

Eleanor Church  
Case Manager  
Planning Inspectorate  
By email to:  
Lowerthamescrossing@planninginspectorate.gov.uk

**Ask for:** Wendy Lane  
**Telephone:** 01474 337401  
**Email:** major.infrastructure@gravesham.gov.uk  
**My ref:** LTC/AoC  
**Your ref:** TR010032  
**Date:** 16 November 2022

Dear Eleanor,

**Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing - Adequacy of consultation request**

Thank you for your letter of 1 November 2022 requesting views on the adequacy of the pre-application consultation in respect to the Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing.

You have invited the Gravesham Borough Council to advise whether the Council considers that the Applicant has complied, in relation to the application, with the following duties under the Planning Act 2008 (as amended) (PA2008):

- **Duty to consult - PA2008 – section 42**
  - Section 42 requires consultation with certain persons specified in the PA2008 and prescribed in regulations.
- **Duty to consult the local community - PA2008 – section 47**
  - Section 47 requires applicants to prepare a “Statement of Community Consultation” (SoCC) in consultation with relevant Local Authorities which sets out how the Applicant intends to consult the local community on its proposals. The Applicant must then publish the SoCC and undertake statutory consultation in accordance with it.
- **Duty to publicise - PA2008 – section 48**
  - Section 48 requires that details of the statutory consultation be publicised via a series of notices in the local and national press.

Other sections of the PA2008 are relevant along with the MHCLG’s ‘Planning Act 2008: Guidance on the pre-application process’ (2015), the EIA Regulations (2017), and Planning Inspectorate advice notes 2 and 14.

This letter is structured with some preliminary background and a setting out of the main issues that arose from 2022 Adequacy of Consultation process and then an Executive Summary of the conclusions. Further background on the evolution of the scheme is provided for context, followed by a discussion of the consultation process, then the content of the Preliminary Environmental

Information Report, the transport modelling and their relationship to the Scoping Opinion. There is also brief mention of Statement of Common Ground, Transport, Climate Change and the Planning Performance Agreement to illustrate other issues.

In preparing its response the Council has also taken into account section 49 of the PA2008 which requires the applicant in preparing the actual DCO application to 'have regard to any relevant responses'.

We note that the Planning Inspectorate (PINS) also supplied a copy of the consultation report at the same time as its Adequacy of Consultation request, which is very substantial in volume although significant elements in the appendices are pre-existing material from the consultations (Appendices M, Q, R, S & T). The main report (Lower Thames Crossing: 5.1 Consultation Report) is however 5,284 pages long and it has therefore not been possible to consider all of its content any great detail in the time available.

We understand that Planning Inspectorate, at this stage, are not seeking GBC's views on the merits of the application. However, an analysis of the adequacy of the consultation must include consideration of whether the consultation process provided sufficient information as to the effects of the scheme i.e. whether the consultation was meaningful, especially for the local community – it cannot just be a consideration of process and does need to consider at least at a basic level the content of the consultation documentation.

The focus on the Council's comments is on the route section from the middle of the River Thames and to the south thereof in Kent. Some elements north of the river (for example Tilbury Fields and the design of A13 junction) are of relevance to Gravesham because they are visible or have traffic implications. Therefore, this letter does not consider the Adequacy of Consultation of the entire project, just the southern portion and common elements, as we have not been engaged in detail with the process north of the river. We consider that this is important as we understand that Thurrock Council have concerns about whether the consultation documents have accurately portrayed the impacts that will occur in their area.

In this letter we repeat some of the comments made in the Council's adequacy of consultation response in 2020, where these have not changed or been addressed. A version of that response in tabular form can be found in Document 5.1 Consultation Report Appendix V Local Authority Adequacy of Consultation Responses.

Submission document 5.5 Statement responding to Local Authority stated positions on Adequacy of Consultation, section 4 refers to informal views expressed by this Council, and others, at meeting on 22 September 2022. It should be stressed that any comments made by representatives of the Council at that time were informal officer level based on the information available and in no way gave a definitive view of the issues by the Council.

### **Preliminary background**

The PA 2008 does not lay down a detailed procedure for the carrying out of the consultation exercise and this gives the Secretary of State broad discretion. However, even such discretion is subject to the principles set out by Stephen Sedley QC as approved by Hodgson J in R v Brent LBC ex parte Gunning (1985) 84 LGR 168 and endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014] UKHL 56 per Lord Wilson JSC ("the Gunning principles"), namely:

1. "the consultation must be at a time when proposals are still at a formative stage;

2. the proposer must be given sufficient reasons for any proposal to permit of intelligent consideration and response;
3. adequate time must be given for consideration and response, and;
4. the product of the consultation must be conscientiously taken into account in finalising any statutory proposals.”

The Council is therefore applying those tests to the consultation process on the basis they represent the principles to be met to ensure the spirit intended for the process, not only whether the letter of the legislation has been met.

On the fourth principle, the Council has received the application in advance of it being made public, however given its scale and the need to prioritise the Adequacy of Consultation we have not been able to take the application into consideration other than the Consultation report. It has however meant that the application can be shared with colleagues and consultants, and this will aid us, assuming that the project progresses to that stage, in ensuring that our relevant representation is framed with a better initial understanding of the contents of the submitted application for the scheme.

### **Consultation steps**

Statutory pre-application consultation was carried out under Sections 42, 47 and 48 of the Act between 10 October 2018 and 20 December 2018 for a period of 72 days. The Council responded on 20 December 2018 to that consultation.

Two further non-statutory rounds of consultation were carried out by the Applicant. The Supplementary Consultation ran between 29 January 2020 and 25 March 2020 (extended by one week to 2 April 2020 so 65 days) and the Design Refinement Consultation between 14 July 2020 and 12 August 2020 (30 days). The Council responded to those consultations on 2 April and 12 August 2020 respectively.

A DCO application was submitted on 23 October 2020 and withdrawn on 20 November 2020. The Council responded on the Adequacy of Consultation on 6 November 2020.

Two further rounds of public consultation have occurred since then. The Community Impacts Consultation ran from 14 July to 8 September 2021 (56 days), and the Local Refinement Consultation from 12 May to 20 June 2022 (39 days). The Council responded to both of these on 6 October 2021 (with an interim response on 8 September 2021) and 27 June 2022 respectively, as Local Authorities were allowed additional time to complete internal governance. From the point of view of the public, the distinction between ‘statutory’ and ‘non-statutory’ consultation is academic – it is all consultation.

It is relevant to note that the overall scale of response from consultees has declined with the consultations. We are aware that National Highways contend that this is because the public is happy with the proposed scheme. However, we consider that it reflects both the scope of the content of the consultation (the Local Refinement consultation for example only covered a very limited range of issues) and a degree of fatigue with the overall process from the general public’s point of view. This includes the limited feedback that has been given at times and that the changes have really been driven by issues for example, raised by the utilities companies, rather than the views of the public.

### **Concerns with 2020 application**

The section 51 advice to the applicant dated 26 November 2020<sup>1</sup> raised a number of issues with the detail of the then submitted application as well as the consultation process. These can be briefly summarised (from Annex A) as:

- 1) Construction
  - a) Lack of assessment of the impact on local roads
  - b) Lack of detail of the proposed mitigations measures
  - c) Lack of Environmental Impact information as a result
- 2) Navigation
  - a) No navigation assessment for use of the Thames during construction
- 3) Site Waste Management Plan
  - a) Lack of an outline plan for handling spoil and therefore its environmental impact
- 4) Habitats Regulation Assessment
  - a) Lack of information on in-combination assessment and what 'nugatory' means
  - b) Lack of supporting evidence for some assessments
  - c) Screening and integrity matrices provide insufficient information
- 5) Adequacy of Consultation (reflecting comments received)
  - a) Concern over sufficiency of the information to allow the consultees to develop an informed view
  - b) Lack of sufficient information in some topic areas – e.g. construction, LVIA etc.
  - c) Lack of responses to concerns about the PEIR and lack of a human health impact assessment in that document
  - d) Traffic modelling data in insufficient detail to allow proper assessment
  - e) Lack of feedback on the consultation responses made to previous consultations
- 6) Landscape & Ecology Management Plan
  - a) Lack of draft Plan

In its 2020 response on the Adequacy of Consultation request the Council highlighted the following major issues:

- (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 impacts in the rest of the document and do not follow the clear guidance of the Scoping Opinion 2017;

---

<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-Advice-00029-1-201126%20LTC%20Project%20Update%20Meeting.pdf>

- (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; and
- (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'<sup>2</sup>. In the Council's this has not been achieved."

On the basis of the subsequent two consultations, other discussions and ongoing engagement the Council's current view on the process as relating to the points listed above is set out below.

*Points raised by PINS s.51 advice*

- 1) Construction – the Community Impacts Consultation provided a great deal of the missing information in relation to the construction process including a new set of documents that are listed in (ii) below. These documents showed that the concerns expressed by the Local Authorities about the lack of information and the potential impacts that had not been covered were entirely justified. With all construction issues there remains a concern over the flexibility being given to the contractors and the need to ensure local impacts are monitored and minimised as far as possible given the scale and length of the construction process. This is a point made at the Community Impacts and Local Refinements consultations.
- 2) Navigation – the Council has pressed in its consultation responses and meetings for the possible use of the river for movement of spoil to/from the south side, but this has not been taken up by the Applicant. It understands that issues remain on river usage from the north side.
- 3) Site Waste Management Plan – an outline Site Waste Management Plan was provided in the Community Impacts Consultation, with the aim that the bulk of spoil remains on site, hence the land raising proposals at Chalk Park. As chalk spoil is not suitable for structural features a very large volume of material needs to be imported for part of the A2 junction close to Thong, which has implications for the A2 and Marling Cross junction, and therefore the wider local road network.
- 4) Habitats Regulation Assessment – without study of the application documents this cannot be commented upon further in the time available for this response.
- 5) Adequacy of Consultation
  - a. Overall sufficiency of information – a significant amount of new and updated information has been made available in the two subsequent consultations however these have been partial non statutory consultations and not a rerun of the Statutory Consultation which would have provided a clearer overview of the entire project and its likely environmental and other effects. There have been a couple of instances where material has been wrong or confusing. For example, air quality issues were highlighted for some properties listed in the Higham Ward summary when they are actually located in Strood (and therefore Medway Council area which had no ward summaries). This may have disadvantaged some Medway residents who would have not necessarily realised that there was an impact on them.

