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**Sent:** 29 January 2016 09:25

**To:** Richborough

**Cc:** [Adrian.Fox@dover.gov.uk](mailto:Adrian.Fox@dover.gov.uk); [Cherry.Aplin@THANET.GOV.UK](mailto:Cherry.Aplin@THANET.GOV.UK);

[Nicola.Hughes@CANTERBURY.GOV.UK](mailto:Nicola.Hughes@CANTERBURY.GOV.UK)

**Subject:** Richborough Connection Project - Adequacy of Consultation Request

Dear Mr White,

In response to your letter dated 15<sup>th</sup> January requesting the 'Councils' views on the adequacy of consultation, I have attached a joint response on behalf of Canterbury City Council, Dover District Council, Thanet District Council and Kent County Council.

I trust you will find this helpful.

Kind regards

Liz Shier | Principal Planning Officer | Environment, Planning and Enforcement |  
Growth, Environment and Transport | Invicta House, Maidstone, Kent, ME14 1XX | 03000  
413457 | Part Time (Mon - Wed)

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Mr C White  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

29<sup>th</sup> January 2016

Dear Mr White,

**Re: Adequacy of Consultation Richborough Connection**

National Grid has produced a report which includes details of the pre-application consultation, engagement and publicity that has been undertaken, and sets out how the Richborough Connection Project has evolved in response to feedback received during the pre-application consultation. The Consultation Report forms part of National Grid's application to the Secretary of State for the National Grid Richborough Connection project Development Consent Order (DCO).

**Background**

Engagement on the Project commenced in October 2012 and was divided into two main stages of non-statutory engagement and one formal statutory consultation.

National Grid engaged with the local authorities at an early stage to provide an opportunity to influence the proposed development. In particular, consultation with stakeholders has helped inform decisions at the following stages of project development:

- Selection of strategic options;
- Identification of route corridor options and preferred route corridor;
- Consideration of technology type and selection of pylon choice;
- Identification of detailed route for the connection; and
- The location of construction compounds;

It is the view of the 'Councils' (Kent County Council, Canterbury District Council, Dover District Council and Thanet District Council) that National Grid in accordance with the requirements of the 2008 Planning Act, has provided sufficient opportunity during the various stages of the pre-application process to provide feedback and comment as the development has evolved.

These stages have included;

- Non – Statutory Consultation 25<sup>th</sup> June to 9<sup>th</sup> August 2013.
- Non – Statutory engagement - 14<sup>th</sup> August 2013 to 9<sup>th</sup> February 2015
- Statutory Consultation – 10<sup>th</sup> February until 27<sup>th</sup> March 2015

### ***Non-Statutory Summer 2013 Consultation***

The first full consultation on the Richborough Connection project took place from 25<sup>th</sup> June to 9<sup>th</sup> August 2013. During this consultation National Grid outlined and sought views on connection options identified including how a connection to the Nemo Link could be developed, two broad 'route corridors' of land through which an electricity connection could be routed, and methods of reaching Canterbury substation within the North Corridor.

### ***Non-Statutory 2014 Engagement***

Non-statutory 2014 engagement (14<sup>th</sup> August 2013 – 9<sup>th</sup> February 2015) took place as an interim period between the Summer 2013 Consultation and the Statutory Consultation from February 2015. This ongoing engagement included the publication of project documents and discussions on the progress of the project ahead of the statutory consultation in February 2015.

In November 2013 National Grid announced proposals for a new connection in the North Corridor with sub-option B.

In May 2014, National Grid published a preferred draft route and types of pylon to be used.

The project team also held on-going meetings with the local authorities, statutory consultees and other bodies.

