenges in preparing a new Local Plan. Medway Council is committed to working with Highways England to assess the impacts of local growth and the proposed Project. It is understood that Highways England intends to undertake a ‘wider impacts study’ and further traffic modelling, including pre-draft plan site allocations. Internal work is underway in preparing a Local Impact Report, however the terms of a non-disclosure agreement (NDA) also present challenges, specifically in communicating the Project’s impacts derived from the Lower Thames Area Model with members. The Project team consider that this would effectively put confidential information in the public domain. Following a recent meeting with the Project team, Medway Council anticipates that the terms of the NDA will disapply if the application is accepted for Examination.</p>	<p>Document 7.7, Combined Modelling and Appraisal Report, Appendix C) and the Traffic Forecasts Non-Technical Summary (Application Document 7.8).</p> <p>Rows 1 and 14 also refer to the content of the Community Impacts Consultation, which included information presented at a local level on traffic impacts associated with the construction and operation of the Project. The consultation also included draft documents such as the outline Traffic Management Plan for Construction, setting out further information on how roads close to the proposed route may be affected by construction traffic.</p> <p>Row 7 above refers to the purpose of non-disclosure agreements concerning the Project. The Applicant is committed to being as transparent as possible with information about the Project proposals and would seek to take this further as the application for development consent is considered.</p> <p>The Applicant understands the concerns of Medway Council regarding the restrictions provided by the data-sharing agreement. The restrictions were not intended to prevent Medway Council from conducting its statutory duties or from communicating the benefits and impacts of the proposals to council members and the public. Clarity has been provided to Medway Council on this matter, and it is now reflected as a matter agreed in the relevant Statement of Common Ground.</p>

Row	Organisation	Theme	Issue	Response
136	Southend on Sea Council	No issues	N/A	N/A
137	Suffolk County Council	Timing / Duration	<p>Concerns about potential increase in through traffic into Suffolk</p> <ul style="list-style-type: none"> <li>• Potential for inter project effects on the east coast energy projects</li> <li>• Anticipated opening in 2026 would mean it is concurrent with early years of Sizewell construction during which the highest demand for construction materials is expected</li> <li>• Within any assessment the destination for unwanted or unsuitable excavated soil should be included particularly if any such destinations are in the Suffolk region. This would be for availability of disposal sites and the transport impacts.</li> </ul>	<p>Chapters 11-15 of the Consultation Report address concerns raised by consultees on subjects such as traffic impacts and cumulative effects associated with the Project's proximity to other infrastructure or energy developments. The Statement of Engagement (Application Document 5.2) describes the efforts made by the Applicant to engage with local authorities on issues of concern to them.</p> <p>The Applicant's decision to withdraw the original DCO has meant that the Project timescales have subsequently been adjusted and the concerns of the council in respect of the construction timetable have been mitigated as a result.</p>
138	Surrey County Council	No Issues	N/A	N/A

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