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By email only

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Date: 14th November 2022

Thank you for consulting Sevenoaks District Council on the Adequacy of Consultation for the Lower Thames Crossing project. Please find enclosed Sevenoaks District Council's (The Council) response. I take the opportunity to highlight that this relates to compliance with Sections 42, 47 and 48 of the Planning Act 2008 and as such will not comment on the information or details of information supplied. It is The Council's view that the applicant, National Highways, has appropriately met these tests.

Compliance with Sections 42, 47 and 48

1. Duty to Consult – Section 42 of Planning Act 2008

To comply with this, the applicant must consult the following:

- (a) Such persons as may be prescribed,
 - (aa) The Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),
- (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.

Clear engagement with the above parties has been set out in Section 4.3 (Section 42 letters) of the Consultation Report which states the identification of bodies consulted under Section 42(1)(a) as well as how they were consulted. Letters to consultees notified under Section 42(1)(a) – (c) were sent on 4th October 2018 and letters to consultees notified under Section 42(1)(d) were sent on 9th October 2018. An appendix of letters and enclosures under section 42 has been provided in Appendix K.

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The applicant has listed the prescribed persons in Consultation Response Appendix H. It is also referenced in the report that the applicant has continued to review the list of prescribed consultees under Section 42(1)(a) and due to this, additional consultees were identified and consulted. The applicant has listed the local authorities identified in Consultation Response Appendix H. This list includes Sevenoaks District Council. The Council has been engaged and notified of the application as appropriate.

The Applicant must consult each person who is within one or more categories set out in Section 44. This would include owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A thorough land referencing methodology (annex C) has been provided by the applicant showing how interested parties were identified. The Consultation Report section 4.3 details how interested parties were contacted and in the event of undeliverable email, how these were dealt with and investigated further to see if contact could be made with the individual party. A list of land interest holders has been provided in the Consultation Report Appendix J.

Based on the evidence supplied in the Consultation Report, it is therefore the Council's view this has been thoroughly documented and the requirement has been complied with.

2. Duty to consult the local community – Section 47 of Planning Act 2008

This requires the applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application (the Statement of Community Consultation). The applicant must consult with the relevant local authority before publishing the statement, and the local authority must reply within 28 days. The consultation must be carried out in the manner set out in the statement.

The Consultation Report sets out that the applicant compiled a draft Statement of Community Consultation (SoCC) detailing the intended approach to community consultation. This draft was shared amount host local authorities in February 2018 and invited comments. The Consultation Reports details the draft SoCC process showing engagement with the host local authorities.

The applicant published a Statement of Community Consultation on 10 October 2018 setting out how it planned to consult people living near the project about the proposed application for development consent. This document explained how the Applicant would deliver its Statutory Consultation, listing the engagement and publicity activities to take place. The Consultation Report outlines the consultation activities, locations, how supporting materials were displayed and distributed to the public.

Based on the evidence supplied in the Consultation Report, it is therefore the Council's view this has been thoroughly documented and the requirement has been complied with.

3. Duty to Publicise – Section 48 of Planning Act 2008

This section states that the applicant must publicise the proposed application in the prescribed manner. The Regulations specify a deadline of not less than 28 days for responses.

The Consultation Report section 48 (newspaper notices) sets out the Section 48 notices in numerous newspapers. Examples has been provided in appendix N showing that the deadline satisfies the requirement of not less than 28 days for responses.

It is the Council's view this requirement has been satisfied.

To conclude, The Council has reviewed the submitted information relating to the applicant's consultation and considers this has appropriately met the requirements of Sections 42, 47 and 48 of the Planning Act 2008.

Yours sincerely,

Carlyn Kan
Infrastructure Delivery Officer
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