

The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Consultation Report

Appendix 1 - Planning Act 2008 Compliance Checklist



The Planning Act 2008 – Section 37(3)(c)
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 – Regulation 5(2)(q)

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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The below table demonstrates the consultation obligations imposed by:

- Sections 42, 46, 47, 48 and 49 of the Planning Act 2008 (PA 2008)
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
- Department for Communities and Local Government (DCLG) Planning Act 2008: Guidance on the pre-application process
- The Planning Inspectorate’s Advice Note 14 – Compiling the Consultation Report

Table 1– Compliance with legislation, regulations, guidance and advice

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
Planning Act 2008			
Section 42 Duty to consult	The Applicant must consult the following about the proposed application:		
	(a) such persons as maybe prescribed;	The prescribed consultees were consulted at the start of the statutory consultation period. See Chapter 5 of the Consultation Report for more detail and Appendix 8 for a complete list of consultees prescribed in Schedule 1 to the APFP Regulations. There were a few instances where section 42 letters and packs had to be resent due to matters such as change in	Letters and consultation documents were sent on Friday 12 January 2018. There were some exceptions to this and this is explained in Chapter 5 of the Consultation Report.

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		address and incorrect address details, however where this occurred all letters were re-sent.	
	(aa) the Marine Management Organisation;	The Marine Management Organisation was consulted at the start of the statutory consultation period. See Chapter 5 of the Consultation Report for more detail.	Letters and consultation documents were sent on Friday 12 January 2018.
	(b) each Local Authority that is within Section 43;	Local authorities identified under section 43 of the Planning Act 2008 were consulted at the start of the statutory consultation period. The local authorities are identified in Table 5.1 in Chapter 5 of the Consultation Report.	Letters and consultation documents were sent on Friday 12 January 2018.
	(c) the Greater London Authority if the land is in Greater London; and	As the Site is not in Greater London, the Greater London Authority was not consulted.	N/A
	(d) each person who is within one or more of the categories set out in Section 44.	Persons within Category 1, 2 or 3 were consulted at the start of the statutory consultation period. See Chapter 5 of the Consultation Report for more detail and Appendix 10 of the	Letters and consultation documents were sent on Friday 12 January 2018. There were some exceptions to this and this is explained in Chapter 5

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		Consultation Report for a complete list of consultees.	of the Consultation Report and Appendix 10.
<p>Section 45</p> <p>Timetable for consultation under section 42</p>	<p>(1) The Applicant must, when consulting a person under Section 42, notify the person of the deadline for the receipt by the Applicant of the person's response to the consultation.</p>	<p>All persons consulted pursuant to section 42 of the Planning Act 2008 were notified of the deadline for receipt of responses to the consultation.</p> <p>For persons identified pursuant to section 42(1)(a), section 42(1)(aa) and, section 42(1)(b) this date was included in the covering letter and in the section 48 notice. For persons identified under section 42(1)(d), the deadline for response was included in the letter.</p>	<p>The consultation period started on 16 January 2018 and closed on 27 February 2018.</p> <p>In a limited number of circumstances, some consultees were consulted outside of the consultation period and the deadline for response was made clear for these consultees. This is further explained in Chapter 5 of the Consultation Report.</p>
	<p>(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The consultation period started on 16 January 2018 and closed on 27 February 2018. This period was in excess of the statutory minimum of 28 days.</p> <p>All persons (with limited exceptions) consulted under section 42 were sent notice of the consultation and the consultation documents by letter</p>	<p>The consultation period started on 16 January 2018 and closed on 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		<p>dated 12 January 2018 to ensure the letters were received before the statutory consultation was due to start on Tuesday 16 January 2018. Those consulted outside the main consultation period were given a minimum period of 28 days to respond. See Chapter 5 of the Consultation Report for more information.</p>	
<p>Section 46 Duty to notify Secretary of State of proposed application</p>	<p>(1) The Applicant must supply the Secretary of State with such information in relation to the proposed application as the Applicant would supply to the Secretary of State for the purpose of complying with section 42 if the Applicant were required by that section to consult the Secretary of State about the proposed application.</p>	<p>A letter was sent to the Planning Inspectorate, on behalf of the Secretary of State by letter dated 12 January 2018. Receipt was acknowledged by the Planning Inspectorate on 19 January 2018. A copy of the letter and confirmation can be found in Appendix 18 of the Consultation Report.</p> <p>Enclosed with the letter was a list of persons the Applicant consulted in pursuant to section 42 of the PA 2008 and a USB with the following consultation</p>	<p>12 January 2018</p>

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		<p>documents:</p> <ul style="list-style-type: none"> • Example copy of the section 42 letters • Example copy of the section 42 letters that also include the section 48 notice • Consultation leaflet • Project Overview Report • PEIR • Non-Technical Summary of the PEIR • Copy of the section 47 and section 48 notices 	
	<p>(2) The Applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>The letters sent pursuant to section 42 of the Planning Act 2008 were also sent on 12 January 2018; therefore the Secretary of State was notified at the same time as consultees pursuant to section 42 and before the start of consultation on 16 January 2018.</p>	<p>12 January 2018</p>
<p>Section 47 Duty to consult local community</p>	<p>(1) The Applicant must prepare a statement setting out how the Applicant proposes to consult, about the proposed application, people</p>	<p>The Applicant prepared a Statement of Community Consultation (SoCC). This was published in accordance with</p>	<p>The SoCC notice was published in The Yorkshire Post on 2 January 2018</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>living in the vicinity of the land</p> <p>(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.</p>	<p>the terms of the Planning Act 2008. See Appendix 22 of the Consultation Report for the final SoCC.</p> <p>The Applicant initially consulted informally (that is, ahead of the prescribed consultation) with the host local authorities Selby District Council and North Yorkshire County Council, as part of the SoCC development. Consultation pursuant to section 47(2) was then undertaken on the draft SoCC with Selby District Council, North Yorkshire County Council and East Riding of Yorkshire Council (as some of the highway powers sought in the DCO may be exercised within its administrative area). All three local authorities confirmed they had no further comments on the document. See Chapter 4 of the Consultation Report for further detail and Appendices 19 to 21.</p>	<p>The draft SoCC was first sent to Selby District Council and North Yorkshire County Council by first class post and via email on 15 September 2017.</p> <p>The draft SoCC was then sent to the three Councils by first class post on Friday 23 November 2017 for statutory consultation.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>(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.</p>	<p>The non-statutory SoCC consultation period ran for 28 days, beginning the day after the day the local authorities received the soft copy documents by email on 15 September 2017, until 16 October 2017.</p> <p>The statutory SoCC consultation periods ran for 28 days, beginning the day after the day the local authorities received the hard copy documents by letter dated 23 November 2017, until 21 December 2017.</p>	<p>The initial, non-statutory consultation was from 15 September 2017 until 16 October 2017. Comments were received and accepted from Selby District Council on 16 October 2017 and North Yorkshire County Council on 18 October 2017.</p> <p>The prescribed consultation was from 23 November 2017 until 21 December 2017. Comments were received on 6 December 2017 on behalf of both North Yorkshire County Council and Selby District Council and on 13 December 2017 from East Riding of Yorkshire Council.</p>
	<p>(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting</p>	<p>The SoCC is the statement prepared under section 47(2). Drafts of the SoCC were issued for consultation to the</p>	

