

# Riverside Energy Park

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## Consultation Report

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# 1 Executive Summary

## 1.1 Overview

1.1.1 The Applicant is applying to the Secretary of State under the Planning Act 2008 (PA 2008) for powers to construct and operate (including maintenance) an integrated Energy Park, to be known as Riverside Energy Park (REP). The principal elements of REP comprise complementary energy generating development and an associated Electrical Connection (together referred to as the 'Proposed Development').

1.1.2 As the generating capacity of REP will be in excess of 50 MWe capacity, it is classified as a Nationally Significant Infrastructure Project (NSIP) under sections 14 and 15 of the PA 2008 and therefore requires a Development Consent Order (DCO) to authorise its construction and operation.

## 1.2 Purpose of this Report

1.2.1 The Consultation Report and accompanying Appendices have been produced to satisfy section 37(3) and section 37(7) of the PA 2008. The purpose of the Consultation Report is to provide an account of the statutory and non-statutory pre-application consultation activities undertaken by the Applicant and explain how consultation responses have been taken into account in the preparation of the application for the Proposed Development.

## 1.3 Statutory Requirements

1.3.1 This Consultation Report and the pre-application consultation process have been prepared and undertaken in accordance with the requirements of the following legislation and guidance:

### Primary and Secondary Legislation

- The PA 2008;
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the 'Infrastructure EIA Regulations 2017'); and
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations').

### Statutory Guidance and Non-Statutory Advice Notes

- DCLG (2015) PA 2008 Guidance on the pre-application process ('the PA 2008 DCLG pre-application guidance');
- DCLG (2013) PA 2008 Guidance related to procedures for the compulsory acquisition of land ('the PA 2008 DCLG compulsory acquisition guidance');

- Advice Note 3: EIA Notification and Consultation (Planning Inspectorate (PINS), version 7, August 2017) ('PINS Advice Note 3'); and
- Advice Note 14: Compiling the consultation report (PINS, Version 2: April 2012) ('PINS Advice Note 14').

## 1.4 Approach

- 1.4.1 The Applicant recognises that the planning regime established by the PA 2008 places significant importance on pre-application consultation and has invested considerable time and resources to encourage meaningful involvement in the pre-application process by the local community, those with an interest in the land, local authorities, and other prescribed consultees. Thus, the Proposed Development has been developed in a consultative and iterative manner, during successive stages of development.
- 1.4.2 The Applicant adopted a phased consultation process. The five main phases of consultation have been as follows:
- Non-statutory engagement – November 2017 to October 2018 (inclusive);
  - EIA scoping consultation – November 2017 to January 2018;
  - Consultation on the Statement of Community Consultation (SoCC) – April 2018 to May 2018;
  - Non-statutory consultation – May 2018;
  - Statutory consultation (section 42, section 47, section 48 of the PA 2008) – June 2018 to July 2018; and
  - Minor refinements consultation – August 2018 to September 2018.
- 1.4.3 Consultation on the Proposed Development has generated levels of interest and participation from a broad spectrum of consultees. This Consultation Report recognises that certain members of the local community and stakeholders expressed concerns about the Proposed Development and its potential impacts. Equally, this Consultation Report acknowledges that the Proposed Development has received many expressions of support.
- 1.4.4 Both supporters of, and objectors to, the Proposed Development have been able to contribute to the design development process. Design and decisions were either directly or indirectly influenced by the consultation undertaken, as explained in this report and the J series of appendices.

### Non-Statutory Engagement (November 2017 – July 2018)

- 1.4.5 The Applicant carried out non-statutory engagement with a range of stakeholders (including the local community, local politicians and prescribed consultees such as: the Environment Agency, Natural England and relevant local authorities) about the Proposed Development from an early stage. The

aim of this engagement was to introduce and notify stakeholders about the outline proposals and DCO process to gain an understanding of local issues relating to the Proposed Development and technical advice from prescribed consultees.

- 1.4.6 **Table 3.1** provides a summary of the key non-statutory engagement activities, who the Applicant engaged with and the dates/details of the type of engagement undertaken. Non-statutory engagement comprised of a series of information letters, website updates, briefing meetings, discussions and site visits to Cory's existing Riverside Resource Recovery Facility (RRRF).
- 1.4.7 See **Section 3.2** for further details of the non-statutory engagement undertaken prior to and throughout the non-statutory consultation and statutory consultation phases and **Section 9.2** for a summary of the feedback received during this consultation phase.