### ***Other relevant consultation / engagement***

In addition in December 2014 Canterbury City Council, Dover District Council, Thanet District Council, Kent County Council and the Planning Inspectorate were consulted on the draft Statement of Community Consultation (SoCC), prior to its publication, as prescribed under section 47 of the Act and the TEN-E Regulation, between the 5<sup>th</sup> December 2014 and 14<sup>th</sup> January 2015. Comments were submitted to National Grid on the SoCC by:

- Dover District Council on 9<sup>th</sup> January 2015
- Canterbury City Council on 12<sup>th</sup> January 2015
- Thanet District Council on 13<sup>th</sup> January 2015
- Kent County Council on 14<sup>th</sup> January 2015

In terms of the response that was provided by Dover District it was noted, amongst a number of other minor points, that in terms of 'Pop up events' (where members of the public will be able to ask representatives of the projects team any questions) there were currently none proposed in Dover District in the draft SoCC. It was suggested by Officers from Dover District that it would be a good idea to approach the Co-op foodstore in the Guildhall in Sandwich and establish whether it would be possible to hold a pop up event at the foodstore as this is one of the busiest places in Sandwich town centre.

Canterbury's response was to broadly welcome the SoCC but requested that a clear commitment be made of the intention to engage with businesses, local amenity societies and interest groups active in the consultation zone as well as residents. To commit to the use of social media outlets other than Twitter, such as Facebook, My Space, Google + and to consider the use of local radio advertising to notify listeners of consultation events.

Thanet District Council commented that the draft SoCC clearly set out how consultation with the local community would take place, and advised that consultation should take place in accordance with the Council's adopted Statement of Community Involvement, which set out ways in which to contact 'hard to reach' groups. The Council also suggested that an increased online presence such as a Facebook page or the use of Google+ would reach a wider audience.

Kent County Council commented that the document clearly set out the statutory pre-application consultation that National Grid had undertaken and how future consultation will take place and how people can comment on and influence the development prior to an application for development consent being made. KCC welcomed the acknowledgement that "hard to reach" groups need to be identified and measures included to reach these groups. It was suggested that an inspection box be left at the Session House, County Hall reception during the consultation period and that two hard copies of the consultation documents sent to the Planning Policy Team.

These comments can be found in Table 8.21 of the Consultation Report and Appendix 1 Volume 6.

### ***Statutory Consultation***

In February 2015, National Grid announced a proposed route and held a formal public consultation. This public consultation ran from 10<sup>th</sup> February until 27<sup>th</sup> March 2015 and sought feedback on the National Grid proposed application; including the route National Grid were proposing to take forward, the type of pylons proposed and their locations. The core documents that were consulted on were the Preliminary Environmental Information Report (PEIR), the Overview Report, Pylon Options Report, The Draft Development Consent Order and associated plans. This statutory consultation was undertaken in accordance with the amended SoCC and included an additional Pop up event at the Co-op foodstore in accordance with the suggestion that was made by Officers from Dover District Council.

This consultation formed the statutory stage of consultation i.e. consultation completed in accordance with the requirements of the Act on the proposed DCO application. The Statutory Consultation was completed to meet the requirements of sections 42 to 49 of the Act and the requirements of the TEN-E Regulation. The Statutory Consultation was also completed in accordance with the SoCC.

National Grid has also engaged on its approach to consultation and undertook other informal pre-application engagement exercises. The Councils have also met National Grid on a regular basis and have been able to discuss various aspects of the project and help inform and develop the project. The regular meetings with National Grid have been supplemented by specialist meetings between National Grid and various consultants/statutory consultees to which the Councils have been invited to attend/participate in.

### **Adequacy of Consultation**

The Planning Inspectorate (PINS) has received an application from National Grid for the proposed Development Consent Order of the Richborough Connection. PINS must decide by 11<sup>th</sup> February 2016 whether or not to accept the application in accordance with Section 55 of the Planning Act 2008. When deciding whether it may accept the application PINS must, amongst other matters, have regard to any representation received from the Councils about the adequacy of consultation undertaken by the applicant at the pre-application stage. The Councils have been invited to inform PINS whether it considers that the applicant has complied, in relation to the proposed application, with the following duties:

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

The Councils has been given until 29<sup>th</sup> January 2016 in which to respond to PINS under this consultation. As part of its duty under this consultation, PINS has provided the Council's with a copy of the developer's 'Consultation Report' which details how National Grid has complied with the procedures of the Planning Act 2008 relating to consultation and publicity. The content of the Consultation Report has been assessed and is detailed below. This report will form the Councils response to PINS.

