

Robert Ranger  
The Planning Inspectorate  
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Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**BY E-MAIL**

Your Ref: TR030003

Date: 13<sup>th</sup> November 2017

Dear Mr Ranger,

**Tilbury2 – Adequacy of Consultation Request**

I refer to the above matter and to your letter dated 1<sup>st</sup> November seeking a representation on the adequacy of consultation.

The applicant has submitted a detailed 'Consultation Report' (ref. 5.1 – October 2017) with accompanying appendices numbered 1 to 7. It is the view of Thurrock Council that the Port of Tilbury 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 three periods of consultation comprising:

- Pre-consultation engagement with stakeholders;
- Non-statutory consultation (March-April 2017); and
- Statutory consultation (June-July 2017).

Prior to the statutory consultation period the Council commented, pursuant to s.47(2) of the Planning Act 2008, on the applicant's Draft Statement of Community Consultation.

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.**

Appendix 4 of the Consultation Report lists the consultees that have been consulted and Appendix 6 provides a 'compliance checklist' of the statutory consultation requirements and how the applicant has met them. It is therefore considered that the applicant has complied with s42(a).

As above, Appendices 4 and 6 of the Consultation Report detail how the statutory requirements have been satisfied. It is therefore considered that the applicant has complied with s42(b).

S42(c) is not relevant.

Chapter 6 the Consultation Report (and its supporting appendices) identify how the applicant has responded and it is considered that the applicant has complied with s42(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 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 set out in the statement.**

As noted above, the applicant prepared a 'Statement of Community Consultation – Draft for Comment (April 2017)' and submitted this document for comment to Thurrock Council on 25<sup>th</sup> April 2017. The Council responded to the draft on 23<sup>rd</sup> May 2017. It is therefore considered that the applicant has complied with subsections (1), (2), (3) and (4) of s47.

Following the submission of the Council's comments dated 23<sup>rd</sup> May 2017, the applicant wrote to the Council on 30<sup>th</sup> May 2017 with responses to the individual points raised. It is therefore considered that the applicant has complied with subsection (5) of s47.

The final Statement of Community Consultation was made available by the applicant for public inspection locally and was advertised by way of press notice in local newspapers. It is therefore considered that the applicant has complied with subsection (6) of 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 6 and Appendices 1 and 6 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,

A black rectangular redaction box covering the signature of Matthew Gallagher.

**Matthew Gallagher**  
**Principal Planner (Major Applications)**