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	the local authority under subsection (2).	authorities. See Chapter 4 of the Consultation Report for further detail, Appendix 19 for the initial draft of the SoCC, Appendix 21 for the revised draft of the SoCC and Appendix 22 for the final published version of the SoCC.	
	(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).	Comments were received from the local authorities consulted on the draft SoCC (see Appendix 20 to this Consultation Report). The Applicant had regard to these comments. Chapter 4 of the Consultation Report details the response received from the Councils and what changes were made to the final SoCC.	These steps were undertaken following each consultation period undertaken with the host local authorities.
	(6) Once the Applicant has prepared the statement, the Applicant must — (za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land, (a) publish, in a newspaper circulating in	The SoCC was made available for inspection at 6 deposit locations within the vicinity of the Site - see Chapter 4 of the Consultation Report. A section 47 notice was published in the Yorkshire Post,	The SoCC was available for inspection, online and at the deposit locations from 2 January 2018 until 27 February 2018. The section 47 notice was published on Tuesday 2

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	<p>the vicinity of the land, a notice stating here and when the statement can be inspected, and (b) publish the statement in such manner as may be prescribed.</p>	<p>which covers the Core and Outer Consultation Zones, explaining where and when the SoCC could be inspected. A copy of the notice is in Appendix 24 of the Consultation Report. The SoCC was also made available on Drax's project website and this was notified in the section 47 notice. There are no other statutory requirements for the publication of the SoCC.</p>	<p>January 2018 in the Yorkshire Post.</p>
	<p>(7) The Applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>The Applicant has undertaken its consultation in accordance with the proposals set out in the SoCC. This is explained in Table 4-1 of Chapter 4 of the Consultation Report which sets out against each requirement of the SoCC how the Applicant has complied with it.</p>	<p>During statutory consultation 16 January 2018 until 27 February 2018.</p>
<p>Section 48 Duty to Publicise</p>	<p>(1) The applicant must publicise the proposed application in the prescribed manner.</p>	<p>The Applicant publicised a the proposed application in accordance with the requirements of section 48 of</p>	<p>The section 48 notice was published between the 5 January 2018 and 12 January 2018. Dates for</p>

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	<p>(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.</p>	<p>the Planning Act 2008 and Regulation 4 of the APFP Regulations by way of a “section 48 Notice”.</p> <p>The notice was published for two consecutive weeks in one local newspaper (Yorkshire Post) and for one week in the London Gazette, Lloyds List, The Times and Fishing News. Whilst the Proposed Scheme does not relate to offshore development, at the time of statutory consultation it was proposed that the existing the Applicant jetty on the River Ouse may be used during construction of the Proposed Scheme, and therefore it was considered that notices should be published in Lloyd’s List and a fishing trade journal (Fishing News) as a precautionary approach.</p> <p>The content of the notice</p>	<p>each are as follows: Yorkshire Post – 5 and 12 January 2018 London Gazette – 5 January 2018 Lloyds List – 5 January 2018 The Times – 10 January 2018 Fishing News – 10 January 2018</p>

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		<p>included all the matters listed at Regulation 4(3) of the APFP Regulations. In particular, the notice included a deadline for receipt of responses by the Applicant. The deadline given was 27 February 2018, which was not less than 28 days from the date when the last notice was published, being 12 January 2018.</p> <p>For further details see Chapter 6 of the Consultation Report. A copy of the published notices can be found in Appendix 25.</p>	
<p>Section 49 Duty to take account of responses to consultation and publicity</p>	<p>(1) Subsection (2) applies where the Applicant— (a) has complied with sections 42, 47 and 48, and (b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application). (2) The applicant must, when deciding whether the application that the</p>	<p>The Applicant has reviewed and considered all responses received pursuant to consultation under sections 42, 47 and 48. The Consultation Report records the regard had to every consultation response received within the deadline given. See Chapters 8 of the Consultation Report.</p>	

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	<p>applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>		
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009			
Regulation 3	The persons prescribed for the	The prescribed consultees were	Letters and consultation

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
Prescribed consultees	purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.	<p>identified by reference to Schedule 1 of the APFP Regulations. A full list of the prescribed consultees is included in Appendix 8, which has been laid out as per the annex for Advice Note 3 and identifies the bodies prescribed in the table in Schedule 1 of the APFP Regulations in line with the circumstances test set out in the Annex which the Planning Inspectorate uses when determining whether a prescribed consultee should be consulted or not.</p> <p>The process that the Applicant adopted to identify all prescribed consultees is included in Chapter 5 of the Consultation Report.</p> <p>The prescribed consultees were consulted at the start of the statutory consultation period.</p>	documents were sent on Friday 12 January 2018. There were some exceptions to this and this is explained in Chapter 5 of the Consultation Report.
Regulation 4	For the purpose of section 48(1) (duty to publicise):	The Applicant publicised the proposed application in	The section 48 notice was published between the 5

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	(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application—	<p>accordance with the requirements of section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations.</p> <p>For further details see Chapter 6 of the Consultation Report. A copy of all the below published notices can be found in Appendix 25.</p>	January 2018 and 12 January 2018.
(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Scheme would be situated;	The section 48 notice was published for two consecutive weeks in one local newspaper, the Yorkshire Post on 5 and 12 January 2018.		
(b) once in a national newspaper;	The section 48 notice was published in The Times on 10 January 2018.		
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The section 48 notice was published in the London Gazette on 5 January 2018.		
(d) where the proposed application relates to offshore development— (i) once in Lloyd’s List; and (ii) once in an appropriate fishing trade journal.	The section 48 notice was published in the Lloyd’s List on 5 January 2018 and the Fishing News (a fishing trade journal) on		

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		<p>11 January 2018.</p> <p>Whilst the Proposed Scheme does not relate to offshore development, at the time of statutory consultation it was proposed that the existing Drax jetty on the River Ouse may be used during construction of the Proposed Scheme, and therefore it was considered that notices should be published in Lloyd's List and a fishing trade journal (Fishing News) as a precautionary approach.</p>	
	<p>(3) The matters which the notice must include are:</p> <p>(a) the name and address of the Applicant;</p> <p>(b) a statement that the Applicant intends to make an application for development consent to the Secretary of State;</p> <p>(c) a statement as to whether the application is EIA development;</p>	<p>The published section 48 notices are included at Appendix 25 of the Consultation Report. The notice includes all matters listed in Regulation 4(3). In particular, the notice included a deadline for receipt of responses by the applicant. The deadline given was 27 February 2018, which was not less than 28 days from the date when the</p>	

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	<p>d) a summary of the main proposals, specifying the location or route of the Proposed Scheme;</p> <p>(e) a statement that the documents, plans and maps showing the nature and location of the Proposed Scheme are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Scheme) and times set out in the notice;</p> <p>(f) the latest date on which those documents, plans and maps will be available for inspection being date not earlier than the deadline in subparagraph (l));</p> <p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p> <p>(h) details of how to respond to the publicity; and</p> <p>(l) a deadline for receipt of those responses by the Applicant, being not</p>	<p>last notice was published, being 12 January 2018.</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	less than 28 days following the date when the notice is last published.		
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017			
Regulation 8 Procedure for establishing whether environmental impact assessment is required	(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either — ... (b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.	The Applicant notified the Secretary of State that it would be providing an Environmental Statement with its application for development consent pursuant to Regulation 8(1)(b). The regulation 8(1)(b) letter was included at the front of the Scoping Report submitted to the Secretary of State dated 13 September 2017.	Letter (as part of Scoping Report) dated 13 September 2017.
Regulation 12 Consultation statement requirements	The consultation statement prepared under section 47 (duty to consult local community) must set out— (a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and (b) if that development is EIA development, how the applicant intends to publicise and consult on the	The final SoCC is included at Appendix 22 of the Consultation Report. Section 2.3 of the SoCC confirms that the Proposed Scheme is EIA development. Section 4 of the SoCC outlined how the consultation under section 47 was to be publicised and delivered. This included consultation on the consultation	The SoCC notice was published in The Yorkshire Post on 2 January 2018

