

**Draft Factual Check of the Statement of Community Consultation (SoCC) against Legislation and Guidance
Draft SoCC - Meaford Energy Centre Project.**

Legislation/Guidance	Section / Paragraph	Requirement	Recent changes	Office comments
Planning Act 2008 (PA 2008)	s.47(2)	<i>'The applicant must consult each local authority defined in s.43(1) about what is to be in the SoCC'.</i>		<p>Paragraph 12.3 states the SoCC was prepared in consultation with Stafford Borough Council ('SBC') and Staffordshire County Council ('SCC').</p> <p>Correspondence in a dialogue form between relevant local authorities and the applicant (both formal and informal) should be appended to the Consultation Report.</p> <p>This will help to understand the progression of the SoCC and gauge how iterative the process has been when conducting tests under s55 PA 2008 at Acceptance.</p>
PA 2008	s.47(3)	LA deadline for commenting on the draft SoCC (at least 28 days).		<p>Paragraph 12.4 intends to include dates of when key LPAs were consulted on the SoCC.</p> <p>Dates should be included once the SoCC is finalised – following comment from relevant LPAs.</p> <p>A sample letter, sent to local authorities, regarding statutory consultation on the SoCC, should be appended to the Consultation Report.</p>
PA 2008	s.47(5)	Developer must have regard to any response from a relevant local		<p>Paragraph 12.3 states that:</p> <p><i>'[...] SoCC has been prepared in consultation</i></p>

		authority.		<p><i>with SBC and SCC, both of which have experience in undertaking consultation exercises such as this and have advised on the most appropriate methods to employ to ensure that as many potentially interested parties as possible are reached.'</i></p> <p>Paragraph 10.4 states that Stage One Feedback Report from non-statutory consultation is available from the website and provides a link to the Report.</p> <p>Paragraph 12.4 refers to comments received from local authorities on the draft SoCC - it would be useful if the Consultation Report indicates the comments received from the LPAs in relation to the SoCC, the response given, and the regard had to them.</p>
PA 2008	s.47(za)	Make the statement available for inspection by the public in a way that is reasonably convenient for the public living in the vicinity of the land.		Paragraph 14.5 refers to ' <i>consultation website</i> ' and states that ' <i>all relevant supporting documents will be made available</i> '
PA 2008	s.47(6)(a)	Publish SoCC in a newspaper circulating in the vicinity of the land.		-
PA 2008	s.47(6)(b)	Publish SoCC in such other manner as may be prescribed.		-
EIA Regulations 2009	Regulation	The SoCC must state		Section 7, paragraph 7.1 states:

	10(a)	whether the development is EIA development.		<p><i>'Schedule 1 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, as amended by the Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012, classifies Meaford Energy Limited's proposals as a development requiring environmental impact assessment'</i></p> <p>Use 'proposal' instead of 'proposals' to avoid confusion, if referring to one proposed development.</p>
EIA Regulations 2009	Regulation 10(b)	The SoCC must state how the developer intends to publicise and consult on preliminary environmental information.		<p>Section 7, paragraph 7.1 states:</p> <p><i>'To allow for full and meaningful consultation MEL will produce a Preliminary Environmental Information Report (PEIR). The PEIR will outline any significant anticipated environmental effects of the proposals and potential mitigation measures. The PEIR will be made available at the start of <u>formal statutory consultation</u>'</i></p> <p>Avoid using the terms 'informal' and 'formal' consultation. Instead, use 'non-statutory' and 'statutory'.</p>
DCLG Guidance on pre-application process 2013	Paragraph 25	Has the SoCC shown how it will capture not only the local impact of the project but also the		<p>14.4 states:</p> <p><i>'The communication of MEL's consultation</i></p>