### Non-Statutory Consultation

- 1.4.8 The Applicant carried out non-statutory consultation with a range of stakeholders (including the local community, locally elected representatives, case officers from London Borough of Bexley (LBB), Kent County Council (KCC) and Dartford Borough Council (DBC) (herein referred to as the 'host authorities') and neighbouring authorities) about the Proposed Development prior to the statutory consultation phase. This allowed the Applicant to introduce the Proposed Development, share the Applicant's initial plans and gather initial feedback from people living in the vicinity of the Application Site.
- 1.4.9 The Applicant held four non-statutory public exhibitions at local venues in the consultation zone during May 2018 (see **Section 7** for a description of the consultation zone). The Applicant used a range of methods to advertise the non-statutory public exhibitions, comprising: mailing postcards to approximately 23,000 local homes and businesses in the consultation zone, distribution of approximately 50 posters to local venues (including local shops, supermarkets, post offices, fast-food restaurants and council offices) and local area media coverage.
- 1.4.10 The non-statutory public exhibitions were attended by 88 people. Out of the 88 attendees to public exhibitions and responses received from non-statutory publicity, 43 comments forms were returned in total. The tone of the feedback submitted was largely positive and supportive of the proposals presented. General themes included overall support on the use of the river Thames, treating London's waste in London, maximising the production of renewable energy, as well as general concerns surrounding the impacts on the Crossness Local Nature Reserve, air quality and the potential transport impacts from the construction and installation of the Electrical Connection route.
- 1.4.11 See **Section 3.3** for further details of the non-statutory consultation undertaken and **Section 9.3** for a summary of the feedback received during this consultation phase and how the Applicant has had regard to key issues.

## EIA Scoping

- 1.4.12 The DCO Application is accompanied by an Environmental Statement (ES) (**Document Reference 6.1**) reporting on the findings of an Environmental Impact Assessment (EIA).
- 1.4.13 In accordance with the Infrastructure EIA Regulations 2017, an EIA Scoping Report was submitted to the Secretary of State on 27<sup>th</sup> November 2017 with a request for an EIA Scoping Opinion, in order to determine the required scope of the EIA. A Scoping Opinion (**Appendix A.1** of the ES (**Document Reference 6.3**)) was received from the Secretary of State on 5<sup>th</sup> January 2018. As set out within the Scoping Opinion (**Appendix A.1** of the ES (**Document Reference 6.3**)) the Secretary of State was satisfied that the details of the EIA Scoping Report encompassed the matters identified in the Infrastructure EIA Regulations 2017.
- 1.4.14 The Scoping Opinion (**Appendix A.1** of the ES (**Document Reference 6.3**)) included the Secretary of State's comments on the EIA approach and topic areas, as well as a list of all organisations consulted by the Planning Inspectorate (PINS) on behalf of the Secretary of State. The Scoping Opinion has informed the preparation of the Preliminary Environmental Information Report (PEIR), and the ES and the EIA have been based on the Scoping Opinion.

## Statutory Consultation

- 1.4.15 The Applicant engaged in a series of consultation activities in accordance with the statutory requirements of the PA 2008, Infrastructure EIA Regulations 2017 and the APFP Regulations. The statutory consultation consisted of:
- Section 47 consultation on the draft SoCC;
  - Section 47 consultation with the local community;
  - Section 48 publicity (including notification under Regulation 13 of the Infrastructure EIA Regulations 2017);
  - Section 46 notification; and
  - Section 42 consultation.
- 1.4.16 The Applicant took the approach of conducting a combined statutory consultation under section 42, section 47 and section 48 of the PA 2008. For clarity, the Applicant's main statutory consultation commenced on 18<sup>th</sup> June 2018 and ended on 30<sup>th</sup> July 2018, allowing more than the statutory minimum of 28 days (herein referred to as the 'statutory consultation').