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	preliminary environmental information.	documents, which were listed at section 4.3 and included the Preliminary Environmental Information Report (PEIR) and a Non-Technical Summary of the PEIR.	
<p>Regulation 13</p> <p>Pre-application publicity under section 48 (duty to publicise)</p>	<p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>	<p>The consultation bodies and people notified to the Applicant by the Planning Inspectorate pursuant to regulation 11(1)(c) are set out Appendix 8.</p> <p>The consultation bodies and those persons identified in the Regulation 11(1)(c) were sent a letter, marked clearly as being sent pursuant to section 48 of the PA 2008, Regulation 13 of the EIA Regulations 2017, as well as section 42 of the PA 2008. The letter explained that those bodies were prescribed consultees under the PA 2008 and also the EIA Regulations 2017, and enclosed the section 48 notice as well as the section 42 pack. The letter is at</p>	<p>12 January 2018</p>

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		<p>Appendix 14.</p> <p>In most cases, each consultation body was sent the letter on Friday 12 January 2018 by special delivery to ensure it was received before the statutory consultation was due to start on Tuesday 16 January 2018. This was at the same time as the section 48 notices were published under section 48(1) (as set out above, the final section 48 notice was published on 12 January 2018).</p> <p>There were some limited instances where consultation bodies received the letter and section 48 notice after the section 48 notice was published (including where late notification of Regulation 11(1)(c) bodies was received from the Planning Inspectorate).</p> <p>The detail of the notification given to the consultation bodies, as well as the explanation for</p>	

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		consultation bodies receiving the section 48 notice after it was published, is included in Chapter 5 of the Consultation Report.	
DCLG Planning Act 2008: Guidance on the pre-application process (March 2015)¹			
Paragraph 25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation</p>	<p>Chapters 3 and 4 explains how the Applicant has drawn upon its own experience in carrying out consultation exercises as well as best practice principles in preparing for the consultation. The Applicant concluded that for the Proposed Scheme, a two stage consultation would be appropriate – beginning with a period of non-statutory consultation and engagement followed by the statutory consultation. The consultation documents for the statutory consultation can be found in Appendix 6 of the</p>	

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

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	<p>should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>Consultation Report include:</p> <ul style="list-style-type: none"> • Project Overview Report • a leaflet on the Project • the SoCC • Exhibition boards • Feedback form <p>The consultation documents also consisted of the PEIR and NTS to the PEIR. The consultation documents provided information to enable people to understand the Proposed Scheme and its potential impacts, designed to be understood by people with a range of technical understanding and interest (for example, the scheme's impacts were explained at a high level in the Project Overview Report and NTS, and at a more in depth and technical level in the PEIR). These documents also outline that people could respond to the consultation through a variety of methods including completing</p>	

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		<p>the online questionnaire, emailing or writing to a freepost address.</p> <p>The consultation period in which people could review the consultation documents and provide feedback was longer than the statutory minimum 28 day period.</p>	
<p>Paragraph 26</p>	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed.</p> <p>Section 47 in the Planning Act sets out the applicant’s statutory duty to</p>	<p>Statutory consultation was undertaken in accordance with the PA 2008, the APFP Regulations and the EIA Regulations 2017, and with all people prescribed under sections 42-44 of the PA 2008 and local communities pursuant to a SoCC under section 47 of the PA 2008. Further details are included above and in Chapter 5 of the Consultation Report.</p> <p>In addition, the Applicant identified non-prescribed consultees, who were also consulted as part of the statutory consultation exercise,</p>	<p>Statutory consultation with prescribed and non-prescribed consultees took place during the statutory consultation 16 January 2018 to 27 February 2018 (and in some cases after that date).</p>

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	consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.	because those people were considered to potentially be interested in the Proposed Scheme. The detail of how these additional consultees were identified and consulted with during the statutory consultation is set out in Chapter 5. Accordingly, the Applicant went over and above the prescribed body/person requirements of the PA 2008.	
Paragraph 27	The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these	The Applicant has consulted with the consultation bodies including those who may otherwise have had a consenting role with respect to the Proposed Scheme such as Selby District Council, North Yorkshire County Council, Highways England, and the Environment Agency. Drax's consultation with those (and other) bodies has continued throughout the pre-application process, and will continue	Non-statutory consultation was undertaken over the period from 8 November to 20 November 2017. Statutory consultation with prescribed and non-prescribed consultees took place during the statutory consultation 16 January 2018 to 27 February 2018 (and in some cases after that date).

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	<p>consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.</p>	<p>during Examination.</p> <p>In terms of raising awareness of the Proposed Scheme and the statutory consultation, beyond prescribed consultees:</p> <ul style="list-style-type: none"> • The Applicant undertook a non-statutory consultation and engagement exercise , in order to promote wider awareness of the proposal and encourage input from stakeholders, including any interest groups; • The statutory consultation was publicised via press releases, news articles, and social media (over and above the statutory notification requirements), to seek to obtain views from a wide and varied audience 	
<p>Paragraph 28</p>	<p>From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations</p>	<p>Whilst in some cases a successor body was identified as the consultation body (for example, the Homes and</p>	

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	<p>the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	<p>Communities Agency is now Homes England), there were no instances where compliance with the statutory requirements was impossible.</p>	
<p>Paragraph 29</p>	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays</p>	<p>The Applicant has undertaken a range of stakeholder engagement activities. This engagement has been particularly relevant in relation to the impacts of the Proposed Scheme, and statutory consultees such as Natural England, the Environment Agency, Highways England, and the relevant departments of</p>	<p>Ongoing</p>

