



**Havering**  
LONDON BOROUGH

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16<sup>th</sup> November 2022  
[www.havering.gov.uk](http://www.havering.gov.uk)

Dear Sir/Madam,

Thank you for your letter dated 1st November 2022 concerning the Application submitted by National Highways for an Order Granting Development Consent for the Lower Thames Crossing Project, and the Adequacy of Consultation (AoC) request.

### **Adequacy of Consultation**

London Borough of Havering (LBH) considers that, overall, the consultation process that National Highways (NH) has undertaken following its withdrawal of its application in November 2020, has met Sections 42, 47 and 48 of the Planning Act 2008.

The LB Havering Adequacy of Consultation (AoC) response addresses the relevant sections of the Planning Act 2008 in turn below.

#### **Duty to consult – Planning Act 2008 (as amended) (PA2008) – Section 42.**

National Highways undertook a Statutory Consultation (Section 42) for the scheme in late 2018. It is recognised that the Applicant consulted relevant local authorities as identified in Section 43 of the Planning Act 2008. It is also recognised that the Greater London Authority (GLA) were given the opportunity to respond to the statutory consultation.

Whilst there has been no further Section 42 consultation since the withdrawal of the original DCO Application in November 2020, LB Havering acknowledges that a number of supplementary consultations have taken place over the last two years. This has included

- A Supplementary Consultation took place in early 2020
- A Design Refinement Consultation that took place in the summer of 2020
- A Community Impacts Consultation took place in the summer of 2021
- A Local Refinement Consultation took place in May/June 2022

Whilst the supplementary (Non –Statutory) consultations that have taken place are welcome, the entirety of the scheme has never been consulted upon since 2018.

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The supplementary consultations that have taken place have largely focussed on specific proposed amendments to the proposed scheme. These amendments have been consulted upon in isolation, leaving the cumulative impacts of the proposed amendments unable to be scrutinised by stakeholders.

Havering has previously made representations to the Applicant that some of the supplementary consultations that have taken place over the last two years should have considered the impact the Pandemic would have on stakeholders abilities to formally respond. Requests were also made for consultations to be extended or reopened to allow residents and other stakeholders further opportunity to respond and comment on the proposals. The Applicant decided not to do so.

It is noted that as part of supplementary consultation material, the Applicant produced a document setting out how stakeholders comments received during consultation had been considered. Whilst Havering has not always agreed with how the Applicant has decided to take into account Havering's representations, this document is welcome.

During the last Local Refinement Consultation exercise the Applicant omitted to include explicitly in the consultation material their proposed changes to the siting of the local works compound near Church Lane within Havering.

LB Havering formally requested that the Applicant carried out specific consultation on these changes with the local residents of Church Lane. The Applicant agreed to this request and a Targeted Consultation was undertaken. LB Havering welcomed this additional consultation.

It is noted that during the Local Refinement Consultation, National Highways published other documents on their Lower Thames Crossing website, in particular, response to the community impacts consultation and landowner engagement and minor refinements, but that these were not part of the consultation material.

In addition, during the pre-application period Havering has requested on several occasions updated documentation relating to air quality and noise impacts, Management Plans and Traffic and Transport Assessments. In some cases this information has only recently been made available through workshops or through early site of the DCO Application material.

Whilst LB Havering considers these omissions as unfortunate, it is not considered a substantial omission that would indicate the Applicant not meeting its Duty to Cooperate requirements under Section 42.

On balance, LB Havering considers that the Applicant has carried out an appropriate level of consultation on the proposals with four supplementary consultations in addition to a Targeted Consultation taken place at LB Havering's request.

Furthermore, it is recognised that the Applicant is under no obligation under Section 42 of the 2008 Planning Act to carry out more than one Statutory Consultation on the proposals.

As such, Havering is of the view that the Applicant has met its obligations under Section 42 of the 2008 Planning Act.

Finally, LB Havering wishes to note that the Applicant has engaged in regular dialogue with Havering throughout the pre-application process, which has been welcomed.

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### Duty to consult the local community – PA 2008 – Section 47

The Council was consulted on the Statement of Community Consultation (SOCC) on 1<sup>st</sup> August 2018. The draft SOCC set out the Applicant's proposed approach for consulting the local community. The Council was invited to submit comments by 2<sup>nd</sup> September 2018 and it is recognised that Havering was given over the minimum 28 days to provide comments on the consultation report, as set out in section 47 of the 2008 Planning Act.

LB Havering formally submitted comments to the Section 47 consultation on 31<sup>st</sup> August 2018. Overall, Havering welcomed the approach set out by National Highways to consulting the local community set out in the SOCC. As part of Havering's comments, requests for specific locations in the borough to be used for consultation events were agreed to which was welcomed.

For the reasons set out above the Council considers that the Applicant has met its Obligations around Duty to Consult as set out in Section 47 of the Planning Act 2008.

### Duty to publicise – PA 2008 – Section 48

LB Havering recognises that the Applicant publicised all consultations both Statutory and Non-Statutory through appropriate channels and that all consultations included deadlines for stakeholders to respond.

LB Havering is satisfied that the Applicant has met its requirements under Section 48 of the Planning Act 2008.

Yours faithfully,

A solid black rectangular box used to redact the signature of Daniel Douglas.

Daniel Douglas  
**Team Leader Transport Planning**