		wider impact of the project?		<i>activity has been designed so that it will raise awareness of the MEC proposals amongst a significantly larger audience than just those living or working in the Core Consultation Zone by, for example, utilising local and regional media including news websites and newspapers’.</i>
DCLG Guidance on pre-application process 2013	Paragraph 23 and 27	Does the SoCC show how the developer intends to engage with the various local communities including hard to reach communities?		<p>Paragraph 15.4 states:</p> <p><i>‘The consultation will account for ‘hard to reach’ groups. It may be necessary to communicate in a slightly different way, to groups with additional needs. Guidance has been sought from SBC and SCC on these groups and the following [details to be inserted] ‘</i></p> <p>It may prove useful to identify how you anticipate approaching and engaging with such groups which will assist them in preparing to do so at the time.</p>
DCLG Guidance on pre-application process 2013	Paragraph 30	Has the applicant been unable to adhere to any of the advice given by the relevant local authorities?	.	<p>The SoCC should be updated following consultation / comments with the relevant LPAs. It would be useful if this information is provided in a dialogue form in order to understand the evolution of the SoCC and regard had to responses.</p> <p>Reference should also be given to the availability of documents in different formats, ie. braille and different sized font.</p>

DCLG Guidance on pre-application process 2013	Paragraph 31	Does the SoCC allow for consultation with all who might have a legitimate interest or might be affected by the project?		To be completed, however, justification for how the resultant persons were identified will no doubt prove useful in understanding rationale and approach.
DCLG Guidance on pre-application process 2013	Paragraph 36	Does the SoCC capture the views of the people who live, work and socialise in the affected area?		<p>Paragraph 10.4 refers to the Stage One Feedback Report that summarises the approach to non-statutory consultation, the activity undertaken, the feedback received and MEL's initial response at the time.</p> <p>Paragraph 14.1 states: <i>'MEC proposals are likely to generate interest in the community. Therefore MEL has defined the geographical consultation area; the Core Consultation Zone.'</i></p> <p>Moreover, the same paragraph states: <i>'comments and suggestions from outside this zone are also welcomed and will be given equal weighting'</i></p> <p>Paragraph 14.2 states: <i>'The Core Consultation Zone comprises those areas closest to the proposals for which a DCO application is being sought, for example, if they contain or abut proposed infrastructure. MEL has identified an area around the MEC and proposed infrastructure that constitutes the Core Consultation Zone.'</i></p> <p>Paragraph 14.3 states:</p>

				<p><i>'The project might be of interest to those who are not directly affected by the proposals or may not live, or be based, within the Core Consultation Zone. The communication of MEL's consultation activity has been designed so that will raise awareness of the MEC proposals ...for example, utilising local and regional media including news websites and newspapers.'</i></p>
DCLG Guidance on pre-application process 2013	Paragraph 37 and 40	Does the SoCC show what techniques it intends to use to capture all local communities' views on the project?	.	<p>Paragraph 14.5 explains what methods will be used to consult with local communities, these are:</p> <ul style="list-style-type: none"> • project website; • project leaflet; • public exhibitions; • presentation to key local authority (if required); • local media; • letters and leaflets to elected representatives of affected areas; and • inspection copies. <p>The same paragraph refers to public exhibitions and provides two venues where exhibitions will be taking place.</p> <p>Providing the full addresses, time and details of whether photocopying and printing facilities will be available will prove helpful.</p> <p>The same paragraph refers to <i>'inspection</i></p>

				<p><i>copies'</i> and availability of documents at different places. The SoCC does not provide such details, other than, the name of each venue.</p> <p>Providing postal addresses, opening times, details of photocopying and printing facilities will prove helpful.</p>
DCLG Guidance on pre-application process 2013	Paragraph 38	Does the SoCC explain in plain English what the local communities are being consulted upon and is the SoCC accompanied by a non-technical summary?		<p>Paragraph 1.1 states that</p> <p><i>'Meaford Energy Centre ('MEC') is a Combined Cycle Gas Turbine power station (CCGT) that has a generating capacity of up to 299MWe and is designated as a Nationally Significant Infrastructure Project'</i></p> <p>Paragraph 4.1 refers to MEC as the Power Island and states: <i>'the Power Island is the name given to the buildings and plant that collectively make up the MEC itself.'</i></p> <p>Information relating to any proposed associated development will also be beneficial in understanding the whole proposal.</p> <p>Section 5 refers to 'MEC: Gas Connection' and Section 6 refers to 'MEC's: Electrical Connection'.</p> <p>Section 5 refers to the length of the Gas Connection, similar information would be helpful if supplied for the Electricity</p>