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	<p>and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner.</p> <p>Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	<p>Selby District Council and North Yorkshire County Council, have been in discussions with Drax from an early stage to provide input and guidance with respect to the design of the Proposed Scheme (including embedded mitigation measures and management of construction activities) and the approach to assessing environmental effects. These discussions have been ongoing, and are recorded and reflected in each technical chapter of the Environmental Statement (document reference 6.1), and will be recorded throughout the Examination in SoCGs.</p>	
<p>Paragraph 35</p>	<p>The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation</p>	<p>Chapter 4 of the Consultation Report details the preparation of the SoCC in accordance with section 47 and the involvement of the local authorities in that process.</p> <p>Chapter 4 also sets out how the</p>	<p>The draft SoCC was sent on an informal basis to the host local authorities (SDC and NYCC) by first class post and via email on 15 September 2017. This initial consultation was from 16 September 2017 –</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>with each local authority in whose area the Proposed Scheme is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.</p>	<p>consultation was undertaken in accordance with each requirement of the SoCC. Appendices 19 to 22 of the Consultation Report provide copies of the draft and final versions of the SoCC and the comments received by the host authorities.</p>	<p>16 October 2017. The updated SoCC was sent to the local authorities (SDC, ERoY and NYCC) for the prescribed consultation period by first class post which ran from Friday 23 November 2017 to 21 December 2017.</p>
<p>Paragraph 36</p>	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the</p>	<p>The Proposed Scheme is located in the administrative areas of Selby District Council and North Yorkshire County Council (NYCC), however, as the Site is located close to the border of East Riding of Yorkshire Council's (ERoY) area, and construction traffic will travel through that area (and highways powers are sought as part of the DCO Application that would be exercised in ERoY's area), the Applicant chose to</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	Statement of Community Consultation.	<p>treat ERoY as a voluntary “host” authority, and therefore included ERoY in the prescribed consultation with the local authorities on the SoCC. In discussing highways matters in relation to construction of the Proposed Scheme, the Applicant has also therefore engaged with NYCC and ERoY. Further, based on experience from the non-statutory consultation, the Applicant considered there was community interest from a much more widespread area than the immediate vicinity of the Site and as such continued with the Core Consultation Zone and Outer Consultation Zone as identified for the non-statutory consultation and engagement. Given this reach, the Applicant utilised tools that had a wide reach, including twitter and its website page.</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		See Chapter 4 of the Consultation Report for detail as to how this approach was reflected in the SoCC.	
Paragraph 37	<p>In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits of the proposals. They are also distinct from ‘adequacy of consultation’ responses. The Planning Act requires local authorities to respond to the applicant’s consultation on their proposed Statement of Community Consultation within 28 days of receipt of the request.</p> <p>However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or</p>	<p>The Applicant took care to ensure the relevant local authorities were involved in the development of the SoCC, and facilitated meetings with those authorities, in addition to the statutory consultation.</p> <p>The Applicant consulted with the host local authorities where development is to take place in the preparation of the SoCC, on an informal basis ahead of the prescribed consultation period, in order to maximise the potential for feedback on the proposed method of consultation. Further detail of this exercise is in Chapter 4 of the Consultation Report.</p> <p>Appendices 19 to 22 provide copies of the draft and final versions of the SoCC and the</p>	<p>The draft SoCC was sent on an informal basis to the host local authorities (SDC and NYCC) by first class post and via email on 15 September 2017. The initial consultation was from 16 September 2017 – 16 October 2017.</p> <p>The updated Statement of Community Consultation was sent to the local authorities (SDC, ERoY and NYCC) for the prescribed consultation. The statutory SoCC consultation periods ran for 28 days, beginning the day after the day the local authorities received the hard copy documents by letter dated 23 November</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>	<p>comments received by the host authorities.</p>	<p>2017, until 21 December 2017.</p>
<p>Paragraph 41</p>	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>The local authorities did not raise any major concerns with respect to the draft SoCC, and there was nothing raised that the Applicant was unable to address.</p> <p>Chapter 4 and Appendix 20 of the Consultation Report set out the responses of the local authorities to consultation on the SoCC.</p>	<p>The draft SoCC was sent on an informal basis to the host local authorities (SDC and NYCC) by first class post and via email on 15 September 2017. The initial consultation was from 16 September 2017 – 16 October 2017.</p> <p>The updated Statement of Community Consultation was sent to the local authorities (SDC, ERoY and NYCC) for the prescribed consultation. The statutory SoCC consultation periods ran for 28 days, beginning the day after the day the local authorities received the</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
			hard copy documents by letter dated 23 November 2017, until 21 December 2017.
Paragraph 42	Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a Proposed Scheme, it would be unlikely that their application would be rejected on grounds if	The host local authorities responded to Drax's consultation requests in connection with the SoCC. They were satisfied that the approach adopted to consultation, as set out in the SoCC, allowed for full public involvement as appropriate to the Proposed Scheme.	The draft SoCC was sent on an informal basis to the host local authorities (SDC and NYCC) by first class post and via email on 15 September 2017. The initial consultation was from 16 September 2017 – 16 October 2017. The updated Statement of Community Consultation was sent to the local authorities (SDC, ERoY and NYCC) for the prescribed consultation. The statutory SoCC consultation periods ran for 28 days, beginning the day after the day the local authorities received the hard copy documents by letter dated 23 November

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	inadequate public consultation.		2017, until 21 December 2017.
Paragraph 43	Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.	The Applicant took care to ensure all relevant local authorities (in particular host authorities Selby District Council and North Yorkshire County Council, as well as the closest neighbouring council, East Riding of Yorkshire Council) were involved in the development of the Proposed Scheme, and facilitated an extensive series of meetings with those authorities, in addition to the statutory consultation. Further detail is set out in Chapter 4 of the Consultation Report.	Ongoing
Paragraph 44	Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to Local Plans. Local authorities may also make suggestions for requirements to be included in the draft Development	Chapter 8 of the Consultation Report includes responses received from local authorities to the statutory consultation and how these have been considered. The Applicant is having on-going discussions	Ongoing

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a Proposed Scheme Consent Order are raised at the earliest opportunity.</p>	<p>with the local authorities and will continue to engage with them on the DCO Application with a view to signing Statements of Common Ground.</p>	
<p>Paragraph 49</p>	<p>Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation.</p> <p>This will give such parties early notice of projects, and an opportunity to express their views regarding them.</p>	<p>The Applicant identified and consulted people with an interest in the Site and who might fall within one of the categories of people who may be affected by the Proposed Scheme under section 44 of the PA 2008. The process is explained in Chapter 5 and Appendix 12 of the Consultation Report.</p> <p>Appendix 10 provides a list of those identified as having an interest in land who were consulted as part of the</p>	<p>Autumn 2017 to May 2018</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
Paragraph 50	It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categorises those land interests) is up to date at the time of submission.	<p>statutory process.</p> <p>The Applicant identified and consulted people with an interest in the land that might be affected by the Proposed Scheme as defined by section 44 of the Act. Diligent inquiry was undertaken to identify people within Categories 1, 2 and 3 pursuant to section 44, and the methodology in this respect is set out in Appendix 12. Inquiries have been ongoing up to submission of the Application to ensure the Book of Reference is up to date.</p> <p>The process is explained in Chapter 5 and Appendix 12 of the Consultation Report.</p> <p>Appendix 10 provides a list of those identified as having an interest in land who were consulted as part of the statutory process.</p>	Autumn 2017 to May 2018
Paragraph 51	However, it is understood that land interests change over time and that	To confirm the accuracy of the information held, confirmation	Ongoing

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination.</p>	<p>schedules were issued prior to key outputs: the section 42 consultation and the submission of the DCO Application. These confirmation schedules consisted of details of the information held about a party, their interests and other third party interests in a property, along with plans showing the appropriate land ownership boundaries. The Book of Reference has been updated up until submission and any new interests contacted.</p> <p>One new interest was created in the Site shortly prior to submission of the Application. This interest was as grazing licence granted by Drax over its own land, and the owner of the interest was made aware of the Proposed Scheme.</p>	
<p>Paragraph 52</p>	<p>Applicants should explain in the consultation report how they have</p>	<p>In Chapter 5 (in particular in relation to "Ongoing Due</p>	<p>Further details on the extension dates given for</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.</p>	<p>Diligence" and Table 5-2) of the Consultation Report, the Applicant addresses where new section 42(1)(d) interests have been identified during or following the statutory consultation period.</p> <p>In every case, such consultees were notified and provided with at least 28 days to respond to the consultation.</p>	<p>consultation to the consultees can be found in Appendix 10 or Chapter 5 of the Consultation Report.</p>
<p>Paragraph 53</p>	<p>Local people have a vital role to play at the pre-application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be an appropriate; or what other</p>	<p>Chapter 3 explains Drax's actions in seeking to engage a wide range of stakeholder groups such as residents associations, in order to raise awareness and maximise stakeholder participation as part of the non-statutory consultation.</p> <p>Chapter 5 sets out how the statutory consultation was implemented and demonstrates the extensive community involvement.</p> <p>Chapters 8 and 9 explains</p>	<p>Non-statutory consultation was carried out over the period from 8 November to 30 November 2017.</p> <p>The consultation period started on 16 January 2018 until 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	opportunities might exist for meeting the project's objectives.	changes made to the Proposed Scheme after the statutory consultation period closed.	
Paragraph 54	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>The Applicant used a variety of methods and techniques to engage with consultees and promote the consultation, as explained in Chapters 4 and 5 of the Consultation Report.</p> <p>The Applicant held consultation events at times both inside and outside of normal working hours to cater for time-poor people.</p> <p>Consultation events were held in the vicinity of Drax Power Station (Drax, Selby, Heminbrough and Goole) so that they were easy to access for local people and it was ensured that each venue was accessible and had appropriate parking facilities.</p> <p>The Project leaflet, that was posted to those in CCZ and also made available at the consultation events, the deposit</p>	<p>The consultation period started on 16 January 2018 until 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		locations and the website, states that "This leaflet upon request, can be made available in large print format, braille and other languages."	
Paragraph 55	Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may	Chapter 4 of the Consultation Report explains Drax's approach to the materials used as part of the statutory consultation, why the various materials were used and how they satisfied the requirements of the guidance. In particular, a consultation leaflet and then a slightly more detailed Project Overview Report were provided as part of the consultation documents (see Appendix 6). These documents were specifically designed to be accessible to people not wanting to digest a large amount of technical information. These documents explained the Proposed Scheme, and (at a high level and in plain English) explained the likely impacts of	The consultation period started on 16 January 2018 until 27 February 2018.

