



Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008 (PA2008)* the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

Project name	Norwich to Tilbury Project
Date of request	01 September 2025
Deadline for AOCR	15 September 2025
Return to	NorwichToTilbury@planninginspectorate.gov.uk

Please complete the proforma outlining your AoCR on the above NSIP.

Local Authority	Essex County Council
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In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

Assessment of Compliance - Required	
S42 Duty to consult	Yes
S47 Duty to consult local authority	Yes
S48 Duty to publicise	Yes

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.



Additional comments - <i>Not compulsory</i>	
S42 Duty to consult	No further comment
S47 Duty to consult local authority	<p>Feedback - Despite requests from ECC, NGET published no feedback following the statutory consultation undertaken in 2024. This was detrimental to the transparency of the overall process and design evolution of the Project. This deficiency was of particular concern because it is understood responses from this statutory consultation informed the localised changes proposed to the scheme under the targeted consultation undertaken in 2025. However, without sight of any feedback on the issues raised by the public / stakeholders in their responses, it was difficult to understand the rationale behind and the merits of, the changes proposed. This is compounded when there is no commentary on those issues also raised by residents and stakeholders that it was felt did not warrant any change to the scheme and therefore, were not addressed.</p> <p>Targeted Consultation - ECC had no objection in principle to this approach but was concerned that some of the changes were not identified or consulted. This was because they were considered to be so minor that they had no material impact on the proposed development. ECC accepts that consultation may not have been merited but in the interest of transparency, there should have been an opportunity to review especially as the concentration of non-material changes may also have a bearing on their materiality. Information on these very minor alterations was requested but not provided.</p> <p>Targeted Consultation Strategy - In ECC's response to NGET on the draft Strategy for the targeted consultation, it was noted that only those properties in the consultation zones would receive direct notifications. The importance of community engagement around these proposed changes was highlighted and ECC requested that it be consulted on the bespoke consultation zones to help validate the extent of the consultation zones but received no feedback on this request.</p> <p>While the need to progress with the targeted consultation was noted, notwithstanding the subsequent delays to the commencement of the targeted consultation, it is considered taking the Council up on its offer would have assisted with the transparency and robustness of the approach to targeted consultation.</p>
S48 Duty to publicise	No further comments



Any other comments	<p>It is ECC's view that NGET has carried out pre-application consultation on the DCO application in line with the statutory requirements of Sections 42, 47 and 48 of the Planning Act 2008.</p> <p>To confirm, this conclusion is not a view on the merits of the application, nor whether the matters raised through the consultation process have been adequately addressed in the design evolution of the proposal or the preparation of the of the application.</p> <p><u>Objectors Comments</u></p> <p>ECC is aware of concerns that have been raised by objectors regarding the Gunning Principles and their relevance to the adequacy of consultation conducted by NGET on Norwich to Tilbury.</p> <p>ECC acknowledges that the Gunning Principles apply to the consultation carried out by NGET on the scheme and ECC has had regard to them in its assessment of adequacy of consultation.</p> <p><u>Summary of Pre-Application Consultation</u></p> <p>NGET has carried out the following pre application consultation to which the County Council has responded as part of NGET's ongoing engagement with ECC, local residents and stakeholders.</p> <p>i) Non-Statutory Consultation (First) - this was held between 21 April 2022 and 16 June 2022. ECC understands the main purpose of this consultation was to introduce the project and explain the assessment on the route options / preferred route, which had been undertaken.</p> <p>ii) Non-Statutory Consultation (Second) - this was held between 27 June 2023 and 21 August 2023. ECC understands the main purpose of the consultation was to present feedback on the first round of non-statutory consultation, explain any changes that had been made and seek comments on a preferred draft alignment.</p> <p>iii) Statutory Consultation - this was held between Wednesday 10 April and Tuesday 18 June 2024 (extended until 26th July 2024 due to the timing of the General Election). This was conducted following the publication of a Statement of Community Consultation which detailed the approach to consultation and which the Council had provided comments on. ECC understands the main purpose of the consultation was to seek comments on updates to the preferred draft alignment and temporary works including access arrangements and compounds alongside a Preliminary Environmental Information Report (PEIR). The PEIR outlined initial findings from environmental studies and assessments as well as proposed mitigation for any potential impacts to the local environment, including habitats and the local landscape.</p>
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iv) Targeted Consultation for Essex - this was held between Tuesday 25 February until Thursday 27 March 2025 . It followed a review of the responses received by NGET to the statutory consultation which prompted the need to consider potential further but localised changes in 13 locations across the County. As NGET considered these changes to be minor and not fundamentally changing the project as a whole, a targeted consultation approach was proposed.

Additional Observations on Pre application Engagement

Environment Statement

ECC recognises this is a large and complex project. It also acknowledges the extensive engagement to date across a range of technical subjects that are informing the ES. However, to achieve a good understanding of the scheme and its impacts, this requires a substantial amount of work and resources. An understanding of the project and progress on the Statement of Common Ground (SoCG) has been hampered by the absence of detailed information in a number of technical areas. This has made it difficult to reach an informed position on various aspects of the project ahead of submission.

Statement of Common Ground

ECC engaged with NGET on the progression of the Statement of Common Ground. However, some unfortunate editing changes in the drafting process by NGET resulted in ECC's position being, in places, fundamentally altered without permission. Consequently, ECC was anxious to have sight of the draft SoCG prior to submission to ensure its position was correctly reported. Despite assurances that we, alongside other district authorities, would be given chance to review, this was not carried out. ECC is therefore unsure of how ECC's position has been reported in the SoCG and would seek to provide early commentary on whether it has agreed to the wording included. ECC does not consider that engagement on this has been in line with best practice as a result.

Draft Development Consent Order

A fully drafted version of the draft Development Consent Order has not been shared with ECC for comment which would have been helpful at pre-application stage to progress especially in respect of the proposed Requirements

Member Briefing

Although it is appreciated this is not a statutory requirement, ECC was disappointed that NGET would not offer Member briefings following submission of the application. Experience has shown that once the application is accepted, this is an opportune time to engage Members so that they have up to date and clear information around the project. It is disappointing to see that NGET are not proposing a consultation or



	publication approach for this stage of the project, to update all communities impacted on what is expected and how they can put forward their views. ECC would support more proactive engagement rather than relying on the PINS process in line with the consideration of best practice to ensure all those who wish to engage in the process are able to do so.
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