---

<sup>2</sup> The Infrastructure Planning (Environmental Impact Assessment) [Regulations 2017](#) Regulation 12

- b. Lack of detailed information – subsequent consultations have filled in some of the missing information particularly in relation to the construction process and its potential implications for local residents, businesses and the environment. New issues have been introduced (for example the ammonia deposition mitigation sites) and some areas have not been properly updated by providing comprehensive technical information that our consultants could review – most particularly noise, air quality and transport modelling.
  - c. Concerns about the PEIR – in the sense that no fresh PEIR document has been produced therefore these have not been met. Additional information has been made available but not in a clear or structured way so it can be seen how it relates to the scheme as it now exists. Appendix 2 contains the comments made on the PEIR previously, including those by other organisations, from the Councils 2020 letter.
  - d. Traffic modelling – despite the sharing of fresh modelling runs (both for the operation of the completed scheme but also during the various phases of construction) there has been no progress on the basic issue of a failure to make proper allowance of future development levels. We consider that this represents a fundamental flaw in the traffic modelling, which in turn underpins a number of other important environmental assessments. We consider that this deficiency in the modelling and assessments relying on it means that the Council and other consultees have not been able to properly understand and comment on the effects of the scheme. The lack of clarity over the status of the material supplied to Local Authorities, covered by a non-disclosure agreement, has not assisted with transparency.
  - e. Lack of feedback – this remains a concern in that the, to be welcomed, ‘You said, we did’ addressed some of the issues that had been raised but not all – in particular positive proposals that results are recorded but it is not always clear why some ideas have not been progressed or how outstanding matters are still to be addressed, if at all.
- 6) Landscape & Ecology Management Plan – an outline Landscape & Ecology Management Plan formed part of the Community Impacts Consultation and a fresh version is included in the application. There is a concern with this, and a number of other documents, as to whether they contain sufficient detail to ensure the end result will be as expected and that the contractor(s), generally responsible for the next iteration, may not introduce significant variations. Generic terms such a ‘woodland planting’ could mean a wide range of different outcomes.

*Points raised by Gravesham*

Taking the subsequent two consultations into account the Borough Councils current views on the specific matters raised in our 2020 Adequacy of Consultation letter are:

- (i) PEIR comments remain in they were as there has been no update to that document, however see (ii) below and Appendix 2.
- (ii) Environmental updates have been significant in that many matters have had further information supplied or updated, especially in the Design Refinements consultation. The latter included information on:

- a. Construction update
- b. Operations update
- c. Ward summaries
- d. You said, we did
- e. Drafts of control documents
  - i. Codes of Construction Practice (including REAC)
  - ii. DCO Schedule 2 Requirements
  - iii. Design Principles
  - iv. Framework Construction Travel Plan
  - v. Outline Landscape and Ecology Management Plan
  - vi. Outline Materials Handling Plan
  - vii. Outline Site Waste Management Plan
  - viii. Outline Traffic Management Plan for Construction
  - ix. Wider Network Impacts Management and Monitoring Plan

These have provided a great deal of additional information. The 'You said, we did' document however was confusing as it did not make clear where the comments had come from and what had or had not been addressed. There is also a confusion in the public's mind over what the term 'significant' impact means. To them it would be any deterioration in their experience (as appropriate to what was being talked about), whilst in the context of the Environmental Statement it means a major significant impact. Statements like 'no significant impact' which really mean 'no major significant impact' are therefore misleading to the non-technical audience. We have made this point to National Highways in a range of forums and responses to consultation.

- (iii) Transport modelling – although additional modelling has been made available it has not addressed the basic issues raised before, as noted in 5d above. Information that has been presented in consultation documents has been for opening year whereas after 15 years is a more accurate representation of the longer term impacts. We do not consider this enables the public or the Council to comment on the long term effects of the scheme in terms of traffic movements, and the related environmental effects over the long term.
- (iv) Feedback – the 'You said, we did' document provides general feedback on comments made. The Local Refinement Consultation provided a specific document feeding back on the Community Impacts consultation. For the Council's specific comments on the Statement of Common Ground see below.

It should be noted that some of the Council's land at the rear of the Cascades Leisure Centre on Thong Lane, Gravesend is subject to Compulsory Acquisition. There has been specific ongoing engagement with the Council on this subject as it involves the potential relocation of leisure facilities. We do not know whether other landowners have felt sufficiently involved from their own individual perspectives, as the Council has no information on this.

## **Executive Summary of response to your Adequacy of Consultation request**

The Council has carefully considered the overall consultation process, taking into account where relevant the Environmental Scoping Opinion, the 2016 route choice consultation, the Statutory Consultation in 2018 and the subsequent non statutory consultations leading to the current submission.

### **Section 42: Duty to Consult**

The Council is content that the relevant bodies have been consulted and had the opportunity to make representations at the various stages. Some of the consultation could only be carried out online due to COVID-19 restrictions, which is difficult or excluding for some members of the general public as the material is large and can be difficult to access and navigate. This is of particular relevance to maps and plans which can be hard to understand on a screen, especially to those not used to dealing with such material or without adequate access to broadband.

### **Section 47: Duty to Consult the local community**

The Statement of Community Consultation (SoCC) has been followed as to process and the Council's comments were taken into account in preparing that document, and in what followed. Updates were discussed for each of the subsequent consultations by the applicant and comments made. The Council does have concern that during the COVID-19 pandemic additional time should have been allowed for consultees to respond especially for the Design Refinement and Local Impact Consultations.

### **Section 48: Duty to publicise**

The 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 on-line only Design Refinement Consultation and subsequent consultations in the context of the COVID-19 restrictions operating at the time.

In considering the process it is also relevant to look at content. As can be seen from the above there has been a significant increase in the volume of material presented, particularly in relation to construction impacts. There has however been confusion from the numerous consultations and the failure to directly present the proposal as a whole since the 2018 Statutory Consultation, since which time the scheme has evolved, and external circumstances have changed significantly.

A number of mechanisms have been proposed via the draft control documents and there is a willingness now to consider a section 106 agreement (or similar) to help ensure monitoring and implementation meets the necessary requirements. Some desirable detail is missing which National Highways argue is for the contractors to develop as part of their detailed plans for the construction process. The Council's view is that there need to be clear objectives and targets, together with a method for ensuring they are implemented, that results are monitored, and appropriate action is taken for any materially divergent outcomes. The Council would be concerned if this was not undertaken with sufficient transparency and rigour and will review the submission DCO documents in that light.

The remainder of this letter provides some additional background to the comments made above.

## **Background**

The Council is the local planning authority for the parts of the scheme south of the River Thames, excluding the new proposed mitigation sites on Bluebell Hill. As such the Council takes an



overview on all issues, whether it is directly responsible for them or not, since they potentially impact (positively or negatively) on the residents and proper planning of the Council administrative area.

Historically the Council has dealt with major transport infrastructure projects such as the Channel Tunnel Rail Link (now known as HS1), A2 widening (which actually moved it southwards over a substantial length), and the putative Cliffe Airport. More recently the Council has engaged on DCO applications for Tilbury 2 port facility, Thurrock Flexible Generation Plant and London Resort. The Council is therefore well aware of the sorts of issues and processes (in an overall sense) that major infrastructure projects have to go through.

The Council has received comments from Borough Councillors, Parish Councils, and some other parties on whether they feel from their own particular perspectives and constituency that the consultation process has been adequate. These are set out in Appendix 1 and have, where relevant, been taken into account in preparing this response, along with those comments made in 2020 where still relevant. Comments have also been made to Members and officers about the process at events, telephone conversations and other in fora etc. and have also been taken into account.

The points being made include:

- the lack of clear information to understand the impacts of what is being proposed.
- The repeated consultations have been confusing, information difficult to understand and there has been insufficient feedback (including COVID impacts on the process) on how the comments were taken into account
- Lack of access to (or elements of) Environmental Statement to better understand the impacts and the technical background
- Lack of a business case
- Misleading or partial information in some areas
- Lack of clarity on carbon impacts, with assumptions as to operation of Government policy
- Lack of information on impacts on the local highway network
- PEIR now well out of date
- Consultation results analysis gives priority to volume rather than content
- Consultation fatigue – and objections to a glossy campaign aimed at generating support

### **Scheme Evolution**

As would be expected with such a large scale scheme there was an evolution of the design, which in turn means that the expected environmental impacts may change, for better or worse, and these need to be clearly documented. The scheme has been through some significant shifts, and consequential changes to impacts, and this section provides an overall context to these changes.

The original study on the possible need for a Lower Thames Crossing was carried out in 2009 for the Department for Transport. This looked at various broad corridors of which the most relevant were A, Dartford Crossing, and C, east of Gravesend. Option B, the Swanscombe Peninsula was ruled out in 2013. In 2016 Highways England (as National Highways was then known) looked at route alternatives north and south of the river (see Consultation Report: Appendix B). The report

purported to rule out Option A, but a Ministerial statement at the time implied that it was still an option to be considered, causing confusion.

South of the Thames for Option C there were alternative routes to reach the A2/M2 known as the Western Southern link and the Eastern Southern link, both with a possible junction on the A226. A bored tunnel, a cut and cover tunnel and bridge options were also considered for crossing the Thames. For the tunnel option the portal for both options was just south of Lower Higham Road and the North Kent Marshes. The road was a two lane dual carriageway and the western option had junction with the A2 that just fitted between the Marling Cross (Gravesend East) and Cobham junctions. The eastern option connected at Three Crutches (M2 J1). In both cases there were east and west facing slips. The Western Southern Option was selected for further development, along with a bored tunnel under the Thames.