## **Section 47 Consultation on the draft SoCC**

- 1.4.17 A draft SoCC (see **Appendix H.1**) was produced to explain how the Applicant intended to consult with the local community regarding the Proposed Development and, thus, how the Applicant would satisfy the consultation requirements for an Application under the PA 2008. In accordance with section 47 of the PA 2008, the Applicant undertook formal statutory consultation with the host authorities (London Borough of Bexley, Dartford Borough Council and Kent County Council) on the draft SoCC from 5<sup>th</sup> April 2018, for a period of 28 days from the day after receipt of the draft SoCC. The Applicant took into account comments received from the host authorities (see **Appendix H.5**).
- 1.4.18 The SoCC Notice was published in the Bexley News Shopper on 6<sup>th</sup> June 2018 (see **Appendix H.2**). The SoCC was made available on the Riverside Energy Park website, in local libraries and at statutory public exhibition events.

## **Section 47 Consultation with the Local Community**

- 1.4.19 Statutory section 47 consultation was undertaken with the local community and key stakeholders in accordance with the published SoCC (see **Appendix H.3** and **Appendix H.6**).
- 1.4.20 The Applicant hosted seven statutory public exhibitions at local venues in the consultation zone during July 2018 (see **Section 7** for a description of the consultation zone). The Applicant used a range of methods to advertise the statutory public exhibitions, comprising: mailing a four-page leaflet to approximately 23,000 local homes and businesses in the consultation zone, distribution of approximately 50 posters to local venues (including local shops, supermarkets, post offices, fast-food restaurants and council offices), local and national media coverage and website updates on the Riverside Energy Park website. A series of tweets were also posted using the Cory Riverside Energy Twitter account. The statutory public exhibitions were attended by 58 people.
- 1.4.21 The Applicant also held a Stakeholder Preview Session on 5<sup>th</sup> July to which 92 stakeholders including local authorities, local councillors, MPs and MEPs, and representatives from community groups were invited. Five individuals attended the preview event.
- 1.4.22 Comments forms were available at the public exhibitions and online on the Riverside Energy Park website. In total, 58 comments forms were received. Key themes raised were: the impact on the Crossness Nature reserve, air quality, sources of waste, the proposed Electrical Connection route options and the Applicant's contribution to the community.
- 1.4.23 See **Section 7** for further details of section 47 statutory consultation undertaken and **Section 9.5** for a summary of the feedback received during this consultation phase and how the Applicant has had regard to key issues.

## **Section 48 Publicity (including notification under Regulation 13 of the EIA Regulations)**

1.4.24 In accordance with section 48 of the PA 2008 and Regulation 4 of the APFP Regulations, notices publicising the Proposed Development were published in national and local newspapers (see **Appendices F.2 - F.5**), as well as posters which were displayed at various locations in the vicinity of the Proposed Development (see **Appendix I.5**).

1.4.25 The Applicant did not receive any consultation responses that identified themselves as responding specifically to section 48 publicity. The Applicant has assumed that any responses to the statutory consultation received from persons not specifically consulted under section 42 were received in connection with either the consultation carried out under section 47 or section 48 publicity.

### **Section 46 Notification**

1.4.26 In accordance with section 46 of the Planning Act, the Applicant notified the Secretary of State of the Proposed Development (**Appendix G.3**) and issued a copy of the section 42 consultation information to PINS on 12<sup>th</sup> June 2018, prior to the commencement of section 42 statutory consultation on 18<sup>th</sup> June 2018.

### **Section 42 Consultation**

1.4.27 The Applicant undertook statutory consultation with prescribed bodies under section 42 between 18<sup>th</sup> June and 30<sup>th</sup> July 2018.

1.4.28 Prescribed bodies received a copy of the PEIR and its technical appendices on a USB memory stick, a hard copy of the PEIR NTS, a copy of a notice pursuant to section 48 of the PA 2008 and Regulation 4 of APFP Regulations and a covering letter providing an overview of the Proposed Development and details of the consultation process (herein referred to as the 'consultation documents').

1.4.29 A small number of consultees were issued the above documents after the start of the consultation process. In some cases, this was as a result of returned deliveries or difficulty in obtaining proof of delivery, in others this was the result of identifying further land interests through on-going diligent inquiry. In spite of this, the Applicant received proof of delivery for all consultees within a timeframe that allowed all consultees at least 28 days prior to the consultation deadline to submit their responses, in accordance with the statutory minimum timescale.

