

Applicant: Tracey Williams
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

Our Ref: 20/00273/DCO
Your Ref: EN010092

E-Mail: dm@thurrock.gov.uk

Date: 11 June 2020

Dear Ms Williams

Planning Act 2008

Our Ref: 20/00273/DCO

Your Ref: EN010092

Proposal: An electricity generating station made up of reciprocating gas engines with electrical output totalling 600 MW, and batteries with electrical output of 150 MW and storage capacity of up to 600 MWh; gas and electricity connections; creation of temporary and permanent private access road(s) for construction haul and access in operation, including potential minor public highway widening for delivery of large loads; and designation of exchange Common Land and habitat creation or enhancement for protected species translocation and biodiversity gain. The proposed development will be designed to operate for up to 35 years.

Location: Thurrock Flexible Generation Plant Fort Road Tilbury

Subject: Adequacy of Consultation – LPA Response

I refer to the above matter and to your letter dated 29 May 2020 which seeks Thurrock Council's response to the adequacy of consultation.

The applicant has submitted a detailed Consultation Report (ref. Application Document Number A5.1) with accompanying appendices labelled A5 1.1 Appendix 1 to A5 1.8 Appendix 8. It is the view of Thurrock Council that the applicant, Thurrock Power Limited, 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 (December 2016 to February 2020); and
- Statutory consultation (16 October 2018 to 11 November 2019).

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, Table C of the applicant's Consultation Report (page 23) identifies the compliance with requirements 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: Section 42 Consultation 2018 of the Consultation Report lists the consultees that have been consulted and 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), s42(b) and s42(d). S42(c) is not relevant.

The Council's consultation responses to the applicant's 2019 consultation for additional information has not been included in the applicant's Appendix 8.4 (part 5 of 5) and the applicant has been made of aware of this during this 'Adequacy of Consultation' process. I have also been informed that they have informed the Planning Inspectorate about this as well. The applicant has confirmed in writing to the Council that the consultation responses have been included in the applicant's section 9 to the Consultation Report and this is noted. The omission of this information may not be an 'acceptance' issue but for completeness and ease of reference it would be clearer if these consultation responses were included in the applicant's Appendix 8.4 (part 5 of 5), in case reference needs to be made to these consultations during the Hearing process.

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 (June 2018)' and submitted this document for comment to Thurrock Council on 25 June 2018. The Council responded to the draft on 27 July 2018. It is therefore considered that the applicant has complied with subsections (1), (2), (3), (4) and (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.

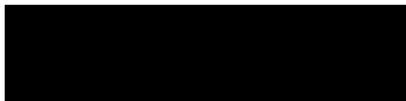
S48 Duty to publicise

- (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.**

Table C of the Consultation Report and the Appendices 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 box used to redact the signature of Chris Purvis.

Chris Purvis
Major Applications Manager