				Connection.
DCLG Guidance on pre-application process 2013	Paragraph 38	Does the SoCC state how the applicant intends provide disabled people with project information in appropriate format?		The SoCC does not state how the applicant intends to provide disabled people with project information in an appropriate format.
DCLG Guidance on pre-application process 2013	Paragraph 38	Does the SoCC state if any documents will be provided in Welsh? NB. There is no longer any obligation to provide documents in non-native foreign languages		-
DCLG Guidance on pre-application process 2013	Paragraph 40	Will the SoCC be made available online, at any exhibitions / events, made available at deposit locations and sent to local community groups?		Paragraph 14.5 states that: <i>'Inspection copies of documentation will be displayed at venues agreed with Stafford Borough Council and Staffordshire County Council. The information will include, but not be limited to, the PIER (including its Non-Technical Summary), plans and diagrams of the proposals, the Stage One Non-statutory Consultation Feedback Report and supporting technical notes. This information will be also available on the project's website in the Library section'</i>

DCLG Guidance on pre-application process 2013	Paragraph 52-54	Has the developer used an iterative approach to consultation?		<p>The applicant carried out one round of non-statutory consultation.</p> <p>The SoCC states that the non-statutory consultation informed the statutory consultation.</p> <p>The SoCC states that statutory consultation will commence in April – May 2014.</p> <p>If the consultation will constitute ‘rounds’ or over specific periods then this would be helpful to know, eg. If a period covers a school half-term, it would help people plan in advance of attending.</p>
DCLG Guidance on pre-application consultation 2009	Paragraph 17	It is essential that developers understand the local communities affected by their proposals and developers should work closely with the relevant LAs to gain this understanding.	See DCLG Guidance on Pre-application 2013 paragraph 23-27	<p>SoCC will provide more details on comments received from LPA on draft SoCC (see paragraph 12.4) once received.</p> <p>Providing original correspondence with local authorities, within the Consultation Report, will prove useful to understand the evolution of the document and when assessing the duty under s49 PA 2008 as part of the s55 Acceptance check.</p>
DCLG Guidance on pre-application consultation 2009	Paragraph 18	Developers should use a range of methods and techniques to ensure that they access all sections of the community.	See DCLG Guidance on Pre-application 2013 paragraph 37	The applicant intends to use different methods as explained above at paragraph 14.5.
DCLG Guidance on pre-application consultation	Paragraph 45	Where LA advice has not been followed,	See DCLG Guidance on	A clear understanding of the rationale and reasons for deviating from any advice

2009		developers will need to present their reasons to the Planning Inspectorate upon submission.	Pre-application 2013 paragraph 37	formally given from a LPA should be provided for in the Consultation Report. The evolution of the document should be clear.
DCLG Guidance on pre-application consultation 2009	Paragraph 50	The developer should aim to capture the views of those who live, work in or otherwise use the area.	See DCLG Guidance on Pre-application 2013 paragraph 36	-
DCLG Guidance on pre-application consultation 2009	Paragraph 51	The developer must determine the area within which it should consult.	See DCLG Guidance on Pre-application 2013 paragraph 36	Section 14 states that: <i>'MEL has defined a geographical consultation area; the Core Consultation Zone and suggestions from outside this zone are also welcomed and will be given equal weighting'</i> A visual-aid to help local people and others identify the extent of the consultation will prove useful no doubt. Looking at working examples of SoCCs used on other NSIPs may also prove useful.
DCLG Guidance on pre-application consultation 2009	Paragraph 53	First category (directly affected Section 42); Second category (living in close proximity and likely to be affected). The consultation plan should address the need to consult people in both of these	This requirement seems to have been removed from the new guidance and the SoCC states that s.42 consultees will be consulted	When approaching the drafting of the Consultation Report, clearly separating the different strands of consultees and how they have been consulted and the results of those events, will aid the Planning Inspectorate in undertaking tasks as part of the s55 Acceptance Checklist.