Environmental Impact Assessment (EIA) scoping in November 2017 introduced major changes to the scheme, which are discussed below in relation to what was presented at Statutory Consultation. The scheme in Kent was materially different from what had been considered in 2016/17.

By the time of the Statutory Consultation in 2018 the Lower Thames Crossing had become a three lane road with a complex three level A2 interchange, and with a total rebuilding of the A2 through the Kent Downs AoNB to M2 J1 (Three Crutches). This will have what is in effect an extended four lane M2 in the middle and two lane feeder roads on the outside for the A289 and A2 into Strood (a local road at that point) on the outside. There were significant changes to the local highway network (see Consultation Report Appendix M and links therein) to accommodate the junction arrangements. The tunnel portal had moved south of the A226 as a junction with that road had been ruled out. This was a materially different scheme to what had been proposed hitherto but was the one covered by the Environmental scoping and the PEIR.

In the Supplementary Consultation in early 2020 the tunnel portal had moved a further 350m south to its current location, the design of the A2 junction was refined and the carriageways narrowed slightly through the AoNB. New features included a ground stabilisation tunnel to be driven from the Lower Higham Road north beneath the North Kent Marshes, with the boring machine for this to be extracted just north of the North Kent Railway and Thames & Medway Canal. This was to facilitate the main tunnel boring machines coming south under the river. The connections from the A2 Marling Cross junction were reconfigured. Further work on utilities had shown that there was a large (900mm) gas main along the A2 corridor and its diversion resulted in an expansion of the development boundary north into Shorne Woods and also an enlargement of the mitigation planting areas on the east side of Gravesend and south of the A2 in compensation. A substantial area of Ashenbank Wood south of the A2 could have been impacted by other utility diversions. A new electricity sub-station was proposed at one of three possible sites along the A226 near the tunnel portal.

In the Design Refinement Consultation in July 2020 the corridor for the gas pipeline along the north side of the A2 was reduced (including possible utility routes in Ashenbank Wood) and the areas for compensation planting equally so. LTC alignment was raised by 2-3m south of Riverview Park and a noise barrier introduced that had not been proposed before. The 400Kv power line was moved away from Riverview Park, but closer to Thong. A location for the electricity substation on the A226 was chosen but a new, smaller, switching station was introduced at the south end of Thong Lane near the A2. Just north of Thong a proposal for a public car park was added on what will have been a construction compound. Confusion was caused as the Design Refinement guide referred

to changes from Supplementary Consultation whereas the Environmental Update related to the PEIR from 2018.

### **Changes since 2020**

The Community Impacts consultation introduced a large amount of new material, much of it seeking to address the gaps in the information highlighted in the s.51 advice of 26 November 2020. The material included (as noted above) much more information on construction and operational impacts, the 'You said, we did' document and ward summaries.

The changes to the scheme in Gravesham included refinement to the gas pipeline alignment along the A2 to run under Park Pale and the high pressure gas mains route at Thong. Access at Park Pale was amended for Harlex Haulage. The Shorne Woods electricity switching station was being moved from Thong Lane near the A2 to A226 and the routing of the electric cable from Pepper Hill amended to avoid potentially impacting on Cyclopark. From the tunnel portal there were proposed changes to the drainage into the marshes and how water reached the river, and an area on the marshes to have enhanced habitat for birds during construction.

Local Refinement consultation resulted in some significant changes to planting around the Shorne/Cobham area as a result of archaeological finds and the introduction of new sites to compensate for ammonia deposition at Shorne, Higham and Cobham (not previously an issue). No updated HRA was consulted upon in relation to this. Chalk Park was proposed to be extended on the east side of the proposed road and some further enhancements/changes to the Public Rights of Way Network were outlined. The width of the Thong Lane south land bridge was increased (the north bridge had been widened previously) and the electricity cable to Pepper Hill was relocate under Roman Road to avoid a long closure of NCN177 and potential loss of existing planting. There were significant changes to the landscaping at Tilbury Fields, visible across the river, and the design of the A13 junction. The former impacts on views across the river whilst the latter impacts potentially on traffic flow.

Inherent in a long linear scheme the National Highways documentation treats the scheme as a whole, which means that navigating to the parts that are of particular interest locationally can be quite difficult, especially to those not used to dealing with proposals on this scale. It should also be noted that every consultation has resulted in changes to the Development boundary, which in turn impacts on landowners and those carrying out land searches.

It will be noted that the consultations in 2021 and 2022 did not introduce major modifications to the basic scheme, though some useful small scale changes have been made so far as the Council is concerned. The ammonia deposition sites have introduced a major additional area of land to be planted up as compensation, so these issues go beyond the narrow focus of the road scheme itself and have potentially significant implications in their own right.

### **Statement of Community Consultation**

The Council was informally consulted on a draft of the Statement of Community Consultation (SoCC) on 20 March 2018 and responded on 24 April 2018. It was formally consulted on the draft SoCC on 1 August 2018 and responded on 30 August 2018. The Lower Thames Crossing SoCC was published by Highways England on 10 October 2018, at the start of the Statutory Consultation.

The Council's response to the draft SoCC can be found on in 5.1 Consultation Report Appendix F page 13 Plate F.8. The applicant's response to those points is to be found in the same Appendix at pages 44-48. Many of the points made in that were picked up in published document as set out in the response table. For example, lack of exhibitions at Cascades Leisure Centre (to serve

Riverview Park and Thong) was rectified, references to the overall DCO process included, a development boundary plan added, a link to the Planning Inspectorate website to explain process and a reference to hard to reach groups included. It was not clear how the engagement with latter would be addressed in practice.

In making its comments the Council was mindful of the fact that inevitably on a scheme of this scale, local residents could find the amount and complexity of the documentation daunting. As a result, face to face contact at an exhibition or information point with the relevant plans where explanations can be provided is a good way of communicating the scheme and its implications.

The Councils letter of 30 August 2018 said '*There is no information anywhere within the SoCC on the level of detail that will be provided at the s.47 pre-application stage. Whilst GBC accepts that full details are only likely to become available at the application stage, the consultation can only be meaningful if people have something substantive to respond to.*'

There was a further informal document on the approach to the Supplementary Consultation, draft shared for comment on 14 October 2019, responded to 18 October 2019, and formally published on 23 January 2020. This was essentially the table from paragraph 18 of the published SoCC updated to take account of the fact that the consultation was going to be more focussed on specific issues north and south of the river rather than being across the board. Two specific comments made, inter alia, by the Council were:

- The 'you said' – 'we did' concept would be appropriate – and need to expect to answer questions on any topic since members of the public will not restrict themselves to the topics you are actually consulting about
- Impact on local roads of your proposals is bound to be a topic – including what happens when there is an incident on the strategic network

This was in a context when the main topics were expected to be tunnel portal location, spoil disposal, A2 junction layout and the A2 design in the North Downs AoNB. The issues arising from the utility diversions only became apparent at the Design Development Workshop held on 7 November 2019.

There was a repeat of the approach for the Design Refinement consultation (shared on 27 May 2020) in the circumstances brought about by COVID-19 and the advice from PINS on this matter (and subsequent changes to regulations).

Community Impacts and Local Refinement Consultations went through similar production of an amended SoCC to accommodate the nature of what was being consulted upon and the circumstances. The Council welcomed in particular the inclusion of the 'You Said, We Did' document as providing feedback to consultees. Concerns were expressed over the length of the consultation periods given the impact of the, varying, COVID-19 restrictions. Although Local Authorities had longer to respond to allow for governance processes, that did not apply to members of the public and others.

### **Consultation Process**

The term consultation process is used here to refer to the overall process of holding consultation events, providing the consultation documentation and related matters. Formal and informal feedback received by the Council has shown that most felt the events etc. were reasonable, but that there were deficiencies in the information provided.

Consultants, who are looking at the information from the point of view of their specialisation found the PEIR unsatisfactory in the level of detail it gave. In some cases subsequent engagement has been a lot more positive but the further information provided in the context of this engagement has however for the most part not been available in the public domain. The updates on environmental matters have been notably fragmented and lacking in detail. Proper air quality or noise technical material has not been available since the 2020 DCO application was shared with the Council by National Highways, which information has not been made available in the public domain. Representations from Gravesham parishes have highlighted a concern that they found it difficult to progress Statement of Common Ground (SoCG) issues when they did not have a sufficient understanding of the impacts.

### **Impact of COVID-19**

The COVID-19 pandemic could not have been foreseen and impacted on the Supplementary, Design Refinement, Community Impacts, and Local Refinement Consultations. The Supplementary Consultation had 4 public events cancelled due to the imposition of lockdown restrictions and an extra week added to the consultation period. This predates the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 which came into force on 22 July<sup>3</sup>, which provide an up to date approach in these circumstances.

The Design Refinement consultation only ran for four weeks and was conducted in full knowledge of the COVID-19 pandemic, albeit in a period when restrictions had been relaxed. The documents were available online, and various webinars and other outline events were held as well as the material and documents. It coincided with the school holidays, which was the first opportunity for residents, whether constrained by school terms and online learning or not, to go away on holiday. The Council responded on 16 June 2020 to a draft document on the consultation process which had been received on 27 May 2020. Key points from this response were: -

- Appreciated that the circumstances are unusual and that doing consultation online exclusively will involve a learning curve for all
- The impact of COVID-19 will be of more significance to many residents than the consultation
- In circumstances, including school holidays, 6 weeks would be more appropriate time span
- It is not clear why this additional consultation needs to take place now
- There has been no considered feedback from previous consultations
- Those who have no internet access or rely on a mobile phones for such access are disadvantaged
- It is not clear how the document relates to the Governments consultation principles – in particular items E, G, & J<sup>4</sup>.