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p>the scheme. These materials, along with the feedback form provided, directed people's attention in terms of where views were sought (for example, in terms of the two pipeline routes being consulted on). It was made clear on consultation documents that they could be made available in different formats to meet the needs of people with disabilities and in different languages, if requested.</p> <p>Chapter 4 gives further detail as to how this range of measures was utilised in relation to statutory consultation and what information was provided to consultees. Chapter 4 explains how the variety of measures was taken on board in the preparation of the SoCC, and Chapter 4 explains how those measures were implemented.</p>	
<p>Paragraph 56</p>	<p>Applicants are required to set out in</p>	<p>Based on experience from</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).</p>	<p>previous consultation exercises, the Applicant determined the community interest from a much more widespread area than the immediate vicinity of the site and proposed pipeline routes. The Applicant identified and consulted residents and businesses living and operating within three consultation zones (up to a radius of 10km from Drax Power Station), and proposed a range of tools for publicising section 47 consultation that would ‘reach’ each of those zones. See Chapter 4 for detail as to how this approach was reflected in the SoCC.</p>	
<p>Paragraph 57</p>	<p>The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation</p>	<p>The SoCC comprises a framework for the community consultation in connection with the Proposed Scheme, including setting out details and dates of consultation events and how they would be publicised.</p>	<p>The SoCC was available for inspection from 2 January 2018 until 27 February 2018. The newspaper notice was published on Tuesday 2</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</p>	<p>Chapter 4 sets out how the finalised SoCC was published and made available to the public.</p> <p>It was available in hard copy at certain locations, online or by request.</p> <p>Appendix 23 shows the locations where the SoCC was made available.</p>	<p>January 2018.</p>
<p>Paragraph 58</p>	<p>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where</p>	<p>The Applicant arranged for publication of all section 48 notices to coincide with the start of the statutory consultation period, with the second notice to appear in the local newspaper being published at the start of its statutory consultation (undertaken pursuant to section 42 and section 47 of the PA 2008, and which started on 16 January 2018).</p> <p>The notices published under section 48 of the Act stipulated that the deadline for responses was on 27 February 2018, and</p>	<p>The section 48 notice was published between the 5 January 2018 and 12 January 2018. The statutory consultation period ran from 16 January to 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>a multi-stage consultation is intended.</p>	<p>that consultation period aligned with the consultation undertaken pursuant to section 42 and section 47 of the PA 2008 over the same period.</p> <p>Publicity under section 48 is detailed in Chapter 6 of the Consultation Report and it includes a table listing the dates and titles in which Drax's section 48 notice was publicised.</p> <p>Copies of the published section 48 notices are found in Appendix 25 of the Consultation Report.</p>	
<p>Paragraph 69</p>	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow</p>	<p>The Applicant has had regard to the guidance in relation to early engagement in the preparation of its DCO Application, in order to take on board feedback, for example in relation to Gas Pipeline route options, or mitigation it has built into the Proposed Scheme in response to engagement with consultation bodies. .</p>	<p>Ongoing</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>consultees to understand the nature of the project properly.</p>	<p>Chapter 3 provides detail of the non-statutory consultation and stakeholder engagement undertaken ahead of the statutory consultation, which has also allowed the Applicant to maximise consultee input.</p>	
<p>Paragraph 70</p>	<p>To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	<p>The Applicant concluded that there should be an iterative, phased approach to pre-application consultation. It was decided that there would be a non-statutory consultation, followed by a single round of statutory consultation. See Chapter 3 of the Consultation Report for more detail.</p>	<p>Non-statutory consultation was undertaken over the period from 8 November to 20 November 2017. Stakeholder engagement, following non-statutory consultation, has been carried out. The statutory consultation period started 16 January 2018 until 27 February 2018.</p>
<p>Paragraph 71</p>	<p>Where an iterative consultation is intended, it may be advisable for</p>	<p>The Applicant identified and consulted people with an</p>	<p>The statutory consultation period started on 16</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>interest in the land that might be affected by the Proposed Scheme as defined by section 44 of the Act. Chapter 5 of the Consultation Report explains how these parties were consulted as part of the statutory consultation. Appendix 8 includes a list of these consultees.</p>	<p>January 2018 until 27 February 2018.</p>
<p>Paragraph 72</p>	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set</p>	<p>It is explained in Chapter 3 of the Consultation Report that the Applicant has adopted an iterative phased approach to pre-application consultation. The Applicant has undertaken one round of statutory consultation and considered it should run for a period of 6 weeks, in excess of the requirements of section 45 of the PA 2008 which provides a statutory minimum of 28 days. The Applicant felt this time frame would be sufficient for respondents to consider the</p>	<p>Non-statutory consultation exercises were carried out over the period from 8 November to 30 November 2017. The consultation period started on 16 January 2018 until 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	<p>likely detailed nature of the Proposed Scheme proposals. The statutory consultation commenced on 16 January 2018 until 27 February 2018. See Chapters 4, 5 and 6 for more detail.</p>	
<p>Paragraph 73</p>	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on</p>	<p>It was not necessary to repeat any consultation rounds as the project has not changed substantially.</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	the local community and the level of public interest as guiding factors.		
Paragraph 77	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>	<p>The Applicant considers that the consultation it has undertaken is proportionate to the impacts of the Proposed Scheme, and has responded to anticipated levels of local interest. The Applicant considered that community interest in the Proposed Scheme was from a much more widespread area than the immediate vicinity of the site and two proposed gas pipeline routes and so proposed a range of tools for publicising section 47 consultation that would have a greater 'reach' than the immediate vicinity such as the use of social media.</p> <p>Details of the approach and how it was implemented in this respect are set out in Chapters 3 and 4 of the Consultation Report. It demonstrates the wide reach of the consultation</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		<p>exercise and how the variety of measures used maximised public involvement.</p> <p>Drax's engagement with local authorities is set out in Chapters 3, 4 and 5.</p>	
Paragraph 78	<p>Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.</p>	<p>A Consultation Report has been prepared to support Drax's DCO Application and as required by section 37(3) (c) of the PA 2008.</p>	
Paragraph 80	<p>Therefore, the consultation report should:</p> <p>provide a general description of the consultation process undertaken, which can helpfully include a timeline;</p> <p>set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate;</p> <p>set out how the applicant has taken account of any response to</p>	<p>A timeline has been included in the Executive Summary of the Consultation Report.</p> <p>Chapters 4 to 8 of the Consultation explain what the Applicant has done to comply with the PA 2008.</p> <p>Chapter 4 of the Consultation Report explains how the Applicant has consulted the relevant local authorities about the SoCC and taken into account the comments received.</p> <p>Chapter 3 of the Consultation</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>consultation with local authorities on what should be in the applicant's statement of community consultation; set out a summary of relevant responses to consultation (but not a complete list of responses); provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed; provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts; where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and</p>	<p>Report summarises the responses received from non-statutory consultation and Chapter 8 summarises the responses received from the statutory consultation. Both chapters then explain how the Applicant has had regard to responses received. As can be seen, consultation had led to some changes to the Proposed Scheme.</p> <p>The Applicant established a process to ensure that every issue raised in the statutory consultation would be comprehensively considered. This process is described in more detail in chapter 8.</p> <p>The Consultation Report provides a summary of the issues raised by respondents to the statutory consultation and explains how the Applicant has taken account of the comment. Where a change has been made to the Proposed Scheme</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>significant effects addressed. However, it need not include full technical explanations of these matters.</p>	<p>as a result of feedback, this is indicated, and where it has not, this is explained. The Applicant has complied with DCLG Guidance, relevant Advice Notes and advice from the local authorities in the preparation of the consultation report, and the document is expressed in a way that is sufficient for the Secretary of State's purposes.</p>	
<p>Paragraph 81</p>	<p>It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.</p>	<p>Engagement with consultation bodies, and section 42(1)(d) persons, has and will be ongoing following the statutory consultation. Regarding individuals who responded under sections 47 and 48 of the PA 2008, given the incoming data protection changes, the Applicant has not made contact with individuals post statutory consultation (except for section 41(1)(d) persons) and will instead refer people to the Consultation Report when the</p>	<p>Ongoing</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		Proposed Scheme is consulted on under section 56 of the PA 2008.	
Paragraph 83	The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.	The Executive Summary of the Consultation Report provides the headline outcomes of the consultation.	
Paragraph 84	A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are	The Applicant has continued to meet with a range of stakeholders since the close of statutory consultation. The purpose of these meetings has been to enable Drax to continue to discuss the Proposed Scheme, including responses to the statutory consultation. These meetings are listed in	Ongoing