### **Duty to consult (Section 42 of the Act) Duty to consult**

#### **The applicant must consult the following about the proposed application**

- (a) such persons as may be prescribed,**
- (b) each local authority that is within section 43,**
- (c) the Greater London Authority if the land is in Greater London, and**
- (d) each person who is within one or more of the categories set out in section 44.**

Sub-section (a) refers to persons as may be prescribed. These persons are listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Section 10.2 (Page 293) and Appendices 19-22 list the consultees that have been consulted and Table 10.31 sets out their responses and National Grids response to them. It is therefore considered that National Grid has complied with its duty under subsection (a).

National Grid has complied with Sub-section (b) as it has consulted with Kent County Council along with the host local authorities including Canterbury District Council, Dover District Council, Thanet District Council.

Sub-section (c) is not relevant as the project does not have an impact on Greater London.

Sub-section (d) of section 42 requires National Grid to consult each person who is within one or more of the categories set out in section 44. These would include amongst others owners, lessees, tenants or occupiers of the land included within the boundary of the proposal; or those who are interested in the land or have power to sell and convey the land or to release the land. National Grid has provided details of how they have complied with subsection (d) in Section 9.4 of the report and the Council's considers that they have accorded with the provision.

In view of the above it is considered in the Councils opinion that the developer's duty to consult under Section 42 has been carried out.

### **Duty to consult the local community (Section 47 of the Act)**

- (1) 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.**
- (2) 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.**
- (3) 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.**

- (4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).**
- (5) 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).**
- (6) 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.****
- (7) The applicant must carry out consultation in accordance with the proposals out in the statement.**

In accordance with subsection (1) National Grid prepared a statement of how it proposes to consult about the proposed application with the people living in the vicinity of the land. Chapter 8 sets out how the Statement of Community Consultation (SoCC) was developed how the hard to reach people were consulted, and the consultation methods that were used.

The SoCC was consulted on and published in accordance with the requirements of section 47 of the Act. Formal consultation with the relevant host planning authorities on the draft SoCC took place between the 5 December 2014 and 14 January 2015.

Therefore it is considered that National Grid has complied with Sub-sections (2), (3) and (4).

Sub-section (5) requires National Grid to have regard to the Council's response to the consultation referred to under Sub-section (2). National Grid considered the Councils responses and wrote back on 27<sup>th</sup> January 2015. The Councils are satisfied that National Grid has complied with Sub-section (5) with comments raised being given due consideration in the development of the proposed application these are set out in Table 8.21.

Notification of the SoCC was advertised in four newspapers (Table 8.22) and was available for inspection along with the inspection copies of the consultation documents and at the public events (Table 8.23 and 8.24) thus complying with Subsection (6)(a). Sub-section (7) requires National Grid to carry out the consultation in accordance with the proposals set out in the statement. The Councils are satisfied that National Grid has carried out the consultation in accordance with the SoCC which was amended as a direct result of feedback given by the Council's on the draft SoCC.

#### **Duty to publicise (Section 48 of the Act)**

- (1) The applicant must publicise the proposed application in the prescribed manner.**
- (2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity**

National Grid Consultation report (Section 8.4) provides details of how it has complied with Section 48. A copy of the Section 48 notice is referenced in Appendix 7 of the consultation report publicising the Project and advertising the intention to apply for a DCO was placed in six newspapers in two consecutive weeks.

The press notice (Appendix 7) also provided a deadline for the receipt of responses thus complying with para (2) of Section 48. The timescale 10<sup>th</sup> February until 27<sup>th</sup> March 2015 was considered acceptable.

## Conclusion

It is for the consideration of the Planning Inspectorate to determine whether the application submitted by National Grid meets the requirements of the Planning Act 2008 for the purposes of acceptance. However the Councils would ask the Planning Inspectorate to take into account the contents of this report before making its decision.

Yours sincerely,

Mike Ebbs  
Head of Regeneration and Development  
Dover District Council

Cherry Aplin  
Principal Planning Officer  
Thanet District Council

Nicola Hughes  
Deputy Team Leader  
Canterbury City Council

Katie Stewart  
Director Environment, Planning and  
Enforcement Kent County Council