The subsequent consultations have been conducted with fewer restrictions and have included public events as well as the consultation material being made available online. Given the complexity of the proposals it has been observed that it is a lot easier for the general public to

---

<sup>3</sup> Summary can be found at <https://www.gov.uk/guidance/guidance-on-procedural-requirements-for-major-infrastructure-projects> and actual regulations at <https://www.legislation.gov.uk/uksi/2020/764/contents/made>

<sup>4</sup> See <https://www.gov.uk/government/publications/consultation-principles-guidance>

understand the proposals when it can be explained in person. Viewing the plans in particular online can be difficult especially when features of interest may be spread over the boundaries of map sheets.

### **Feedback on the consultation responses**

The Council's 2020 Adequacy of Consultation response made it clear that there had been very little feedback on the comments made in the various consultations leading up to the then submitted application. Although some changes had been made to the scheme it was not always clear if those were in response to comments made or generated by the scheme itself. The 'You said, we did' document in the Community Impacts consultation did go a considerable way to address that gap, and as we said in our consultation response this was to be welcomed but 'this does mean that information is scattered across a number of documents.....and this can be confusing, and in some cases contradictory'.

### **Statement of Common Ground**

The Council initially has been receiving schedules in spreadsheet format which summarised the comments made (including at the EIA Scoping stage), and this has naturally have grown with each consultation. The first of these was received in August 2020. This has resulted as of now in some 967 points at the last count which have been grouped as 137 issues, which will no doubt expand once it has been possible to take the DCO application into account in the round. Part of the reason for this is that some of the points have been made over and over again, possibly in slightly modified form, at each consultation, and so need to be consolidated into one comment that refers to and applied in the context of the current scheme.

When first supplied the spreadsheet did not include many comments from the Applicant on the issues raised. Gradually these have been made which has resulted in multiple versions of the same information with additional comments when the Council's comments have been added to earlier versions. This has not made for a smooth process and explains why it has not been possible at this stage to agree the status of the 137 odd issues. A number of points where it has been suggested that agreement is possible depended on sight of the application documents, which it may now be possible to address. The current schedules group the points into three tiers, and the 137 odd issues come from what is seen by National Highways as the most significant issues. The Council has to check that the summary is correct, and that the aggregation has encapsulated the spirit of what was intended, which is a labour and time intensive process.

Overall whilst progress has been made on a number of points many of the issues raised have still not been addressed.

### **Transport Modelling**

A key input in relation to the traffic implications of the Lower Thames Crossing, which in turn feeds through into such matters as air quality, noise and health, is the results of the traffic modelling. National Highways have had constructed a very extensive traffic model, the Lower Thames Area Model (LTAM). A report on this and its results<sup>5</sup> was provided at Statutory Consultation and an update at Supplementary consultation<sup>6</sup> after the model had been enhanced from new data sets. Additional information was supplied in the Local Refinement consultation in relation to the changes in slip roads proposed at A13 junction, and the impact this would have locally. No additional traffic information was given in relation to the reinstatement of a Tilbury Junction at the north portal,

---

<sup>5</sup> Traffic Forecasting report at Statutory Consultation is [here](#) and appendices [here](#)

<sup>6</sup> Supplementary Consultation Traffic Modelling [Update](#)

consulted upon in the Local Refinement consultation. Whilst National Highways are not proposing to construct any connections to it, Thurrock Council would like a Tilbury Link Road into Port of Tilbury (and the Freeport) and a connection to East Tilbury which could have material impacts if and when these come into being. This is also the reason for the changes in the landscaping at Tilbury Fields. Formal planning proposals for the Freeport have yet to be made.

The Local Authorities have been supplied with traffic flow data from the LTAM model (as ArcMap shapefiles) and the cordoned sections of the model. The latter is only of use if you have the necessary software and technical skills and resource to analyse them. The detailed data was covered by the non-disclosure agreement which meant that unpublished information could not be discussed by the Council with third parties, such as Parish Councils, who have a material interest in impacts on the local highway network.

Micro simulation work carried out on A13 Orsett Cock junction has suggested that LTAM is not good at predicting flows in detail on the local road network as had been flagged in a number of responses from transport authorities. Kent County Council, funded by National Highways, is currently examining flows on local road network in Gravesham using its newly developed County Model, the results of which are awaited. The Council has also been supplied with construction traffic modelling data for 11 periods. A concern with this information is that since the LTAM has been shown to be relatively unreliable at local level, this modelling may not be a reliable basis (within the constraints of any transport model) for judging impacts.

The EIA Opinion made comments about transport modelling and the Council would in particular direct attention to item 7 on page 40 of the Scoping Opinion which says, inter alia, "*The Inspectorate notes that Medway Council (MC) have provided information on the predicted growth in Medway and the emerging development strategy, with respect to the Lower Thames Area Model for traffic modelling proposed in the Scoping Report. This information is also likely to be relevant to the Air Quality and Noise assessments. ECC have also provided advice regarding growth on the A127 corridor and emerging Local Plans. The assessment in the ES should take this information and any other relevant information of this sort into account.*"

Section 3.2 of Tag Unit M4<sup>7</sup> provides guidance on the construction of a core scenario (and at section 4 high and low growth options) which provides a consistent basis for assessing the business cases of such schemes. This is the methodology followed in the inputs to LTAM model, and therefore the traffic modelling results. Very simplistically this uses for new development those sites that have planning permission and allocations in approved Local Plans.

Local Planning Authorities are however being expected to deliver their Housing Need as set out in the standard methodology produce by the Department for Levelling Up, Housing and Communities (DLUHC). This provides a Local Plan baseline, regardless of the actual status of the current Local Plan. Into this background also feeds the requirements of other large scale schemes that may emerge, which may not have planning permission or be in Local Plans. In this regard London Resort DCO was withdrawn in March 2022, and fresh proposals are awaited. The new planning application for major development (20221064) has been submitted for Northfleet Harbourside, which is not on a site identified in the existing Gravesham Local Plan.

It is not the role of LTC (or any other transport scheme) to solve the existing traffic issues in the local area. However, it is its duty to assess the impacts of the proposed scheme on the highway network, whether local or strategic, for both direct and indirect effects. The same logic applies to

---

<sup>7</sup> Current [version \(2019\)](#) but amended version expected in [November 2022](#)

transport impacts as any other subject – if there are significant impacts they should be avoided if possible, managed and mitigated, and finally compensated for if that is not possible.

The overall issue was raised under codes TR11 & TR12 of Part 2 of the Consultation Report (p.1663-1664), which covers representations on the subject from nine Local Authorities. Part of the response by the Applicant is: *'The Applicant's traffic modelling forecasts include development and highway scheme assumptions supplied by local planning and highway authorities, and from local authority online planning databases. The decision as to whether or not a particular development should be included in the model is defined by transport analysis guidance (Department for Transport (DfT), 2021b). Information about which developments have been included in the traffic modelling can be found in the Transport Forecasting Package, which is Appendix C of the Combined Modelling and Appraisal Report (Application Document 7.7). This work was finalised at the end of September 2021 to allow for the development of the model within the programme's schedule'*.

The reference is a link to the DfT overall TAG guidance, however the specific element of interest here is unit M4, and the Council would direct attention to paragraphs 5.2.6 and 5.2.7 (page 10), which provide guidance on handling local uncertainty. In particular paragraph 5.2.6 specifically says *"Some sources of local uncertainty may have a significant impact on the transport network if they go ahead (for example, a housing development of 1,000 dwellings). It may be appropriate to test these individually, even if they are only hypothetical, so that decision-makers are aware of any risks that could arise. This is particularly important if the source of uncertainty is very close to the scheme itself."* This is entirely consistent with the guidance provided in the Scoping Opinion.

The Council has not yet considered the transport report submitted with the DCO, but as far as we are aware the central case is based on the WebTag approach outlined above with high and low options around that. However this not sufficient to address the requirements for a reasonable worst case in the context of the Environmental Assessment regulations. Without such analysis it is not possible for the Local Authorities or residents and others 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.

Medway Council very specifically highlighted the expected levels of development in that Authority, in particular the development at Hoo, which meets the criterion above. Any development in Medway will produce additional traffic on the A2/M2 and its junctions, but those two sites in particular will feed onto the A289, and therefore the Three Crutches junction (M2 J1) and the critical section of the A2 through the AoNB. There are wider concerns over the capacity of the A229 and its junctions with the M2 (J3) and M20 (J6) to handle flows diverted to use the new crossing.

On this basis it would appear that the requirement of the Environmental Scoping Opinion has not been complied with and nor has a robust reasonable worst case scenario been tested, reported in the Transport Assessment and used to inform the Environmental Statement.

The Council has asked National Highways to provide a run of the transport model with more realistic scenarios to examine the impacts. This has not been done to date although National Highways have offered to do such a run. Whilst this is to be welcomed this should have been done at the start of the process to feed into and into and inform the environmental assessment and consultation processes.

### **Sharing of information**



The Council has engaged in a long series of meetings with National Highways in relation to this LTC scheme, as well as responding to the consultations. These have included general updates, workshops and specialist meetings, including some on site.

It has to be said that these meetings have frequently consisted of National Highways announcing their latest proposals or issues, and not very often has there been a proper opportunity for an exchange of views and ideas. This can be illustrated specifically by the process of the joint preparation with National Highways of a Statement of Common Ground, referred to above.

### **Climate Change**

This is an area of concern and no doubt a matter for the Examination. The following comments are about process. On 25 June 2019<sup>8</sup> the Council passed a motion declaring a climate emergency.

This included:

*'Declare a climate emergency.*

*Pledge to do what is within its powers and resources to make Gravesham Borough Council carbon neutral by 2030, taking into account both production and consumption emissions'.*

This resolution was communicated to the Applicant at the Supplementary consultation and subsequent consultation stages. In the 2020 application the issue had hardly been addressed although a brief mention had been made, however since then some progress has been made. In July 2022, after the closure of the Local Refinement consultation, a document on Carbon forecasts<sup>9</sup> was published and there is other material on the National Highways Lower Thames Crossing web site.

