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Ask for: Nola Cooper
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Your Reference:
TR010032

Date: 16th November 2022

Dear Eleanor,

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

Thank you for your letter dated 1st November 2022, providing Kent County Council (KCC) with the opportunity to confirm whether, in progressing the scheme, the applicant has complied with the following duties:

- Duty to consult – Planning Act 2008 (as amended) – Section 42
- Duty to consult the local community – Planning Act 2008 (as amended) – Section 47
- Duty to publicise – Planning Act 2008 (as amended) – Section 48

Duty to consult – Section 42

National Highways undertook a statutory consultation under Section 42 of the Planning Act 2008. As part of the Statutory Consultation, a Preliminary Environmental Impact Report (PEIR) was submitted to help consultees understand the likely significant effects of the proposed development on the environment. KCC was invited to respond to the Statutory Consultation, which was held from 10th October 2018 to 20th December 2018 and the County Council subsequently provided a response on 19th December 2018.

Since the statutory consultation in 2018, the applicant has then held the following further consultations:

- **Supplementary Consultation** between 29th January 2020 and 2nd April 2020, and the County Council responded on 2nd April 2020.
- **Design Refinement Consultation** between 14th July 2020 and 12th August 2020, and the County Council provided a response on 12th August 2020.
- **Community Impacts Consultation** between 14th July 2021 and 8th September 2021, and the County Council responded on 6th October 2021

- **Local Refinement Consultation** between 12th May 2022 and 20th June 2022, and the County Council responded on 27th June 2022.

The County Council previously raised concerns regarding the timescales of the initial ten-week statutory consultation, eight-week supplementary consultation and 28-day design refinement consultation. These timescales often proved difficult for KCC to formulate a meaningful response, consult local Members and meet internal governance procedures. However, the Applicant acted on this feedback in regards to the subsequent community impacts consultation and local refinement consultation, resulting in the consultation dates being revised to avoid pre-election periods and public holidays, and local authorities being offered an additional one week extension to provide a fully governed response.

Whilst the County Council has been relatively satisfied with the Applicant's previous consultations, KCC remains concerned that in some areas there has been a lack of information and detail which has prevented respondents being able to make meaningful comments, particularly with regard to the anticipated environmental impacts. KCC has raised this concern throughout responses to both the community impacts consultation in 2021 and the local refinement consultation in 2022. This is a significant concern for the County Council as without sight of any technical information, including information regarding the nitrogen deposition methodology, we are unable to fully understand the environmental impacts and provide meaningful feedback on proposed mitigation.

Nevertheless, KCC has welcomed National Highway's willingness to undertake further presentations to Members and other formal forums throughout all five consultations. This included briefings to KCC Members on 21st November 2018, 3rd February 2020, 21st July 2020, 29th July 2021 and 31st May 2022.

Overall, KCC is satisfied that it was given the opportunity to comment during the various consultation processes, and the applicant has generally engaged with the County Council.

Duty to consult the local community – Section 47

In preparation for all five of the Applicant's consultations, National Highways consulted with the County Council on the Statement of Community Consultation (SoCC) and subsequent 'Approach to Consultation' documents. The County Council welcomed the opportunity to provide feedback on the proposed approach to each consultation; however, it was not clear within the documents how the approach built on lessons learnt from previous consultations.

In response to the draft SoCC, the County Council raised concerns regarding the absence of any reference to an Equality Impact Assessment (EqIA), and asked for it to be made clear how the EqIA had been used to inform the format of the consultation process, in particular to ensure the consultation was accessible to all. It was disappointing that these comments did not seem to have been considered and little information was provided upfront as to how the applicant would endeavour to engage with more marginalised groups.

During the Supplementary Consultation period, the UK government enforced a nationwide lockdown in response to the COVID-19 pandemic. This resulted in a number of planned exhibition events, including one mobile information event in Kent, having to be cancelled. In addition, the deposit locations displaying hard copies of the consultation materials also had to be closed. In response to this, the applicant extended the consultation period by one



week, and telephone consultation events were held on Monday 23rd March 2020 and Wednesday 25th March 2020 from 2pm to 8pm for those members of the public who had planned to go to a cancelled exhibition event. The County Council was satisfied with the approach taken given that lockdown was instigated two days before the original closing date for consultation responses, 25th March 2020.

Since the COVID-19 pandemic, the Applicant continued to adopt a 'digital-first' approach to subsequent consultations. This ensured local communities could still engage in the consultation despite the frequently changing nationwide restrictions. Virtual exhibition events were held on a dedicated website which allowed members of the public to access the consultation material online, along with explanatory videos and public webinars, at a time convenient for them. Members of the public could also request hard copies of the consultation materials to be sent via post if they were unable to access them online. A telephone surgery was also introduced which allowed members of the public to request a call back from a member of the project team to discuss the revised proposals in further detail and ask any questions about the latest design refinements.

Once national restrictions were lifted, National Highways started to incorporate in person events back into their consultation approach and the local refinements consultation in 2022 included a total of four public information events, four deposit locations and eight information points across Kent.

Despite KCC's original concerns, the County Council is content that the overall approach to each of the five consultations has been proportionate.

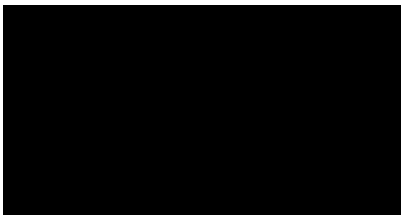
Duty to publicise – Section 48

KCC has no comments to make in relation to the applicant's compliance with Section 48 of the Planning Act 2008. The County Council is satisfied that the applicant sufficiently publicised all five consultations to both stakeholders and the public.

Overall, KCC considers that the applicant has generally complied with its duties under Sections 42, 47 and 48.

If you require further information or clarification on any matter in this letter, then please do not hesitate to contact me.

Yours sincerely,



Simon Jones

Corporate Director – Growth, Environment and Transport