

Tees CCPP: Planning Inspectorate Comments on the Consultation Report (13 October 2017)

These comments relate solely to matters raised by the drafting of the Consultation Report, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration of the report.

We have used the s55 checklist as a basis for our review.

S55 checklist questions	PINS comments
<p>In accordance with the EIA Regulations, did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?</p>	<p>Paragraph 55 in the summary section states notification under Regulation 6 was provided in the Applicant's Scoping Report in February 2017.</p> <p>The date of 21 February 2017 is given on page 37 in the Applicant's compliance with PINS section 55 Application Acceptance Checklist.</p>
<p>Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>	
<p>S42(1)(a) persons prescribed?</p>	<p>In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg38), it refers to Table 7.1 which is a list of local authorities and so therefore isn't relevant. It states persons as prescribed were consulted by letter, with a CD containing consultation docs and gave deadline for receipt of responses.</p> <p>Refers to Appendix 7 which is not yet provided.</p> <p>Para 7.6 states there is a table at Appendix 7.1 which lists all of the prescribed consultees (other than statutory undertakers) and the date on which they were consulted. If certain prescribed consultees were not consulted it will explain why. This Appendix is not yet provided.</p>
<p>s42(1)(b) each local authority within s43?</p>	<p>Listed in Table 7.1</p>

<p>s42(1)(d) each person in one or more of s44 categories?</p>	<p>In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg39), it states that s44 persons were consulted by letter sent by special delivery on 16 June 2017. It states a list will be provided at Appendix 7.4.</p> <p>You appear to have consulted persons with land interests under s44 of the Act. If these persons are still affected by the project they need to be notified under s56 if the Application is accepted. We recommend that you seek legal advice on whether the Application needs to be accompanied by a Book of Reference (BOR), as any party notified under s56(2)(d) needs to be included in a BOR.</p> <p>If you not going to produce BOR an explanation justifying this will need to be provided.</p>
<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Paragraph 10.1 states consultation took place 21 June to 21 July. Paragraph 10.22 states the deadline of 21 July 2017 was given in the consultation letters. This is more than 28 days. It states sample letters will be provided at Appendix 10.1 please include these.</p>
<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Paragraph 31 of summary states s46 notification took place on 15 June 2017, before statutory consultation starting on 21 June 2017. In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg39) it states notification letter will be provided at Appendix 9.1.</p>
<p>Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>In the Applicant's compliance with PINS section 55 Application Acceptance Checklist it states 3 draft SoCCs were provided. The final SoCC should be provided at Appendix 6.7.</p>
<p>Were "B" and (where relevant) "C" authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p>In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg 40) it states R&CBC was consulted under both non-statutory and statutory consultation. Evidence should be provided at Appendices 6.2, 6.3, 6.4 and 6.6. Statutory consultation on SoCC started 20 April and deadline for responses was 19 May – therefore more than 28 days. Evidence should be provided in Appendix 6.5.</p>

Has the applicant had regard to any responses received when preparing the SoCC?	In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg40) it states comments were received from R&CBC and the Applicant had regard to them. It refers to table 6.1 and 4. I think this should be amended to table 6.2.
Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	Table 6.3 lists the newspapers the SoCC notice was published in and dates of publication. Table 6.4 lists the venues the SoCC was available for inspection. Copies of the SoCC newspaper notice will be provided at Appendix 6.9.
Does the SoCC set out whether the development is EIA development; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	The SoCC will be provided at Appendix 6.7.
Has the applicant carried out the consultation in accordance with the SoCC?	Paragraph 6.15 states the final SoCC confirmed the development is EIA development. A copy of the final SoCC will be provided at Appendix 6.7.
Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	Table 11.1 lists the newspapers the s48 notice was published and dates of publication. Copies of the s48 notice will be provided in Appendix 11.2.
for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg42) states the s48 notice was published for 2 successive weeks on 14 June and 21 June 2017 in the Gazette, Hartlepool Mail and the Northern Echo.
once in a national newspaper;	In the Applicant's compliance with PINS section 55 Application Acceptance Checklist (pg42) states the s48 notice was published in The Times on 14 June 2017.
once in the London Gazette and, if land in Scotland is	In the Applicant's compliance with PINS section 55 Application

affected, the Edinburgh Gazette	Acceptance Checklist (pg42) states the s48 notice was published in the London Gazette on 14 June 2017.
Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	
The name and address of the applicant.	A copy of the s48 notice will be provided at Appendix 11.1.
a statement as to whether the application is EIA development	A copy of the s48 notice will be provided at Appendix 11.1.
a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	A copy of the s48 notice will be provided at Appendix 11.1.
whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	A copy of the s48 notice will be provided at Appendix 11.1.
a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	Paragraph 11.3 states the deadline for comments was 21 July 2017.
Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations?	Paragraph 11.9 states PINS did not notify the applicant of any EIA Regulation 9(1)(c) bodies.
Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	Tables 12.1, 12.2 and 12.3 show issues raised and the Applicant's response.
To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'?	Paragraph 3.16 lists the guidance as relevant guidance relating to pre-app consultation and publicity. Paragraph 4.6 lists the guidance as that which the Applicant had regard to on pre-app consultation. Paragraph 4.13 indicates the Applicant had regard to the guidance in relation to the consultation area.