This is a complex and emerging area where it will be necessary to review the submission documents to understand the current position. The responses to Code NE108, NE 109 & NE110 on p.437 - 439 of Consultation Report Part 2 says (in part):

*As part of the Development Consent Order application, the Applicant has explained how the relevant legislative and policy requirements in relation to climate change impacts are met. An Environmental Impact Assessment (EIA) has been carried out, which is documented in the Environmental Statement (ES) (Application Documents 6.1, 6.2 and 6.3). ES Chapter 15: Climate (Application Document 6.1) assesses the Project's impact on climate change, including greenhouse gas emissions during construction and operation, and sets out the proposed mitigation measures, including those measures that are secured through the Carbon and Energy Management Plan (Application Document 7.19). The assessment concludes that the increase in greenhouse gas emissions resulting from the Project would not have a material impact on the ability of Government to meet its carbon reduction targets, in accordance with the policy test set out in the National Policy Statement for National Networks (Department for Transport, 2014).*

Government policy is changing in this area (as are a number of environmental standards) and a review of the NPSNN is supposed to be ongoing by March 2023. The approach in this area has improved, however the Council would expect such calculations at to be provided at Borough level as part of its work on climate change outlined above since its endeavours in relation to carbon neutrality might be entirely negated by the scheme.

### **Planning Performance Agreement**

It will be appreciated that this project is placing considerable resource burdens on the Council. As set out in Planning Inspectorate Advice Note 2 the Council sought a Planning Performance

---

<sup>8</sup> Resolution can be found at item 33 [here](#)

<sup>9</sup> Document can be found [here](#) and more general information [here](#)

Agreement (PPA). The initial response was negative on the grounds that we were both public bodies. The Council is not funded to deal with such large scale infrastructure projects. After much discussion a PPA has finally been agreed, and the signed agreement from National Highways was finally received on 10 September 2020.

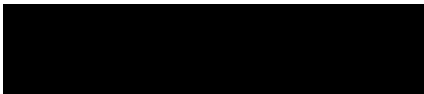
Claims under this have been paid. However, this agreement terminates with the submission of the new DCO application. The Council has made it clear that whilst it does not expect National Highways to fund the preparation of its case for the Examination, it will still need funding for basic engagement on the DCO itself, control documents and detailed discussions about the Statement of Common Ground, land interests and section 106 (or other agreements).

### **Conclusion**

Taking into account all the information set out above the Council is of the opinion that on balance the adequacy of consultation test has been passed in relation to the specific legislative tests (see Executive Summary above). However, as noted above, we consider that there were and are deficiencies in the information provided for consultation, which affected the ability of consultees to provide informed comment on the scheme proposals and to understand the impacts of the scheme. Please note that this letter does not cover any deficiencies in the actual application documents, and the caveats above should be noted as to the content and confusion created by the numerous consultations.

If you require any further information, please feel free to contact me.

Yours sincerely



Assistant Director (Planning)  
Gravesham Borough Council

## **Lower Thames Crossing Adequacy of Consultation**

### **Appendix 1**

#### **Comments received in relation to Adequacy of Consultation**

A set of questions was provided to help, but not constrain, consultees

#### **Parish Councils**

##### **Higham Parish Council**

Concerned about the lack of access to the Environmental Statement - we asked about this during the Statement of Common Ground discussions we had with the LTC team. We were told that there was a Statement but we could not have access to it until after the DCO Application moved ahead.

We are concerned that this prevents us from commenting and therefore we feel we are unable to fully respond.

##### **Luddesdown Parish Council**

We have received feedback that the consultation was inadequate for a number of reasons; as lay people we may have a different view on this project than the professionals, however we believe that consultation should have acted as a levelling tool to ensure we are all made aware of how the project will affect our lives. GBC may have already done this, but we would like to support the view that the consultation has been inadequate. These are some of our concerns over LTC Adequacy of Consultation:

- The quantity of documentation required to be downloaded and reviewed was intimidating for non-expert users. The platform and interactive maps were difficult to use, and extreme detail had to be negotiated in order to answer simple questions (such as 'how many through lanes West and East will remain open on the A2 at the LTC junction post implementation?'). In some cases, documents were withdrawn or changed during the consultation. The 'glossy brochures' handed out to residents at the consultation events did not contain critical information regarding the design (for instance; the reduction of the A2 East and West through routes to 2 lanes from 4 at the LTC junction - a factor that has very significant implications for the minor roads around).
- During the entire process there has been no business case presented in the consultation materials. In the 2016 route consultation there was promotion of the £7.7bn estimated business benefits over the lifetime of the project. However, since the RIS2 allocation for this project was increased to £8.2bn there has been no update on the expected benefits and no discussion of how they were to be arrived at. We note that NH refused at FOI request to release this information and were held responsible to do so by the ICO, a ruling they chose to challenge rather than comply with. We (those who will ultimately pay for this project) therefore conclude that NH have refused to consult on the basic business premise underpinning the application of the return on public funds utilised for this project.
- The original proposal made a strong argument for improved safety of the LTC opposed to the Dartford Crossing, suggesting that the LTC would improve

safety. However, since the original proposal, the design of the road has been changed to use Smart Motorway technology and all lane running, which has increased accident risk, the volumes of traffic have increased (increasing the likelihood of accidents) and the junctions have been restricted to 2 lanes in each direction on the A2 with similar restrictions on the other A roads (leading to greater lane changing and increased risk of congestion). There has been no updated safety assessment for the later designs as was promoted during the route consultation; which leads us to feel the designs have been progressed without due consideration for the affect on safety in the consultation materials.

- At no time during the consultation have NH produced any traffic modelling to demonstrate the increased effect on local class C roads within the affected area of Luddesdown Parish.
- The traffic modelling used by National Highways, was based on 2016 data which is out of date and not representative of the traffic we experience.
- The traffic modelling used does not take into account closures at Dartford, which occur at multiple times each day. They are not therefore representative of the worst case traffic experienced in the area at the present time.
- At the last consultation NH proposed the move to 24/7 working during the construction phase. While it suggested the periods when this occurred would be strictly limited the exceptions where 24/7 working may take place were too frequent to either tell when 24/7 working would take place or to enforce breaches of the code of practice. The construction code of practice was issued in draft, potentially negating consultation as the final CoCP may not reflect the standards in the draft.
- The publication of local noise and dust pollution statistics were based on projections. There is no commitment to stay within these within the consultation materials and the measures for compliance monitoring were not published.
- The carbon budget for the project (both during construction and during use) did not detail the methodology used, making their assertions opaque and questionable. However, the claims made by NH over their lifetime 'carbon footprint reductions' appear to be based upon projected adherence to government policy (the Transport Decarbonisation Plan); a policy that has come under scrutiny by the Climate Change Committee (CCC) due to our failure to hit targets within it. While an integrated approach is to be applauded, as lay people we cannot help contrasting the CCC's most recent advice that we need to drive down vehicle use, with NH's stated objective of increasing the amount of traffic with this project.
- In the last consultation (2022) NH introduced 'Nitrogen Deposition' data. It was clear from this that it was work in progress and not at a point where the overall effect of nitrogen deposition could either be evaluated or understood.
- The closure of Brewers Road for 19 months will obviously impact local roads forcing traffic to find other routes through roads which are predominantly class C single track roads. As previously stated, no traffic modelling was presented at consultation to demonstrate the effects of this.
- The PEIR is now well out of date but has been used as the basis of all subsequent discussion on environmental effects consultation. The lack of an Environmental Statement (or at least sections of it) have negated the ability of local residents to comment on environmental impacts during consultation.

- The consideration of Biodiversity impact within the consultations has been missing. As a minimum HE/NH should have been publishing their baseline survey data (which they have failed to do), together with their plan for achieving net gain.
- NH have failed to define the working standard for design of footpaths and cycleways as well as dual use rights of way which they are implementing as part of this project. They have also failed to confirm that they will be using the latest Department for Transport guidelines on the design of these rights of way leading some to believe rights of way will be delivered to a lower standard. This failure has effectively negated consultation on their NMU strategy.
- The failure of the project to deliver a flood risk assessment during consultation has meant local residents have no idea of how the project will be protected from flooding, and what effects this protection may have on the associated land and subsequent flooding events.
- NH have failed to provide any meaningful statistical feedback on the response to consultation (how many people opposed their proposals). We take particular exception to the repeated statement in the 'You Said We Did' document in each summary *“Overall, a substantial number of people who responded to our statutory consultation supported the need for the project and the proposals.”* or *“Overall a substantial number of people who responded to our supplementary consultation supported the proposals.”* This is an annoyingly subjective and non-scientific observation of the data with which you were presented and begs the question *'is one person a significant number?'* NH have treated the public in this regard with contempt.
- Throughout the campaign run by NH, we have been treated to the 'glossy brochure' approach to marketing this project in a manner that does not deal with the core issues people are concerned about and the overall objectives of the project have been used as bargaining chips rather than observable measurable targets. So for instance, great play was made in the 2016 consultation of reducing the amount of traffic using Dartford and of alleviating the excessive pollution there, however in subsequent consultations no clear figures were produced showing the reduction and some of the figures produced indicated a minor impact on the traffic and some show pollution increase, qualified observers using the same base data disagree with NH's traffic figures and suggest the benefits of the LTC are less than have been promoted at consultation. Similarly, the 'resilience' argument was used during the route selection consultation, however no modelling of the traffic flows for when Dartford is closed has been carried out. As previously mentioned, the safety argument was used at route selection, but when challenged over their use of All Lane Running motorway (is currently banned from use on all new road building due to safety considerations) NH cynically rebranded the affected sections of road as 'trunk road' without changing the designs at all. As previously mentioned the route decision was taken on the basis of the accrued lifetime benefits of the project, which were stated in 2016 at £7.7bn, an estimated net benefit of £1.2bn over the build cost for the 60 year lifetime of the project, since that time the budget for this project has increased to over £8.2bn, NH have declined to state the current budget and failed to produce an update on the benefits.