1.4.30 The Applicant issued consultation documents to a total of 222 consultees and received 44 responses, equivalent to a response rate of approximately 20%. Key themes raised were: the impact on the Crossness Nature reserve, air quality and transport.

1.4.31 See **Section 6** for further details of section 42 statutory consultation undertaken and **Section 9.5** for a summary of the feedback received during this consultation phase and how the Applicant has had regard to key issues.



## Minor Refinements Consultation

- 1.4.32 The Applicant undertook a further consultation between 31<sup>st</sup> July 2018 and 7<sup>th</sup> September 2018, as a result of several minor design refinements to the Indicative Application Boundary that was consulted on during the statutory consultation. The minor refinements related to the Electrical Connection route options and comprised additional land take for small areas of land.
- 1.4.33 In determining how to consult upon the minor refinements, the Applicant had regard to paragraphs 73 – 75 of the DCLG (2015) PA 2008 Guidance on the pre-application process (see **Section 8.4**). The Applicant determined that further statutory consultation under section 47 of the PA 2008 was not necessary, but instead identified the land interests potentially affected by the changes (who were subsequently consulted under section 42(1)(d) of the PA 2008), and adopted a strategy to consult previously consulted prescribed and non-prescribed bodies and the local community on a non-statutory basis.
- 1.4.34 A SIP report was prepared to identify if the works in the additional areas of landtake would be likely to give rise to any new or different environmental effects (see **Appendix K.4**). The SIP report was issued to all those land interests identified as being potentially affected. These included new land interests and land interests which had previously been identified that also had an interest in the supplementary 'A' areas. These parties were therefore consulted on a statutory basis under section 42(d) of the PA 2008.
- 1.4.35 While further statutory consultation with section 42(1)(a), (aa), (b) and (c) parties was not deemed necessary, in the context of the PA 2008 DCLG pre-application guidance these parties were provided with a copy of the SIP report and invited to submit comments to the Applicant on a non-statutory basis. The Applicant has had regard to responses received to the minor refinements consultation as set out in **Appendix J.3**.
- 1.4.36 **Section 8** provides further details on the Minor Refinements Consultation, including details about the information which was provided to various parties.

## Non-Statutory Engagement (August 2018-October 2018)

- 1.4.37 The Applicant has endeavoured to be transparent in its stakeholder communications and has sought to achieve agreement on as many issues as possible before the DCO Application is submitted.
- 1.4.38 A number of additional non-statutory engagement activities were undertaken by the Applicant following statutory consultation. The non-statutory engagement (August 2018-September 2018) comprised:
- Meeting with prescribed bodies; and
  - The preparation of draft Statements of Common Ground.
- 1.4.39 **Section 10** provides further details.

## **1.5 Conclusion**

- 1.5.1 The Applicant has carried out its obligations under the PA 2008 regarding consultation and has delivered its pre-application consultation in accordance with the requirements of the PA 2008 and the applicable guidance.
- 1.5.2 This Consultation Report outlines the consultation undertaken by the Applicant, the feedback received on the Proposed Development and how the Applicant has had regard to this feedback when finalising the DCO Application. Furthermore, it demonstrates that the project development has been either directly or indirectly influenced by the consultation undertaken. The Applicant is grateful to all who have provided input during the various phases of the pre-application consultation process.
- 1.5.3 The Applicant is committed to continued engagement with the local community and stakeholders following submission of the DCO Application, as well as throughout the construction, operation and decommissioning phases of the Proposed Development, should consent be granted.



## 2 Introduction

### 2.1 Introduction

2.1.1 This Consultation Report has been prepared by Peter Brett Associates LLP (PBA) on behalf of Cory Environmental Holdings Limited (trading as Cory Riverside Energy (Cory)) ('the Applicant').

2.1.2 The Applicant is applying to the Secretary of State under the Planning Act 2008 (PA 2008) for powers to construct, operate and maintain an integrated Energy Park, to be known as Riverside Energy Park (REP). The principal elements of REP comprise complementary energy generating development and an associated Electrical Connection (together referred to as the 'Proposed Development'). As the generating capacity of REP will be in excess of 50 MWe capacity, it is classified as a Nationally Significant Infrastructure Project (NSIP) under sections 14 and 15 of the PA 2008 and therefore requires a Development Consent Order (DCO) to authorise its construction and operation.