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.</p>	<p>Appendices 32. Whilst the Consultation Report, in Chapter 8, provides a response to the responses of consultation bodies, their comments are responded to in a more targeted way in each technical chapter of the Environmental Statement.</p>	
<p>Paragraph 88</p>	<p>It is important to stress that pre-application consultation is a statutory duty for applicants, and it should, as this guidance makes clear, be carried out to a certain standard. Issues about the adequacy of consultation should be considered prior to the Inspectorate (on behalf of the Secretary of State) accepting an application for examination. Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this</p>	<p>The Applicant has complied with all statutory requirements, Advice Notes and statutory guidance with respect to its pre-application consultation, as evidenced by this Consultation Report. The host local authorities, SDC and NYCC, have not raised any concerns over the consultation process with Drax.</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate. In all cases, the final decision as to whether pre-application consultation was adequately carried out rests with the Secretary of State.</p>		
<p>Paragraph 93</p>	<p>For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the</p>	<p>The Applicant confirmed in its SoCC that the Proposed Scheme constitutes 'EIA Development' for the purposes of the EIA Regulations. The Applicant set out in the SoCC that it would be publicising and consulting on the Preliminary Environmental Information Report (PEIR), as part of the statutory consultation undertaken on 16 January 2018 until 27 February 2018.</p>	<p>Statutory consultation was undertaken from 16 January 2018 until 27 February 2018.</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective) it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.</p>	<p>The PEIR was provided online and in hard copy at events and deposit locations, alongside the other consultation documents during the statutory consultation. In recognition of the fact that not all consultees would want information about the scheme's potential environmental impacts at the level of technical detail provided in the PEIR, a non-technical summary of the PEIR was also provided, and the consultation leaflet, exhibition boards and Project Overview Report provided detail of impacts at a higher, less technical level.</p> <p>The Applicant considers that sufficient preliminary environmental information was provided as part of this process to enable consultees to develop an informed view of the Proposed Scheme.</p>	
Paragraph 96	It is the applicant's responsibility to	A Habitats Regulations	The consultation with

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulations Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an applicant to agree an evidence plan. The Planning Inspectorate can also comment on the applicant's draft report in advance of formal submission of the application if it is provided in good time. Further advice on Habitats Regulations Assessments for major infrastructure projects is available from the Inspectorate's Advice Note.</p>	<p>Assessment (HRA) is provided as part of the DCO Application (document reference 6.6). The Applicant has engaged closely with Natural England and the Environment Agency with respect to the HRA, and has also consulted with the Yorkshire Wildlife Trust.</p>	<p>statutory and non-statutory consultees took place 16 January 2018 until 27 February 2018.</p>
<p>Advice Note 14: Compiling the consultation report</p>			
<p>Introduction</p>	<p>An application must be accompanied by the applicant's consultation report prepared under section 37 of the 2008 Act.</p>	<p>This Consultation Report (document reference 5.1) is submitted as part of the application under section 37 of the PA 2008.</p>	<p>May 2018</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>That report should draw together:</p> <p>a. an account of the statutory consultation, publicity, deadlines set, and community consultation activities undertaken by the applicant at the pre-application stage under s42, s47 and s48</p> <p>b. A summary of the relevant responses to the separate strands of consultation; and</p> <p>c. The account taken of responses in developing the application from proposed to final form, as required by s49(2).</p>	<p>The Consultation Report provides an account of:</p> <ul style="list-style-type: none"> • Statutory consultation in Chapters 4 to 7 • Publicity in Chapters 4, 5 and 6, as well as the associated Appendices 24, 25, 27 and 31 • Deadlines set for consultees in Chapters 4, 5 and 6, and associated Appendices 14, 15, 33 • Community consultation activities in Chapters 3 and 4 • Consultation activities under section 42 in chapter 5 • Consultation activities under section 47 in Chapter 4 • Consultation activities under section 48 in Chapter 6 • A summary of relevant responses to consultation in Chapters 3 and 8 • The account taken of responses in developing the 	<p>May 2018</p>