## **Shorne Parish Council**

**Q1. Is your organisation directly impacted by the Lower Thames Crossing?**

Yes

No

Comment:

- One third of the land in Shorne Parish is impacted by the LTC proposal (based on info up to but not including the DCO, but it is possible that the area involved could have increased further in the DCO documents)
- Shorne PC councillors have had to do a vast amount of work looking at all the documents (we are unpaid volunteers) attending meetings with NH and others, and attending public events so that parishioners can speak to us about their concerns

**Q2. Do you feel the overall consultation process has been sufficient (events, availability of information, helplines etc.)?**

Yes

No

Comment:

- Too many Consultations: There have been six Consultations since 2017, it has been very difficult to read all the documents and respond.
- Often information provided, and therefore comments that had to be made were very similar, other times there were very large differences.
- Changes were not highlighted so every word had to be read again to detect differences.
- Consultation documents had varied availability and ease of access in different consultations: Getting hold of the documents was sometimes difficult and they were not easy to access or view, a lot of time to download if not provided on a memory stick. Sometimes additional documents were added, sometimes provided but not part of the consultation.
- Cross referencing is extremely difficult as is finding references indicated in National Highways responses.
- Data was not always updated, and was sometimes re-presented in different formats to give the appearance of new data.
- The varying of data presentation formats between the consultations meant that information in the various consultations could not be compared to that previously published.
- Some presentations of data, e.g. on traffic flow changes was very difficult to understand and cross relate to the limited traffic volume information.
- Publicizing of the consultations varied greatly, and therefore affected the number and nature of responses elicited - The first Consultation was e-mailed to the entire Dart Charge e-mail list, this skewed both quantity and quality of the responses, depending on whether they looked at the full documentation or just believed the headlines. Subsequently the number of responses has fallen to very low numbers (only 1206 in July 2021), although overall quality of responses may therefore be higher.
- The latest consultation had 920 or fewer responses (once the "more than 60%" Woodland Trust campaign responses are excluded). There may be a situation of consultation fatigue.
- Misleading information presented: The first Consultation showed a two lane tunnel, no other structures, a very small A2 junction footprint, narrow emergency access, no side feeder roads etc – these and other aspects were then superseded by very different and greatly expanded proposals. These omissions would have misled responders about the true impact.

- “Ward summary” presentation disguised disbenefits: Some data was presented in Ward Summaries, this had some benefits but also disbenefits for the largest Ward south of the river Thames (Shorne, Cobham and Luddesdown) because it is so large, stretching from the middle of the Thames to the southernmost parts of Gravesham, and the impacts vary greatly within its area, being greater north of the A2 than to its south. We requested that this should not be done again, especially as the ward combinations are being changed following the recent electoral boundary review, but understand that this point/request has been ignored for the DCO submission.

**Q3. Do you feel you have had sufficient feedback from the consultations over time?**

Yes  No

Comment:

- Not all concerns raised are addressed or given a public response: Some concerns that have been raised by many responders are not addressed or receiving a response. Response documents discuss the most frequently raised concerns but there could be important points raised by only one person, these should be included rather than being edited out and hidden/ignored.
- Responses in response documents are often repetitive pasting and not truly answering the point raised, they can come over as dismissive of valid concerns.

**Q4. Do you feel you have had sufficient information at an appropriate technical level to enable you to understand the proposals?**

Yes  No

Comment:

- Withheld or “Confidential” information provision: Not all information that we needed/requested was provided to the Parish Council, this is very frustrating and still ongoing. Updated traffic data in particular has been provided to Gravesham Borough Council and Kent County Council under a Confidentiality agreement but not to the Parish Council. National Highways say that Gravesham Borough Council can provide it to us but GBC consider that they cannot.
- There were a variety of aspects where we asked for more information but this was not provided. Many times we were fobbed off by it being said that the information would be part of the DCO process – this is inadequate as we had been asking much earlier about such matters of concern.
- Data presentation is very selective and often obscures negative impacts while also disguising that benefits may be lower than desired, e.g. HGV reduction at Dartford Crossing.
- Data provision on air quality impacts in particular was only at either simple or PhD level, there needed to be an intermediate level of presentation that can be understood by non-experts with reasonable ability to understand technical information.
- In published consultation materials, discussions and feedback responses there seemed to perhaps be an element of “being economical with the truth”, which is defined as to deceive people by deliberately not telling them the whole truth about something.

**Q5. Since 2020 there have been two further consultations which have involved, due to COVID and restrictions at the time, a mixture of online and physical events. Do you feel these have been sufficient?**

Yes

No

Comment:

- They did their best in the prevailing situation, the alternative would have been to suspend the project during the pandemic – maybe they should have done that if the quality of consultation was otherwise deficient.

### **Council Members**

#### **Cllr Tony Rice (Shorne, Cobham and Luddesdown Ward)**

(Questions relate to those responded to in the Shorne Parish Council response above)

1. Shorne Cobham and Luddesdown Ward is directly impacted

My comments relate to the Cobham and Luddesdown sections of Shorne, Cobham and Luddesdown ward. The entire ward is a critical receptor for the proposed LTC. Cllr Bob Lane is more qualified than me on LTC overall and Shorne in particular.

2. No, the consultation has been obtuse

The consultation has been extensive, but exhaustively and overwhelmingly confused by swathes and volumes of accompanying information, much of which has been overtly technical and unfathomable by the majority of ordinary people. It has felt like a process put together by engineers, for engineers, as opposed to communications for human beings on the receiving end of the development.

3. No, nearly all feedback to direct questions has been obtuse

Over the period of all of the consultations, Cobham Parish Council, Luddesdown Parish Council, and myself have sought clarifications on traffic modelling. This is the most critical, transformational and consequential element of the development for roads and villages immediately to the south of the A2. Nearly all requests for more information, or clarification has been met with further unfathomable technical information.

4. No, it has been too technical and obtuse

LTC has persistently responded to questions relating to traffic modelling, particularly on local minor roads, with more technical information that did not attempt to answer the substance of the questions posed.

5. No, COVID restricted events have not been sufficient

The long passage of time since the original proposals were developed, plus COVID in itself, has necessitated a complete recalibration of the assumptions within the consultation.

6. Copy of comments from Luddesdown Parish Council (see above)

#### **Cllr Lenny Rolles (Riverside Ward)**

I don't feel the consultation around the LTC was adequate.



There were many questions that we asked that were not answered and it therefore made it difficult to participate fully in the consultation period.

### **Other representations**

The Borough Council is also aware of the report by Thames Crossing Action Group about the Consultation process.

## Lower Thames Crossing Adequacy of Consultation

### Appendix 2

#### Previous comments on the PEIR (2018) from Adequacy of Consultation letter of 6 November 2020

##### Preliminary Environmental Impact Report

The final version of the SoCC at paragraph 16 contained the following commitment to produce a Preliminary Environmental Information Report (PEIR):

*In accordance with regulation 12 of the 2017 Regulations, a Preliminary Environmental Information Report (PEIR), which sets out survey methodologies and results, and the potential likely significant environmental effects of the Project, has been prepared to allow consultees to take an informed view on these matters. The PEIR therefore forms an important part of this consultation.*

Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 embeds a requirement into section 47 of the 2008 Act that where a proposal is subject to EIA, the SoCC must set out how the applicant intends to publicise and consult on preliminary environmental information. The latter is defined under regulation 12 (2)(b) as information '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)'. This approach clearly accords with the *Gunning* principles set out above.

At Statutory Consultation the Borough Council raised a major concern over the content of the PEIR on the basis of its own analysis, comments by its consultants, and the views of other local and national organisations. Appendix 3 [reproduced below] contains some of the comments made by Gravesham, to Gravesham or shared after the consultation period by other parties to illustrate that this was not a unique concern. The comments made are also reflected in Table 7.14 p.893-986 EN01-170, particularly the EN13 response on page 897 of the Consultation Report.

The applicant's response taken from EN13 is in part:

*Consultation material included a Preliminary Environmental Information Report (PEIR), which set out the assessment of the potential impacts of the Project on the environment. The PEIR provided information so consultees could take an informed view of the Project's impacts and respond to the consultation.*

*Since Statutory Consultation, the Applicant has developed the proposals for the Project and presented updated information as part of Supplementary and Design Refinement Consultations. During each consultation, assessments of the environmental impacts of any changes to the design have been presented.*

*Since Statutory Consultation, an Environmental Impact Assessment (EIA) has been carried out, involving additional desk-based studies and intrusive ground investigations.*

The updates referred to were part of the documents supplied for Supplementary<sup>1</sup> and the Design Refinement<sup>2</sup> non statutory Consultations. These make reference back to the PEIR or forward to the Environmental Statement but contain relatively little new information. The

---

<sup>1</sup> Supplementary Consultation Environmental [Update](#) January 2020

<sup>2</sup> Design Refinement Environmental [Update](#) July 2020

Design Refinement version was also confusingly as it referred to the PEIR, but the main document is referring to changes over the Supplementary Consultation.

The Borough Council has two major concerns with the PEIR:

1. 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 wrong. The Council is not convinced that the inputs to the transport model are sufficiently robust or that a realistic worst case scenario has been tested – a matter discussed in more detail below. Not only does this appear to be contrary to the guidance the applicant was given in the EIA Scoping Opinion<sup>3</sup>, it is also 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. The applicant was clearly guided to have regard to developments in Medway and elsewhere in undertaking transport modelling but has chosen to disregard them. The Borough Council has repeatedly stated that a higher level of development should be tested so that the analysis is robust. If a key component of the EIA is potentially flawed, then the PEIR which precedes it in support of pre-application consultation is also potentially flawed as it could misrepresent likely significant environmental effects.
2. 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 PIER as their basis and only considered the potential impacts of the proposed changes. Whilst 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.

Given that the DCO process was intended, by Parliament, to be front-loaded, the Council has found the stance adopted by the applicant in terms of transport scenario testing and the timely release of information to be frustrating. To take a simple example, the request that cross sections of the A2 junction and some form of 3D visualisation to provide a clearer overview of a 3 level interchange has never been responded to. Cross sections in the AoNB omitted HS1 which is a key feature of this section in addition to the highway.

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. 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 come to agreement on areas of common ground.

