

National Infrastructure Planning
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For Attention of Eleanor Church

Please ask for Lukman Agboola

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Your ref.: TR010032

Our ref.: 22/01207/NSIP

Date: 16th November 2022

Sent by email only to:

Lowerthamescrossing@planninginspectorate.gov.uk

Dear Ms Church,

Re Planning Act 2008 (as amended) – Section 55

Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing project – Local Authority Adequacy of Consultation Representation

Introduction

1. Thank you for your letter dated 01 November 2022 regarding the above referenced Development Consent Order (DCO) application made by National Highways (the Applicant) on 31 October 2022.
2. This is an adequacy of consultation representation by Dartford Borough Council (DBC) in response to a request from the Planning Inspectorate (the Inspectorate) by electronic letter received and dated on the 1st November 2022 in which the authority has until the 16th November 2022 to respond. If you have any queries please contact Lukman Agboola our lead officer on behalf of DBC.
3. Under Section 55(4)(b) of the Planning Act 2008 (the Act), the Secretary of State, when determining whether to accept an application for development consent, must have regard to any adequacy of consultation representation received from a local authority that is within section 43 of the Act.
4. Under section 55(5) of the Act, an adequacy of consultation representation means a representation about whether the applicant complied with the applicant's duties under sections 42, 47 and 48 of the Act.
5. Dartford Borough Council is categorised under s.43 (2) (b) and s.43 (2) (C) Act by virtue of being a district council for land to which the application relates or may have wider effects on.

6. This letter sets out DBC's adequacy of consultation representation in respect of the application. It does not set out DBC's views on the merits or otherwise of the application. This representation also comments further on matters for the Examining Authority, once appointed should the application be accepted, to consider further in relation to the conduct of the pre-Examination and Examination stages.

Summary of Representation

7. This representation relates to the following matters concerning the Act in relation to the the Applicant's duties to:
 - consult in accordance with section 42;
 - consult the local community in accordance with section 47; and
 - the proposed application in accordance with section 48.
8. DBC's response below takes into consideration the Inspectorate's Advice Notes and the statutory guidance published by the Department for Communities and Local Government (as was) in March 2017 (the DCLG Guidance).
9. Based on its review of the Applicant's Consultation Report, DBC are of the view that the Applicant has complied with the requirements of sections 42(1) (a) to 42(1) (d), 47 and 48 of Act.

Adequacy of Consultation under Section 42 of the Act

10. The Applicant's Consultation Report Compliance Checklist in Appendix A (Application Doc Ref TR010032 / App/5.1) sets out those consulted as defined under S42 (1) in relation to prescribed consultees. The Applicant carried out a Statutory Consultation on the Project between 10 October and 20 December 2018. The Consultation Report notes that the Marine Management Organisation was consulted as well as the local authorities and the Greater London Authority. Further consultations followed with the prescribed consultees as part of the Supplementary Consultation in January 2020, the non-Statutory Design Refinement Consultation in July 2020 and Community Impacts Consultation in July 2021.
11. With respect to s42 (1) (a) – persons with an interest in the land, Appendix H of the Consultation Report shows the list of prescribed consultees identified and consulted during the various consultations between 2018 and 2021. Similarly, Appendix O of the Consultation Report shows list of additional consultees outlining the research carried out by Applicant to identify and make contact with parish councils and local community groups providing proposed changes to previous proposals, online access to consultation documents, deposit locations of consultation materials and information points.

Adequacy of consultation under section 47 of the Act

12. The Consultation Report sets out the steps taken by the Applicant to comply with its duties to consult the community under section 47 of the Act accurately. The Applicant published a Statement of Community Consultation (SoCC) in relation to the proposals to construct, operate and maintain the project. The Applicant outlined how the community will be consulted on the Project and the details of where the

information can be viewed and how people can comment on the Project to ensure that the duty under s47 will be met.

