



## Meeting note

<b>File reference</b>	TR010032
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	25 September 2020
<b>Meeting with</b>	Representatives of Thurrock Council, Kent County Council and Gravesham Borough Council
<b>Venue</b>	Microsoft Teams Meeting
<b>Meeting objectives</b>	To discuss concerns relating to the consultation process, activities and information for Lower Thames Crossing
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which Applicants (or others) could rely.

Following a letter (see attached) sent by Thurrock Council on 3 September 2020 to the Inspectorate in respect of Lower Thames Crossing Adequacy of Consultation, a meeting was set up with representatives from Thurrock Council, Gravesham Borough Council and Kent County Council.

The local authorities' representatives set out their views on a number of agenda items:

- Timing of consultation and quality of consultation materials;
- Reporting and incorporating feedback from past consultation;
- Design Council meeting and design quality;
- Lower Thames Crossing programme and technical engagement (including adequacy of Preliminary Environmental Information Report, need for re-scoping since October 2017, sharing Transport Assessment and modelling, legacy discussions); and
- Consequences of above for Examination.

The discussion noted the relevant roles, functions and duties of local authorities under the PA2008; being bodies with expert knowledge of the local community, business and other interests as well as their responsibility for development of the local area through discharging duties of local planning and local highways authorities.

The Inspectorate provided an overview of the purpose of the Adequacy of Consultation Representation noting the foundations for them relate to the provisions of the PA2008

and then through secondary legislation, CLG Guidance and Advice Notes. The Inspectorate suggested that a clear structure to the AoCR could be guided by these reference points as well as drawing on the various roles and responsibilities of local authorities in the process.

The Inspectorate explained the variety of ways in which a local authority may wish to engage with an examination of an application: Relevant Representations, Local Impact Reports, Written Representations, and Statements of Common Ground.

The Inspectorate advised that the local authorities should continue to engage with the Applicant as much as possible prior to submission and to set out to the Applicant the information that they requested be made available and remaining concerns to enable as much as possible to be resolved prior to any submission.

BY EMAIL: [LowerThamesCrossing@planninginspectorate.gov.uk](mailto:LowerThamesCrossing@planninginspectorate.gov.uk)3<sup>rd</sup> September 2020

Dear Sirs

**Lower Thames Crossing – Adequacy of Consultation**

We write to formally register our concern, as a host authority to the Lower Thames Crossing scheme, about the adequacy of consultation being undertaken by Highways England and the programme within which its consultation and engagement is being carried out. The formal public consultation undertaken by Highways England to date has comprised:

- Statutory Consultation – 10 Oct- 20 Dec 2018;
- Supplementary Consultation (non-statutory) – 29 Jan-25 March 2020, extended to 2 April 2020; and
- Design Refinement Consultation (non-statutory) - 14 July-12 August 2020.

As you can see, we have had two rounds of public consultation in quick succession this year, both of which were affected by the constraints imposed by the COVID-19 pandemic. Notwithstanding this, whilst the Council seeks to work collaboratively with Highways England, we continue to be at the mercy of what appears to be a rolling project programme in which, for example, new consultation and technical engagement is introduced at short notice and the DCO submission date is repeatedly delayed. We would note that these concerns have been raised regularly with Highways England and the Planning Inspectorate through the course of the pre-application process.

Section 2.2 of the Council's response to Highways England's Design Refinement Consultation (copy attached) sets out our principal areas of concerns in this regard, in summary these are:

1. Timing of Design Refinement Consultation Exercise - the issues and challenges associated with undertaking another consultation exercise so soon after the recent Supplementary Consultation (January 2020) and during the time of the Covid-19 global pandemic.
2. Approach to Design Refinement Consultation Exercise – concerns that directly affected residents and the wider community are at a disadvantage in meaningfully engaging with the 'virtual' Design Refinement Consultation and that the Design Refinement Consultation exercise is being unnecessarily rushed by Highways England. The Council was disappointed that none of the matters raised in its Statutory Consultation response were addressed in the information provided in Highway's England's Supplementary Consultation (January 2020) exercise or in the 'ongoing technical engagement' which Highways England is now undertaking.

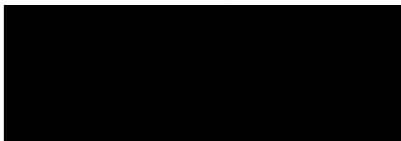
3. Adequacy of consultation materials – presentation and explanation of complex technical material is potentially confusing to stakeholders and it is not clear how provision has been made for community interest and vulnerable groups. Further issues with internet connectivity and availability to view materials has impacted on the ability of residents to actively participate in the process.
4. Reporting preliminary environmental effects - the Preliminary Environmental Information Report used for the Statutory Consultation contained only high-level information on potential environmental effects and was found to be lacking in many areas. Due to the extent of the scheme changes and assumed progress with the EIA since the end of Statutory Consultation, a greater level of detail for the entire scheme should have been made available at this stage, enabling the Council to undertake an informed consideration of potential effects of the scheme as a whole.
5. LTC programme and technical engagement - the Council is concerned about the adequacy of technical engagement to date and the time now available to enable a period of meaningful technical review and engagement to address stakeholder comments and explore and agree appropriate mitigation, prior to the submission of the DCO application, which we now understand to be October 2020. These concerns are exacerbated by the challenges experienced by the Council, and other public bodies, in relation to the Covid-19 pandemic.

We believe that the above issues are of such significance that, unless remedial action is undertaken promptly by Highways England supported by a realistic technical engagement programme with the Council, any DCO application for the scheme submitted in October 2020 runs the risk of not being accepted. In the alternative, should the application be accepted for examination, there is a significant risk that the number of outstanding issues and concerns is so significant that it will consume a disproportionate amount of examination time.

In light of the above and in the spirit of open and meaningful engagement with all parties, we would be grateful if you would advise on any remedial action which you would propose for both Highways England and Thurrock Borough Council.

We look forward to hearing from you.

Yours sincerely,

A black rectangular box redacting the signature of Anna Eastgate.

**Anna Eastgate**  
**Assistant Director - Lower Thames Crossing and Major Transport Projects**

CC: Susannah Guest – PINS  
Elizabeth Smith - DfT  
Gravesham BC  
Kent CC