---

<sup>3</sup> In particular see item 7 on Page 40 of the Scoping Opinion in relation to Medway's comments

It is the Council's contention that the applicant has failed to do this and that the consultation has not delivered what was set out in the SoCC. As a result, in the Council's opinion, the requirement of section 47(7) of the 2008 Act has not been met.

### **Appendix 3 of 6 November Letter contained the following comments from other organisations on the PEIR**

Selection of comments on the PEIR made in response to the Statutory Consultation Autumn 2018.

#### **Natural England**

1.3 Based upon the information provided, and the guidance above Natural England does not consider that the PEIR contains sufficient information for us to provide detailed advice on the nature, scale and significance of the impacts to designated sites, protected landscapes, protected species and wider biodiversity at present. Similarly, we do not feel there is sufficient information for us to be able to provide in depth advice on the appropriateness or otherwise of the indicative mitigation and compensation measures.

#### **Environment Agency**

Based on the information provided the PEIR does not provide all the information that we expected. If an application for development was made using it, we would object to the application due to insufficient information, details of which are below.

#### **Kent Wildlife Trust**

##### **General Comments on the Preliminary Environmental Information**

Within the EIA Regulations PEI is defined as "...information that...is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development." Having reviewed the information provided within the consultation documents on Terrestrial Biodiversity and Marine Biodiversity, we consider that the consultation has failed to provide a sufficient level of information to enable us to take an informed view of the likely significant environmental effects.

Paragraph 16 of the Statement of Community Consultation (SoCC) states that "...a Preliminary Environmental Information Report (PEIR), which sets out survey methodologies and results, and the potential likely significant environmental effects of the Project, has been prepared to allow consultees to take an informed view on these matters. The PEIR therefore forms an important part of this consultation." Except in a very few cases, the PEIR does not contain the results of the surveys, and only sets out broad potential impacts, and so has not followed the SoCC.

Paragraph 9.5.1 of the PEIR states that "Data from surveys that are currently ongoing or have not yet been started will be included in the ES. This will include arboricultural (tree) surveys which are due to commence this winter, bird surveys (ongoing until March 2019), surveys for bats, Section 41 mammals, invertebrates, lichens and bryophytes, reptiles, Phase 1 and detailed botanical surveys, otters, water voles, dormice and badgers. Surveys will include any 'gap filling' for newly identified areas within the Development Boundary which have not been surveyed to date." The same is true of the Marine Biodiversity chapter, paragraph 10.5.1 states "To date, only a preliminary desk-based study review of available marine baseline data and information has been conducted. A further, more detailed, review will be completed to establish a more complete baseline for the ES." Table 10.7 sets out the surveys that 'may be required'.

Planning Inspectorate advice states that “Applicants should consider carefully whether publication of the PEI at a more advanced stage in the design process of the NSIP, where more detailed information is known about the Proposed Development and its environmental effects, would generate more detailed responses and so better inform the design of the Proposed Development and their EIA. This may provide a more effective consultation exercise.” We consider that given the vast majority of the environmental information has been deferred to application stage, giving no formal public consultation stage, this current consultation is premature. We strongly recommend a further consultation when the survey results and likely impacts can be presented.

We appreciate that there is no prescribed format for a PEIR, but given that the Terrestrial Biodiversity chapter largely comprises an overview of the desktop study and ‘filler’ material available elsewhere (for example, the conservation status of bat species), and the Marine Biodiversity chapter is even more lacking in meaningful information, we feel unable to take an informed view of the likely environmental effects. The closest the document comes to setting these out is the table of potential effects and mitigation at the end of each chapter. We note that these are ‘potential’, rather than ‘likely’, and there is no attempt to quantify the degree of impact or mitigation. We therefore strongly recommend further consultation when this information is available. Nevertheless, our comments on the potential impacts and mitigation are provided below.

On the Design Refinement consultation they said:

“The consultation has failed to provide a sufficient level of information to enable us to make an informed view of the likely environmental impacts. We would expect environmental assessments to include a qualitative assessment of habitat loss and creation, including for ancient woodland. As stated previously, due to the deficiencies of information it is not possible for consultees to make an informed view on the impacts of the scheme. On this basis, this consultation continues not to be in accordance with the EIA regulations or Paragraph 16 of the Statement of Community Consultation (SoCC).”

### **Bureau Veritas: Advice to Gravesham Borough Council**

During the consultation process the Borough Council has been provided with the Preliminary Environmental Information Reports (PEIRs) for air quality and noise and vibration as well as the subsequent draft Environmental Statement (ES) chapters. The appendices associated with both ES chapters were not made available. A lot of the missing information is assumed to be within the appendices. Below summarises the air quality and noise and vibration information that is still required in order to fully assess the impact of the scheme on the Borough.

#### **Air Quality**

The outcome of the PEIR review highlighted the following areas of uncertainty:

- The traffic data was not provided in order to replicate the results or test the model verification method applied;
- Additional verification information was required due to the large model domain and complex nature of the zoned verification;
- Sensitivity testing was requested to ensure future year predictions are not less conservative than if the Defra modelling tools were incorporated;

- There was no consideration of varying vehicle emission on roads of different gradients;
- Further detail was required to understand how changes in monitored concentrations from 2016 to 2018 would be captured within the assessment; and
- No construction phase assessment had been carried out.

The review of the draft ES chapter helped resolve some of the above uncertainties however there were still a number of outstanding points that require clarification. These include:

- Provision of Appendix 5.1: Air Quality Methodology to allow confirmation of:
  - The extent of the model domain
  - The road links included
  - Location of both the human and ecological receptors
- Provision of Appendix 5.2: Air Quality Baseline Conditions to allow confirmation of:
  - The accuracy of the AQMAs highlighted to be within the study area;
  - The baseline monitoring data selected;
  - How the background concentration data to be used in the model was derived; and
  - Details of the defined critical loads and habitats used for the deposition analysis.
- Provision of Appendix 5.2: Air Quality Construction Results to allow confirmation of:
  - The approach taken to assess significance; and
  - The number and location of the exceedances
- Provision of Appendix 5.3: Air Quality Operational Results to allow confirmation of:
  - The approach taken to assess significance; and
  - The number and location of the exceedances
- Provision of Figures 5.1 to 5.6 which will likely provide further clarity to the model set up and outputs

In addition to the above, the following are also required, however may already be captured within the above appendices:

- The construction and operational traffic flow data was not provided and therefore could not be assessed;
- Further justification is required to determine why the impact from NRMM emissions was considered to not be significant;
- Confirmation that appropriate adjustments to junctions close to sensitive areas was undertaken i.e. speed reductions outside of the speed banding set; and
- The model verification process was not included within the ES Chapter and therefore is required to be able to fully evaluate the approach.

### **Noise and Vibration**

The outcome of the PEIR review highlighted the following points which would help enable a fully informed decision to be made on the impacts of the scheme:

- Additional baseline surveys should be carried out;
- Construction phase assessment should include potential intra-project effects;
- The impacts from tunnel boring operations should consider both vibration and ground borne noise;
- A worst-case scenario and most likely scenario should be presented so an informed decision can be made on the scale of the impact;
- The assessment of future scenario road noise at night should be assessed using Method 1; and
- The DMRB study area boundary lines and receptors they cover were not consistent

The review of the draft ES chapter fulfilled some of the above requirements however there were still a number of outstanding points that require clarification. These include:

- Provision of Appendix 12.1: Noise Policy
- Provision of Appendix 12.2: Ventilation Southern Portal
- Provision of Appendix 12.3: Ventilation Assessment Northern Portal
- Provision of Appendix 12.4: Construction Noise and Vibration Assessment
  - Will enable commentary on the assumed assessment parameters of the construction phase and confirm whether intra-project effects were considered.
- Provision of Appendix 12.5: Baseline Noise Survey Information
- Provision of Appendix 12.6: TBM Noise and Vibration Assessment
  - At the time of review this section had not been completed within the ES chapter.
- Provision of Appendix 12.7: Noise Insulation Regulations Assessment
- Provision of Figures 12.1 to 12.9 which will likely provide further clarity to the model set up and outputs

In addition to the above, the following are also required, however may already be captured within the above appendices:

- The assessment parameters for construction vibration is not yet complete in the draft ES and therefore could not be fully reviewed;
- The assessed scenarios have not been fully defined;
- As survey data was not available, confirmation as to whether the diurnal pattern of traffic noise from the A2(T) was considered and whether the use of TRL Method 3 is appropriate could not be undertaken; and
- The HEIA did not make reference to recommended noise thresholds for health effects presented in the WHO Environmental Noise Guidelines for the European Region (October 2018).

## **Val Hyland Consulting – Landscape**

### **General points:**

Extensive and detailed comments were made at all stages, but the applicant provided no method of (easily or otherwise) identifying those points which had or had not been accepted/taken forward to the subsequent design stages. This was a key issue in terms of the scope and detail, and made subsequent consultation stages difficult to interpret.

There has been a lack of clarity in the consultation documents; No explanation provided of the 'thinking' behind the proposals at any stage; The application provided information rather than engaged in a consultation process, and there was no opportunity to discuss or otherwise question the proposals – which needed to be a fully iterative process.

At different stages, the consultation information has been made available in differing ways. The use of the web-based information has been, at times, difficult to navigate.

### **Specific points:**

#### **A. At Statutory Consultation stage (including the PEIR)**

Methodology: (In relation to the PEIR) 'the information presented must provide clarity to all consultees' (from Planning Act 2008: Guidance on the pre-application process - March 2015 by DCLG). The methodology for Landscape and Visual Impact Assessment was unclear.

The source guidance documents drawn upon by the applicant in respect of the assessment of landscape and visual effects, were varied (they included NPSNN, GLVIA and DMRB (including IAN)), some of which may have been out of date with nationally-recognised best practice at that time. As a result there was **a lack of clarity regarding the results of the assessment process thus far**. Type of assessment: Lack of clarity regarding the assessment produced at this stage, i.e. part 'simple' and part 'detailed' in the same proposal document, which provided an unsatisfactory result.