		categories, and promoters will need to give careful thought as to where the consultation boundary should be drawn in terms of the second group in particular.	separately.	
DCLG Guidance on pre-application consultation 2009	Paragraph 54	Developers should demonstrate that the SoCC is proportionate to the impacts of the project in the area that it affects and takes into account the anticipated level of local interest.	See also DCLG Guidance on Pre-application 2013 paragraph 37	Again, the rationale towards how the SoCC has been deemed proportionate to the local area would be helpful in understanding the approach taken.
DCLG Guidance on pre-application consultation 2009	Paragraphs 55 – 59	Develop an understanding of the community (make-up, needs and interests; socio-economic character; hard-to-reach groups).	This section seems to have been superseded by DCLG Guidance on Pre-application 2013 paragraph 37	Again, providing the rationale in the Consultation Report, as to how such groups have been identified, ie. via consultation with the LPAs and how information on the socio-economics of the area has been gathered and relied upon.
DCLG Guidance on pre-application consultation 2009	Paragraphs 60 – 63	Developers will need to determine how to go about consultation, bearing in mind issues such as language and computer access. Promoters should	This section seems to have been superseded by also DCLG Guidance on Pre-application 2013 paragraph	Efforts should be made in ensuring those in hard-to-reach areas have the ability to engage in the process. Explaining how the requirement of this section, and others, of DCLG Guidance has been met should be given.

		usually consult using a range of methods as this will be more effective at reaching communities than the use of written documents alone.	37	
DCLG Guidance on pre-application consultation 2009	Paragraphs 73 - 75	When to consult? Developers are encouraged to consider phased approach where appropriate.	This section seems to have been superseded by also DCLG Guidance on Pre-application 2013 paragraph 52-54	Paragraph 3.1 states that: <i>'MEL has developed detailed proposals, including designs for the MEC. The proposals have been informed by comprehensive technical and environmental studies, as well as informal non-statutory consultation undertaken with local stakeholders between 24 September 2013 and 1 November 2013 as well as discussions and meetings held since with SBC, SCC and local resident groups'</i> The applicant considered phased approach to consultation including non-statutory consultation that developed the proposal. The applicant intends to carry out its statutory consultation between 25 April and 23 May 2014.
DCLG Guidance on pre-application consultation 2009	Paragraph 82	Technical documents may not be appropriate as the main form of engagement with communities but can be made available. A short document should be	DCLG Guidance on Pre-application 2013 paragraph 38	Paragraph 14.5 'Inspection copies' refers to a non-technical summary that will be available for inspection at venues and both library and the applicant's website. Venues are listed in the same paragraph; however addresses are not provided.

		prepared by developers specifically for local communities, summarising the proposals, outlining the matters on which the view of the local community is sought, describe the key aims and objectives, and explain the potential impacts.		The same should apply to 'public exhibitions' within the same paragraph. Details of venues should be provided including full postal address, time of the event and whether printing/photocopying facilities are available.
DCLG Guidance on pre-application consultation 2009	Paragraph 83	<p>The document should be clear, accessible and non-technical.</p> <p>Documents may need to be made available in other languages (e.g. Welsh in Wales) and in other formats where requested.</p>	DCLG Guidance on Pre-application 2013 paragraph 38	<p>Document is clear and accessible.</p> <p>Paragraph 4.1 explains what the 'Power Island' comprises. Where possible, information on, for example, the height of sacks, could usefully be shared, however, it is understandable if this information is sensitive and to be determined following further modelling.</p> <p>Avoid jargon and provide explanations of terms such as 'AGI', where possible, with visual aids.</p> <p>Paragraph 15.2 states:</p> <p><i>'Once the DCO application has been submitted all comments should be made to PINS and interested parties must register in writing to PINS' .</i></p>

				<p>Another paragraph 13.1 states: <i>'Following submission of the DCO application respondents must register with PINS to submit further comments (this can be done via the PINS website)'</i></p> <p>SoCC should be clear in aiding one's understanding that if and when an application for a DCO is accepted for examination by the Planning Inspectorate, any person may register as an Interested Party – allowing them the legal right to become fully involved within the examination.</p>
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