13. In February 2018, the Applicant shared a preliminary draft of the SOCC with local authorities and a formal consultation on the draft SoCC commenced on 1st August 2018 until 2nd September 2018. Dartford Borough Council was consulted explaining how local authorities in the affected area will be engaged on the SoCC during the formal process.
14. In response to the Draft SoCC received from the Applicant in August 2018, DBC raised a number of issues associated with the need to ensure that residents and businesses in Dartford are given ample opportunity to comment on the proposals including *(comments in brackets indicate Applicants response/ SoCC changes in response to DBC's comments)*:
 - The expansion of leaflet distribution area to include Dartford with a note for the Applicant to ensure that local businesses as well as residents are included – *(The leaflet section updated to indicate that distribution will also include non-residential premises)*.
 - Ensuring that the Applicant identify a suitable location for public information events which is central to Dartford town centre in order to attract 'hard to reach' groups. DBC advised that Dartford's Civic Centre be used as one of the information points as it is well visited by members of the public – *(Dartford's Civic Centre added as an information point)*.
 - DBC being unable to assist with information on organisations in the area as the Applicant has not identified any organisations to be consulted in the Dartford area – *(The Applicant identified a list of Dartford community and hard-to-reach groups that it intends to engage during Statutory Consultation)*.
 - Lack of information regarding the nature of social media campaign to be used and assessment of whether this will be effective - *(Social media information updated by Applicant)*.
 - Recommendation for the Applicant to also publish s47 Notices in the appropriate local newspaper to Dartford such as Dartford Messenger to capture greater readership in the core affected area. Noting that the Applicant had already identified s47 publication in other relevant local newspaper including Kent Messenger – *(Consultation to be advertised in the Dartford Messenger)*.
15. In response to the Draft SoCC received from the Applicant in August 2018, matters of relevance to DBC were also raised by Kent County Council. These included:
 - The need for the Applicant to include a section in the report to summarise measures undertaken to ensure that the consultation is accessible to all as part of the Equality Impact Assessment (EqIA). Also ensuring that the Applicant's website, documents and venues for exhibition events should also be made accessible – *(Information to how equalities would be considered was added)*.
 - Applicant making use of an online tool to complement the proposed face to face engagement – *(Applicant confirmed that relevant application already identified as it is policy to use online platform for consultation)*.
 - Applicant to consider a full twelve week consultation period given the scope and scale of the proposal – *(Applicant confirmed that consultation will run for 10 weeks)*.

- Applicant consider the use of Ebbsfleet International Station as a venue for public information events – (*Applicant confirmed that mobile information centre, where staff will be on hand to answer questions about the Project, will visit Ebbsfleet International Station*).
 - Suggestion on the next steps for the Applicant to provide an estimated date of publication for the consultation report should there be changes to the timetable for the DCO application submission to ensure that the public can read outcomes of the consultation and feedback as appropriate – (*More information provided by Applicant accordingly*).
16. DBC is satisfied with the Applicant's responses at that time as the Applicant either amended its approach and materials and/or noted matters for follow up. DBC is satisfied that the Applicant carried out its community consultation in accordance with the SoCC, in compliance with its duty under section 47(7) of the Act.

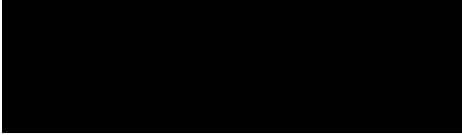
Adequacy of consultation under section 48 of the Act

17. The Consultation Report provides details of s48 publicity. For the SOCC, the s48 notice was published in the national newspaper, i.e., The Times and the local newspapers including Essex Chronicle, Kent Messenger, Thurrock Gazette and the Yellow advertiser. It was also published in the official public record, The London Gazette and the trade journals including Lloyd's List and Fishing News Weekly.
18. DBC is, therefore, satisfied that the locally circulating publications are appropriate, in relation to each of its areas, and is satisfied that the Applicant has complied with its duties to consult under section 48 of the Act.

Conclusions

19. In summary, as detailed above, DBC confirm that, in its view, the Applicant has complied with the requirements of its pre-application consultation duties under sections 42(1) (a) to (d), 47 and 48.
20. The Applicant has complied with the requirements of its statutory duties, and DBC are content for the Inspectorate to decide whether the documentation upon which the Applicant consulted was overall sufficient for consultees to be able to have an informed view of the environmental benefits and impacts of the proposal and proposed mitigation measures. It is also worth noting that DBC submitted no issues in relation to the previous DCO submitted by Applicant in October 2020, although this application was subsequently withdrawn by the Applicant.
21. DBC are keen to move forward and will continue to positively engage with the Applicant ahead of the commencement of the Examination hearings to enable an efficient process. Other consultation related feedback with associated outstanding action have been recorded in the Statements of Common Ground and, as far as possible, can be substantively agreed and form DCO Requirements, Obligations and DCO drafting.

Yours sincerely



Sonia Collins

Head of Planning Services