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Contact Bartholomew Wren (Principal
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Email [REDACTED]

Date 14 November 2022

Dear Eleanor

Planning Act 2008 (as amended) – Section 55

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing project

Adequacy of consultation request

Thank you for your letter dated 1 November which seeks the council's view regarding consultation National Highways has undertaken for the Lower Thames Crossing (LTC) project at the pre-application stage. Tonbridge and Malling Borough Council (TMBC) responded to pre-application consultations to express support for the project and to seek resolution regarding local highways and other impacts, which have yet to be resolved.

In drafting this response, we have reviewed the consultation report and appendices that have been submitted by the applicant (as considered relevant to Tonbridge & Malling), as well as reflecting upon the borough council's responses to previous LTC consultations and engagement with the project team to date. We have also had regard to the duties set out in the Planning Act 2008 (s42 duty to consult, s47 duty to consult the local community and s48 duty to publicise). We acknowledge that the consultation report alone is in excess of 5000 pages. Given the time provided by PINS to respond to this request (11 working days), it has not been possible for the borough council to read this verbatim.

Local highway implications for the A228 and A229 in particular, remain outside of the order limits, mitigation for which has not featured within consultation undertaken by National Highways. Awareness of the implications of the LTC project outside of the Order limits by affected communities in Tonbridge & Malling may therefore remain limited.

Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ

Tonbridge & Malling Borough Council became an LTC host authority following the publication of the most recent local refinements consultation in May this year, due to the inclusion of land within the borough that is now required for the purposes of nitrogen deposition mitigation. In responding to the consultation, we stated in our covering letter that.

“Little environmental information has been shared with partners, this is a significant concern as without sight of any technical information, including information regarding the nitrogen deposition methodology, we are unable to fully understand the environmental impacts and provide meaningful feedback on proposed mitigation. Whilst not opposed in principle we do have concern regarding the need for and extent of the nitrogen deposition proposals at Blue Bell Hill, related access and stewardship”.

The nitrogen deposition site selection methodology was subsequently shared with TMBC in confidence on 22 July, this has therefore not been subject to pre-application public consultation. In the detail of our response to the May 2022 local refinements consultation, we raised further concerns regarding the limited detail provided regarding traffic modelling and related assumptions, as well as the limited detail provided in the Outline Landscape and Ecology Management Plan.

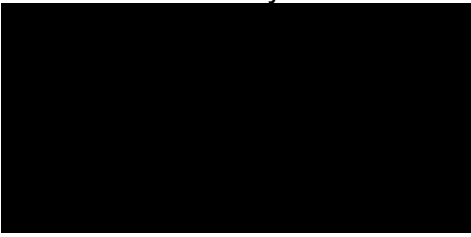
We also understand that despite repeated requests from other parties, the business case for LTC has not yet been published and therefore has not been subject to consultation. We consider this to be an important part of the evidence that should inform the determination of the DCO, and hope that this will be made available.

Understandably, the borough council was not consulted as a host authority prior to May 2022, as such no related public information events were held within the Tonbridge and Malling area, nor deposit locations made available before this date (as outlined in table 9.3 of the consultation report). We are grateful for the willingness of the of the LTC team to engage with TMBC members and officers prior to the 2022 local refinements consultation and subsequently. A joint briefing for which was held on 23 February 2022.

We are continuing to work with the Lower Thames Crossing team and Kent County Council in seeking resolution to the matters outlined in our statement of common ground. In recent weeks this has included discussion with LTC colleagues regarding noise mitigation and additional air quality monitoring for the A228, the detail of which is not yet defined or available in the public domain.

We conclude that pre-application consultation has been undertaken in accordance with the Act. However, given the limited detail of the consultations in the areas identified, we do question whether the consultation undertaken has been effective in informing the borough council and our local communities, of the full extent of the project's impacts both within and outside of the extended order limits.

Yours sincerely



Cllr Dave Davis
Cabinet Member for strategic planning and infrastructure