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		application as required by section 49(2) in Chapter 8.	
	The consultation report represents the culmination of the three different strands of consultation and publicity set out in s37.	The Consultation Report sets out consultation and publicity under the three different strands of section 42 (Chapter 5), section 47 (Chapter 4) and section 48 (Chapter 6).	
	The primary purpose of the report is to capture and reflect upon all of the responses received from these three distinct pre-application consultee groups and explain how the developer has met its duty (s49 of the Act) in the preparation of the application to have regard to the views expressed.	Chapter 8 of the Consultation Report captures responses received under the three strands of consultation and demonstrates how the Applicant has taken account of these responses.	
	The consultation itself should be carried out in a way that allows the submission of a robust and detailed report at application stage.	Robust consultation has been undertaken to understand the views of prescribed consultees, local authorities, landowners, local communities and other non-prescribed consultees. The detailed outputs from this consultation can be found in this Consultation Report.	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>The report can also capture non-statutory or 'informal' consultation that takes place outside the requirements of the Planning Act 2008 so that the Secretary of State has a comprehensive picture of all the consultation activity relevant to a particular project.</p>	<p>Non-statutory consultation was held from 8 November to 30 November 2017. The details of this non-statutory consultation and the responses received have been covered separately to the statutory consultation within this Consultation Report in Chapter 3.</p>	
	<p>Where Department for Communities and Local Government guidance has not been followed in terms of the pre-application consultation, then the consultation report is usually the most appropriate place to explain this. It is vital that the Secretary of State understands the reasons for not following published guidance.</p>	<p>The Applicant has followed published guidance with regards to the pre-application consultation.</p>	
	<p>The aim of any applicant should be to prepare a focused report which is as concise as possible.</p>	<p>This Consultation Report provides a thorough account of the consultation undertaken on the Proposed Scheme and has taken steps to remain succinct where appropriate, for example the use of Appendices to provide further detail, and the</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		summary of consultation responses.	
Explanatory text	Explanatory text should set the scene and provide an overview and narrative of the whole pre-application stage as it relates to the particular project.	Chapter 1 of the Consultation Report provides background to the Proposed Scheme and an overview of the pre-application activities (see Table 1-2).	
	It would assist if a quick reference guide in bullet point form, summarising all the consultation activity in chronological order, is included near the start of the report. This section should define the whole pre-application consultation and explain the relationship between any initial strategic options stage, any subsequent informal consultation that may have taken place, and the statutory consultation carried out under the 2008 Act.	A graphic is provided in the Executive Summary of the Consultation Report (Figure 0-1) to summarise all consultation activities during pre-application, including non-statutory consultation held and statutory consultation under the different strands of the PA 2008. A table is also included in Chapter 1 (Table 1-2) which provides further information on all pre-application activities.	
	In many cases, national infrastructure projects have evolved over an extended period of time, perhaps with previous incarnations not coming to fruition for one reason or another. In	Chapter 1 of the Consultation Report provides background to the Proposed Scheme and an overview of the pre-application activities (see Table 1-2).	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>such cases, it may be useful to set out this wider historical context.</p> <p>A brief description of any historic consultation activity including any information available about the scale and nature of the response at that time would also be of interest. A detailed planning history of the site is not necessary in this report.</p>	<p>Chapter 3 sets out the non-statutory consultation which was held in 2017 to inform the pre-application activities, including details of the information provided, level of responses received and a summary of the nature of responses.</p> <p>There have not been any further previous consultations held with regards to the Proposed Scheme; however the Applicant also took into account previous experience consulting on the White Rose DCO, in the same region as the Proposed Schemes.</p>	
<p>Consultation with the prescribed consultees (s42)</p>	<p>This includes prescribed statutory bodies, local authorities consulted under s43 of the Act and those with an interest in the land consulted under s44 of the Act. These separate strands of prescribed consultees should be clearly identified.</p>	<p>Chapter 5 of the Consultation Report clearly sets out consultation undertaken under section 42 of the PA 2008, clearly distinguishing between section 42(1)(a), (aa), (b) and (d).</p>	
	<p>The applicant should include a full list of the prescribed consultees as part of</p>	<p>A full list of the prescribed consultees is included in</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	the consultation report.	Appendix 8.	
	If the prescribed consultees have been consulted on multiple occasions, perhaps at different phases of the consultation, then this should be explained.	Consultees were not consulted multiple times under the PA 2008.	
	If the applicant's list of prescribed consultees varies in any way from the list of organisations set out in schedule 1 of the Applications: Prescribed Forms and Procedures Regulations 2009 (APFP) then this should be robustly justified.	Appendix 8 of the Consultation Report, which sets out the list of prescribed consultees, is set out in the same format as Schedule 1 of the APFP Regulations. The list of prescribed consultees does not vary from Schedule 1 of the APFP Regulations.	
	The list of organisations set out in schedule 1 of the APFP should be followed in terms of the order in which the consultees are presented.	Appendix 8 of the Consultation Report, which sets out the list of prescribed consultees, is set out in the same format as Schedule 1 of the APFP Regulations.	
	A short description of how s43 of the Act has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the	Section 5.3 of the Consultation Report (Chapter 5) sets out how section 43 of the PA 2008 has been applied. This includes a map of the local authority boundaries.	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	relevant local authorities.		
	It is important that those with an interest in the land consulted under s44 of the Act are identified as a distinct element of the wider s42 consultation. S44 consultees include those whose land would be subject to compulsory acquisition as part of the development consent order (DCO), those who may have a relevant claim and those whose land may be affected by the development.	Chapter 5 of the Consultation Report sets out how those with an interest in the land were consulted under section 44, including how these consultees were identified (sections 5.6 – 5.8). A list of consultees under section 42(1)(d) is included in Appendix 10.	
	Where compulsory acquisition forms part of the draft DCO the consultees who are also included in the book of reference for compulsory acquisition purposes should be highlighted in the consolidated list of prescribed consultees.	Compulsory acquisition forms part of the draft DCO and consultees who have also been included in the book of reference for compulsory acquisition purposes have been identified in Appendix 10.	
Statement of community consultation (SoCC) process (s47)	It would be helpful to provide a summary of the rationale behind the SoCC methodology to assist the Secretary of State's understanding of the community consultation and provide a context for considering how	Chapter 4 of the Consultation Report sets out the approach to developing the SoCC, including how the previous non-statutory consultation fed into this process, and how local authority views were taken into account	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	the consultation was undertaken.	with regard to the approach to consulting the community.	
	The Secretary of State needs to be satisfied that the applicant has complied with the SoCC preparation process. Evidence should be submitted as part of the consultation report which shows which local authorities were consulted about the content of the draft SoCC; what the local authorities' comments were; confirmation that they were given 28 days to provide their comments and a description about how the applicant had regard to the local authorities' comments.	<p>Details of the local authority consultation on the SoCC can be found in Chapter 4 of the Consultation Report, sections 4.4 – 4.6, and in Appendices 19 – 23. Specifically:</p> <ul style="list-style-type: none"> • Local authority consultation on the content of the draft SoCC (Appendix 19 and 20) • Local authority comments (Appendix 20 and sections 4.4 – 4.6 of the Report) • Deadline for consultation (Appendix 19 and section 4.5.2 of the Report) • How the Applicant had regard to local authority comments (sections 4.4 – 4.6 of the Report) 	
	Copies of the published SoCC as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when.	Appendix 24 includes the section 47 notice as it appeared in the local press. Confirmation of the newspapers it was published in is also included in	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		Chapter 4, section 4.6.	
	Where more than one SoCC was prepared for a project, for example where a SoCC was subject to one or more updates, the updated SoCC(s) should be included together with a narrative about why the SoCC was reviewed and updated.	The draft SoCC which was the subject of non-statutory consultation with the local authorities can be found in Appendix 19. The revised SoCC which was issued for statutory consultation to the local authorities can be found in Appendix 21. The final published SoCC can be found in Appendix 22.	
	Where there were any inconsistencies with the SoCC, for example where additional activities took place that were not included in the SoCC(s), then this should be clearly explained and justified. It would be useful to set out the relevant local authorities' views about any changes made to the consultation methodology that were not dealt with by way of a review of the SoCC.	Table 4-1 in the Consultation Report outlines how consultation has been undertaken as per the published SoCC. This includes compliance with the commitments set out as well as details of how those commitments were met, including publicity, events and materials production. There were no inconsistencies with the SoCC.	
	It would be useful to set out the relevant local authorities' views about	No such comments were made	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	any changes made to the consultation methodology that were not dealt with by way of a review of the SoCC.	by the local authorities.	