Legislation and planning policy context: Various Local Plan policies and relevant local (including KDAOMB) guidance documents were not mentioned or, apparently, drawn from.

Lack of National Character Area landscape change data, and historic landscape characterisation reports. These are significant omissions, as the pressures on the landscape and the current landscape quality should be important factors in the assessment.

Visualisations of proposals: Visualisations were insufficient to fully understand the proposals – both at a technical level and for a public audience.

At the PEIR stage, it was therefore impossible to fully assess the effects of the proposal on landscape and visual receptors. N.B. at a later stage, more visualisation points were provided. However, areas of concern highlighted at this stage, and not adequately addressed include:- more realistic photomontages and 3D modelling to better represent the effects of the proposal in the short, medium and long-term.

**N.B. At no point have visualisations been provided of the main road junction** (between the A2/M2 and the LTC approach road) i.e. sections across the junction, showing the different levels of carriageway and effect on surrounding landscape. I consider it would be very difficult for members of the public to fully appreciate the impact of the junction proposals on the landscape.

The documents suggest that the landscape impacts will, overall, be significant and negative. However, **there is little or no suggestion as to how the negative effects on the landscape and visual amenity may be reduced or avoided**.

**The scale and nature of likely effects requires a strategic and large-scale approach to mitigation, but this has not been addressed.**

EMP (Environmental Masterplan): It was recommended that options be developed to reflect the NPSNN guidance in respect of reducing the scale of proposals or amending the design to help mitigate the visual and landscape effects of the proposal. Further, that the NPSNN



guidance should be followed regarding the use of green infrastructure as part of a mitigation scheme. Neither of these matters have been (adequately) addressed.

The severance of the KDAONB and removal of central reservation from the existing A2: These matters will have significant effects, and yet they have not been adequately addressed in subsequent design proposals. The January 2020 non-statutory consultation (see B. below) proposed a narrowing of the east-west transport corridor (A2/M2). The response considered the narrowing to be outweighed by the effects on the landscape and visual amenity of the loss of central reservation vegetation and other surrounding vegetation.

Green Crossings: this issue was not addressed adequately at this stage, but has been addressed in subsequent consultations (see B and C) albeit inadequately.

Access, recreation and the provision of open space: Gravesham Borough Council's plans to develop a Green Grid Network do not appear to have been considered in the proposals (at any stage).

Mitigation: The PEIR stated that a fully detailed assessment of mitigation required would be undertaken before submission of the DCO. This was supported in the response, with a recommendation that local stakeholders be consulted - in the case of professional stakeholders, this should be both individually and collectively – as part of a development of a mitigation strategy. This is vital to ensure that a comprehensive and cross-cutting approach is taken that will recognise the special qualities and character of the component areas, and deal with the difficult issue of phasing works and limiting the landscape and visual effects throughout the process. I am not aware that this has been actioned.

**It was clear that many of the potential effects of this proposal were interconnected, and should be considered together.**

## **B. The non-statutory Supplementary Consultation**

Landscape Characterisation: A proposal was put forward to alter the boundaries and increase the number of Landscape Character Areas in the project area. The reasons for this proposal were not clear, and no subsequent feedback provided on comments made. This is a fundamental issue, particularly in the KDAONB. The idea of introducing these new and sub-divided character areas appeared to serve only to ensure an easy path for the development of the LTC in this area. The proposed changes also reduce the size of the character areas, creating a jigsaw puzzle approach to the landscape, whereby each sub-area can be assessed against its own, individual qualities and perceived value. However, there has been no attempt (that I am aware of) to target consultation, specifically on this issue.

It is important to assess the effects of the LTC upon the landscape as it is now. The fact that the landscape is going to be radically changed is something to be considered in the current landscape setting; and this proves the point of having landscape characterisation as a tool to provide logical, robust and defensible justifications for managing pressures for change, without diminishing the value of the landscape.

N.B. At a later stage this proposal appears to have been withdrawn. The effect is to expose the magnitude of the likely damaging effects on the landscape and visual amenity of the LTC proposal in the Gravesham area.

Narrowing of the A2/M2: a loss of important areas of woodland and other vegetation – notably the loss or reduction of ancient woodland and the vegetated central reservation of the A2/M2 – would have a very significant negative impact on the landscape of the Kent Downs AONB and the setting of a registered park and garden. It would also increase the urbanisation of the landscape and exacerbate the severance of the AONB in both the short

and longer term. In a subsequent design iteration, the revised utilities proposals were - apparently – withdrawn.

Creation of Chalk Park: The open space should be considered as part of local and sub-regional Green Infrastructure networks, including links with ecological and access networks.

Integrated and holistic approach: The document considers the proposed changes to elements of the design separately, but the overall effect should be assessed of the proposed changes to utilities, highways infrastructure and the works associated with these changes.

The landscape proposals for this area require further assessment and explanation. The proposals should work alongside and – where possible – enhance the existing landscape; rather than introducing a new landscape type to the area in order to screen unsightly urbanising additions.

Woodland: Comments were made to the effect that the proposals would cause irreparable damage to Ancient Woodlands; and the need to assess the loss of woodland, both for its local impact and for its cumulative effects across the development boundary.

Mitigation: Mitigation proposed at land to the south of the A2/M2 to the immediate west of Henhurst Lane. This location is considered unsuitable for the development of dense woodland; and this will require careful assessment and consultation with stakeholders. I am not aware of any such consultation taking place.

Other comments were made in relation to potential (woodland) mitigation sites, including the suggestion of consideration of land outside of the development boundary for more suitable (mitigation) opportunities; but no responses have been received or meetings taken place to discuss this sensitive issue, where local knowledge will be vital to such decisions.

Work area and compounds: Proposals were put forward for a number of compounds. The effects should be considered as part of the LVIA, as some are likely to have negative effects on the landscape.

Green Bridges: They would need to be of sufficient width and depth for them to make an effective contribution to biodiversity and landscape. NB at stage C. (below) the proposals are, again, unsuitable to provide for these functions, as the bridges are too narrow.

It was clear that the proposals overall at this stage could not accommodate the needs of this sensitive landscape.

### **C. The non-statutory Design Refinement Consultation**

Landscape and Visual Impact Assessment: The criteria for a detailed level of assessment had been met at PEIR stage, but that level of assessment has not been carried out.

In addition, a lack of visualisation continues to hamper the assessment of potential effects. In particular, sections (or cross profiles) through and across the scheme have still not been provided.

Landscape effects: It may be the case that the proposals have reached a point where the design cannot reduce, mitigate or offset the negative effects; and mitigation and compensation are the only options. This significant issue should be addressed.

Scale of effects: It is of great concern that the scale of negative impacts on the landscape is so great that further effects (as part of the design refinement) may not be considered.

LTC M2/A2 junction: The proposals (continue to) require careful, detailed consideration, as their negative effects are hugely significant. For example, the height, mass and materials palette should be carefully considered.

A more visionary approach should also be considered in this highly sensitive landscape.

Woodland: At this stage, **woodland proposals continue to be an issue**. There has been no feedback at any stage about the comments made. This requires more detailed conversations between stakeholders and applicant.

Other proposed infrastructure: At this stage electricity switching stations, sub-stations and noise barriers were proposed. **The cumulative effects have not been considered**, and the proliferation of items will add to urban clutter, and reduce the quality of the landscape. These comments have not been addressed.

Visualisations of proposals: **This continues to be an issue**. In this version, indicative views are limited, and effects of the proposals in the short-term are not shown. This is an issue for technical and public consultees.

Generally: The EIU, earlier PEIR and Design Refinement stages do not deal adequately with the task of assessment of landscape and visual impact.

The proposals will increase the urbanisation of the landscape and exacerbate the severance of the AONB in both the short and longer term.

The loss of ancient woodland should be resisted, as it is an irreplaceable element of the landscape.

The potential loss of woodland as part of this development proposal must be considered at an individual local level, but also at a landscape scale.

Little or no justification is given - nor alternatives provided – to explain why precious ancient woodland and established woods must be sacrificed, and the landscape quality and character so badly compromised.

There is an issue of cumulative effects, and degrading of the landscape through the introduction of urban elements. The effects should be considered together and be adequately assessed, preferably in a full LVIA; as well as providing the potential for alternative proposals and potentially the reassessment of the choice of route.

#### **Gravesham Borough Council: Report to Council 18 December 2018**

- 4.17 The consultation is accompanied by a PEIR. Advice issued by PINS provides guidance on the requirements in relation to the PEIR and the role it plays in the consultation process. When preparing their Statement of Community Consultation (SoCC), the applicant is required to state whether the proposal is a development requiring EIA and, if so, how it intends to publicise and consult on the PEIR.
- 4.18 The PEIR is required to contain sufficient information that is reasonably required for consultation bodies to develop an informed view of the likely significant environmental effects and any associated development.
- 4.19 Whilst the form the PEIR takes is not prescribed and it is not expected to contain the same level of detail as the completed Environmental Statement (ES), it still has to be sufficient for the consultees to understand the likely significant environmental effects of the development so that it helps to inform their responses at the pre-application stage.
- 4.20 Unfortunately, the current PEIR lacks sufficient information, detail and analysis of the likely significant environmental effects in a number of areas. For example, whilst the way in which the development may impact upon the environment is set out, there is often no consideration of the potential severity of that impact on sensitive receptors so the reader is unable to understand whether it is significant or not. This is aside from the fact that the development assumptions fed into the transport model are very light and are likely to understate impacts arising from traffic flows.

- 4.21 Also, whilst an Outline Environmental Masterplan is provided (Figure 2.4 of PEIR) providing information on mitigation measures, there is no way of understanding how these have been developed in response to actual impacts or their severity.
- 4.22 It will be for the applicant to decide whether or not it should undertake further targeted or wider consultation on the project to rectify this, although it is at its own risk if it does not. This is clearly important because the Council is obliged at the application stage to provide its view on whether the consultation has been adequate. Because of the deficiencies in the PEIR it is arguable at this stage that the consultation has not been adequate and that the commitments set out in the SoCC have not been met.