

## CORPORATE RESOURCES

Please ask for: Iain Livingstone  
Direct Line: 01843 577140  
Date: 13/07/18



Ms Kate Mignano  
Case Manager  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Dear Ms Mignano,

### **Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm**

#### **Adequacy of Consultation Representation**

Thank you for your letter dated 29th June 2018 seeking a representation on the adequacy of consultation.

This representation will outline whether Thanet District Council (TDC), as a Section 43 Local Authority under the Planning Act 2008, considers that the applicant has complied with the following duties in relation to the application:

- Duty to consult - Section 42 of the Planning Act 2008
- Duty to consult the local community - Section 47 of Planning Act 2008
- Duty to publicise - Section 48 of the Planning Act 2008.

This representation will be confined to these matters only in accordance with *Advice Note 2: The role of local authorities in the development consent process*.

This representation will not comment on the scope of information provided in the consultation, as it is a matter solely for the Planning Inspectorate to determine whether this was adequate under Environment Impact Regulations 2017 and relevant sections of the Planning Act 2008. This includes matters raised as to whether alternative options of the onshore route through the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest and Sandwich and Pegwell Bay National Nature Reserve have been adequately considered within the process of developing the submitted application.

#### **Duty to consult - Section 42 of the Planning Act 2008**

**Section 42 (b)** of the Planning Act 2008 states: *“The applicant must consult the following about the proposed application— (b)each local authority that is within section 43”*.

The Council considers the applicant has complied with section 42(b) in regard to consulting TDC as a Section 43 local authority.

### **Duty to consult the local community - Section 47 of the Planning Act 2008**

**Section 47 (1)** of the Planning Act 2008 states: *“The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.”*

The Council considers the applicant has complied with Section 47(1) of the Planning Act 2008.

**Section 47 (2)** of the Planning Act 2008 states *“Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.”*

The Council considers the applicant has complied with section 47(2) in regard to consulting TDC as a Section 43 local authority about the statement.

**Section 47(3)** of the Planning Act 2008 states *“The deadline for the receipt by the applicant of a local authority’s response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.”*

The Council considers the applicant has complied with section 47(3) in regard to consulting TDC as a Section 43 local authority providing a 28 day deadline for response.

**Section 47(5)** of the Planning Act 2008 states *“In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3)”*.

The Council considers that the applicant had sufficient regard to its comments on the draft Statement of Community Consultation (SOCC) when preparing the final statement. These are outlined in Appendix C2.2 including:

- Providing hard copies of documentation at Margate, Broadstairs and Ramsgate Libraries.
- Confirming an event to be held in Broadstairs Town centre in addition to event at Botany Bay Hotel.
- Providing a mix of weekday/weekend and daytime/evening events.
- Providing detail of location Local Pop-up events.

The final SOCC was updated to reflect the points raised, and therefore the statutory consultation is considered to comply with Section 47(5) of the Planning Act 2008.

**Section 47(6)** of the Planning Act 2008 states *“Once the applicant has prepared the statement, the applicant must publish it— (a)in a newspaper circulating in the vicinity of the land, and (b)in such other manner as may be prescribed.”*

The Council considers the applicant has complied with section 47(6) from the evidence provided in the Consultation Report at Appendix D1.2.

**Section 47(7)** of the Planning Act 2008 states “*The applicant must carry out consultation in accordance with the proposals set out in the statement.*”

The Council considers that the applicant has complied with section 47(7) from the evidence available.

**Duty to publicise - Section 48 of the Planning Act 2008.**

**Section 48 (1)** of the Planning Act 2008 states “*The applicant must publicise the proposed application in the prescribed manner*”. The ‘prescribed manner’ is outlined in Regulation 4 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

The Council considers the applicant has complied with section 48(1) from the evidence provided in the Consultation Report at Appendix D1.2

Yours sincerely



Iain Livingstone  
**Planning Applications Manager**  
**Thanet District Council**