	The SoCC process is usually best dealt with as a discrete section within the consultation report.	The SoCC process is covered separately in the Consultation Report in Chapter 4.	
Statutory publicity (s48)	A copy of the s48 notice as it appeared in the local and national newspapers, together with a description of where the notice was published and confirmation of the time period given for responses should be included in the report.	Appendix 26 provides copies of the published section 48 notice as it appeared in the local and national newspapers. A description of where the notice was published is included in Chapter 6 of the Consultation Report, including the time period given for responses.	
	Applicants should also provide confirmation that the s48 notice was sent to the prescribed consultees at the same time as the notice was published. A description of the consultation material used and how the prescribed consultees were able to access it would also be useful.	The section 48 notice was sent to prescribed consultees – this is set out in Chapter 6, including a description of materials used and how consultees were able to view the section 48 notice. Appendix 14 for the consultation letter which was issued to prescribed consultees, confirming that the section 48	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		<p>notice was enclosed.</p> <p>In most cases, each consultee was sent the section 42 letter (which contained the section 48 notice) on Friday 12 January 2018 by special delivery to ensure it was received before the statutory consultation was due to start on Tuesday 16 January 2018. This was at the same time as the section 48 notices were published under section 48(1) (as set out above, the final section 48 notice was published on 12 January 2018).</p> <p>There were some limited instances where consultation bodies received the letter and section 48 notice after the section 48 notice was published (including where late notification of Regulation 11(1)(c) bodies was received from the Planning Inspectorate). The detail of the notification given to the consultation bodies, as well as the explanation for consultation</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		bodies receiving the section 48 notice after it was published, is included in Chapter 5 of the Consultation Report.	
	The s48 publicity is best dealt with as a separate section within the report.	Section 48 publicity is covered separated in Chapter 6 of the Consultation Report.	
Non-statutory 'informal' consultation	Any consultation not carried out under the provisions of the Act should be clearly indicated and identified separately in the report from the statutory consultation. This does not necessarily mean that informal consultation has less weight than consultation carried out under the Act, but identifying statutory and non-statutory consultation separately will assist when it comes to determining compliance with statutory requirements.	The non-statutory consultation is covered separately in the Consultation Report under Chapter 3. Responses from the non-statutory and statutory consultations have also been kept separate.	
EIA Regulations consultation	Consultation undertaken as part of the EIA regime is separate to that required under the Planning Act 2008. Applicants may wish to draw attention to consultation responses received	Consultation under the EIA process is touched upon in the Consultation Report but covered separately (see Chapter 7). Further detail on EIA-related	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	under the EIA process, but any reference to this consultation should be kept separate from the statutory consultation carried out under the provisions of the Planning Act 2008.	consultation can also be found in the Environmental Statement (document reference 6.1).	
<p>Dealing with statutory consultation responses Issues led approach</p>	If the level of response was significant it may be appropriate to group responses under headline issues. Care must be taken to ensure that in doing this the responses are not presented in a misleading way or out of context from the original views of the consultee.	To help understand the variety of issues raised as part of the consultation, Chapter 8 of the Consultation Report summarises the responses by theme including environmental comments, use of gas, general comments and construction related matters. Care has been taken to ensure that responses to consultation are appropriately themed (see Chapter 8 for details of the analysis process) and to ensure that comments are not misrepresented in their presentation.	
	Where this approach has been adopted it should be clearly identified and explained in the main body of the report, including any safeguards and cross checking that took place to	Chapter 8 of the Consultation Report sets out how consultation responses have been analysed and grouped.	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	ensure that the responses were grouped appropriately		
Summary of responses	A list of the individual responses received should be provided and categorised in an appropriate way.	Chapter 8 of the Consultation Report provides a summary of all responses, grouped thematically to understand the range of issues. (See Chapter 8 for details of the coding and analysis process) Appendix 35 also provides the raw section 47 consultation responses (with personal contact details and names removed).	
	We advise that applicants group responses under the three strands of consultation as follows: <ul style="list-style-type: none"> • S42 prescribed consultees (including s43 and s44) • S47 community consultees • S48 responses to statutory publicity. 	Chapter 8 of the Consultation Report, which provides the summary of all consultation responses, is separated into a subsection for section 42 consultation (within which responses from section 42(1)(a), (aa), (b) and (d) consultees are clearly distinguished), and a subsection for section 47 responses. No responses specifically	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
		<p>identified themselves as a response to section 48 publicity. As a result, any response that was potentially received following section 48 publicity from a known section 42 consultee was treated as a section 42 consultee. All other responses were treated as a section 47 consultee.</p>	
	<p>The list should also make a further distinction within those categories by sorting responses according to whether they contain comments which have led to changes to matters such as siting, route, design, form or scale of the scheme itself, or to mitigation or compensatory measures proposed, or have led to no change.</p>	<p>The tables within Chapter 8 of the Consultation Report include a summary of all consultation responses, how the Applicant has taken account of each of those responses under section 49 of the PA 2008, and whether the response has led to a change in the Proposed Scheme or design. Where changes have been made, details are provided within our response under section 49.</p>	
	<p>A summary of responses by appropriate category together with a clear explanation of the reason why</p>	<p>Where applicable, Chapter 8 of the Consultation Report includes justification as to why a</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>responses have led to no change should also be included, including where responses have been received after deadlines set by the applicant.</p>	<p>consultation comment has not led to a change; this is specified within our response to the comment under section 49 of the PA 2008.</p> <p>All responses received prior to submission of the DCO application have been considered, and therefore the Applicant has not specified where a response was received after the deadlines set.</p>	
	<p>While it is advisable for applicants to seek to resolve as many areas of disagreement and concern with consultees as possible, it is recognised that this is not always possible. It is important that where a resolution has not been reached, the reasons why are set out clearly in the summary. The schedule in Annex A is indicative, but sets out an approach which the Planning inspectorate would find helpful.</p>	<p>The tables included within Chapter 8 of the Consultation Report summarises the responses received and provides an explanation of how these comments have been taken into account, including where resolution has not yet been reached. The format of these tables in Chapter 8 follow a similar format to that provided in Annex A.</p>	
<p>Phased approach</p>	<p>Where a phased approach to consultation was undertaken then this</p>	<p>Responses to the non-statutory consultation have been</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	can be reflected in the structure of the report and in the summary of responses. For example, it may be advisable to have a separate commentary and summary schedule of responses sheet for each phase of consultation carried out.	considered separately within Chapter 3 of the Consultation Report.	
Local authority responsibilities	Relevant local authorities will be requested by the Planning Inspectorate to provide an adequacy of consultation statement upon the submission of the application. Given the short 28 day timescale allowed for the acceptance stage it is particularly useful if applicants provide local authorities with early sight of the consultation report to inform their views. The Planning Inspectorate will usually set a 14 day deadline to receive the requested adequacy statements.	Once the application has been submitted, the Applicant intends to inform the relevant local authorities of the submitted application with an update on the Consultation Report.	May 2018
Request for responses	Given the statutory timescale for the Secretary of State to issue a decision at the acceptance stage (28 days), it is important that the consultation report is clear and that the Secretary	This Compliance Checklist provides a succinct summary of how the Applicant has met all statutory requirements with regards to the consultation.	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	<p>of State can quickly identify whether applicants have met all the statutory requirements. If there is any uncertainty about this, the applicant may be asked to provide a copy of all of the consultation responses that have been received at the pre-application stage. Applicants would be wise to prepare for this eventuality in any event in view of the tight timescale at the acceptance stage. The acceptance stage cannot be suspended or extended pending the submission of the consultation responses.</p>	<p>The Applicant will be able to provide a copy of consultation responses if requested.</p>	
<p>Data protection</p>	<p>Applicants should ensure that the consultation report complies with the Data Protection Act 1998 and that the addresses and other contact information of private individuals are treated appropriately within the context of this statutory process.</p>	<p>The Consultation Report and collection and handling of data has to date been compliant with the Data Protection Act 1998. All subsequent handling of consultation data related to this report will be compliant with the General Data Protection Regulation (GDPR) which is applicable from the 25 May 2018.</p>	

Statutory provision or relevant paragraph in guidance/advice note	Requirement	Action Taken	Date Undertaken
	Applicants should ensure that the consultation report has been fully redacted and is fit for public consumption before submitting it.	Personal consultee contact information has been omitted or redacted from this Consultation Report.	