

Dee Allen  
Case Manager  
National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

**Our Ref:** 20/00624/DCO  
**Your Ref:** TR010029  
**E-Mail:** [dm@thurrock.gov.uk](mailto:dm@thurrock.gov.uk)  
**Date:** 10<sup>th</sup> June 2020

## BY E-MAIL

Dear Ms Allen

**Planning Act 2008 (as amended) – Section 55**  
**Application by Highways England for an Order Granting Development Consent for the M25 junction 28 improvements**  
**Adequacy of consultation request**

I refer to the above matter and to your letter dated 27<sup>th</sup> May 2020 which seeks Thurrock Council's response on the adequacy of consultation.

The applicant has submitted a detailed 'Consultation Report' (document ref. 5.1) with accompanying annexes referenced A to G. It is the view of Thurrock Council that the applicant, Highways England, has, in accordance with the requirements of the Planning Act 2008, provided sufficient opportunities during the pre-application period to provide feedback and comment. The submitted consultation report details four periods of consultation comprising:

- options consultation (Nov. 2016 to Jan. 2017);
- statutory consultation (Dec. 2018 to Jan. 2019);
- supplementary consultation (Nov. 2019 to Dec. 2019); and
- targeted consultation (Jan. 2020 to Feb. 2020).

In relation to the relevant sections of the Planning Act 2008, the Council comments as follows:

### **s42 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.**

Annex C of the Consultation Report lists the consultees that have been consulted and provides evidence how the applicant has met the statutory consultation requirements. It is therefore considered that the applicant has complied with the requirements of s42(a) to (d).

#### **s47 Duty to consult local community**

- (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 -**
  - (za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land**
  - (a) publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and**
  - (b) publish the statement in such manner as may be prescribed**
- (7) The applicant must carry out consultation in accordance with the proposals set out in the statement.**

Chapters 6 and 7 of the Consultation Report refer to the Statement of Community Consultation and consultation with local communities pursuant to s47. Annexes D and E of the Consultation Report also refer and demonstrate compliance with s47.

Thurrock Council is satisfied that the applicant carried out consultation in accordance with the Statement of Community Consultation and has complied with subsection (7) of s47.

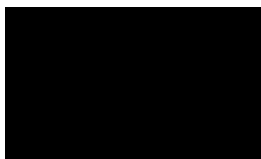
#### **S48 Duty to publicise**

- (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.**

Chapter 7 of the Consultation Report (in particular 7.7) and Annex C of the Consultation Report provide details of how the applicant has responded to the requirements of s48. It is therefore considered that the applicant has complied with subsection (1) and (2) of s48.

I trust that these comments are of assistance.

Yours sincerely



**Matthew Gallagher**  
**Major Applications Manager**