2.1.3 The REP site would be located adjacent to an existing Energy Recovery Facility (ERF) operated by Cory (referred to as Riverside Resource Recovery Facility (RRRF)) situated at Norman Road in Belvedere within the London Borough of Bexley (LBB). The underground Electrical Connection would run from the REP site and terminate at the Littlebrook substation in Dartford. A full description of REP and the Electrical Connection can be found in **Chapter 3** of the ES (**Document Reference 6.1**).

2.1.4 The Application Boundary is provided in **Appendix A.1**.

2.1.5 A full glossary of defined terms and abbreviations is presented in the Project Glossary (**Document Reference 1.6**).

### 2.2 The Development Consent Order Process

2.2.1 The Applicant must submit a DCO Application to the Planning Inspectorate (PINS), the government body responsible for operating the planning process for NSIPs, which will first decide whether to accept the application. If accepted, PINS will appoint an Examining Authority to examine the application.

2.2.2 Following the examination, the Examining Authority will make a recommendation to the relevant Secretary of State. The Secretary of State must determine the application in accordance with the relevant National Policy Statements (NPSs) for the Proposed Development, which are: NPS EN-1 (Overarching National Policy Statement for Energy), NPS EN-3 (National Policy Statement for Renewable Energy Infrastructure) and NPS EN-5 (Electricity Networks Infrastructure). If the Secretary of State decides to grant development consent, then the Secretary of State will make a DCO which will authorise the construction, commissioning and operation (including maintenance) of the Proposed Development.

## 2.3 The Applicant and Project Team

- 2.3.1 Cory Environmental Holdings Limited is registered in England (Company Number 5360864) and is the Applicant for the Proposed Development. The Applicant's registered address is 2 Coldbath Square, London, United Kingdom, EC1R 5HL.
- 2.3.2 The Applicant is a leading recycling, energy recovery and resource management company, with an extensive river logistics network in London. The Applicant consented, constructed and now operates the existing RRRF adjacent to the REP site. RRRF is a key element of London's energy and resource management infrastructure.
- 2.3.3 The Applicant is now progressing proposals for REP to maximise the use of its existing infrastructure and land holding and to further meet the needs for resource recovery and energy generation in London and the UK.
- 2.3.4 Further information on REP is provided on the dedicated project website at <http://www.riversideenergypark.com>.
- 2.3.5 Preparation of the DCO Application has been managed by the Applicant with support from the following consultancy team:
- Ardent Management Ltd – land referencing;
  - Camargue Group Ltd – community engagement services;
  - Fichtner Consulting Engineers Limited – engineering services;
  - Hitachi Zosen Inova AG – proposed technology provider and engineering, procurement and construction services;
  - Marico Marine – marine navigation specialists;
  - Peter Brett Associates LLP – environmental and planning services; and
  - Pinsent Masons LLP – legal services.

Note: Weedon Architects have provided architectural design services on behalf of Hitachi Zosen Inova AG.

## 2.4 Proposed Development

- 2.4.1 The Proposed Development comprises REP and the associated Electrical Connection. These are described in turn, together with the anticipated REP operations, below. **Chapter 3** of the ES (**Document Reference 6.1**) provides further details of the Proposed Development.

## REP

2.4.2 REP would be constructed on land immediately adjacent to the Applicant's existing RRRF, within LBB, and would complement the operation of the existing facility. It would comprise an integrated range of technologies including: waste energy recovery, anaerobic digestion, solar panels and battery storage. The main elements of REP would be as follows:

- **Energy Recovery Facility (ERF):** to provide thermal treatment of Commercial and Industrial (C&I) residual (non-recyclable) waste with the potential for treatment of (non-recyclable) Municipal Solid Waste (MSW);
- **Anaerobic Digestion Facility:** to process food and green waste. Outputs from the Anaerobic Digestion Facility would be transferred off-site for use in the agricultural sector as fertiliser or, as an alternative where appropriate, used as a fuel in the ERF to generate electricity;
- **Solar Photovoltaic Installation:** to generate electricity. Installed across a wide extent of the roof of the Main REP building;
- **Battery Storage:** to store and supply additional power to the local distribution network at times of peak electrical demand. This facility would be integrated into the Main REP building; and
- **On Site Combined Heat and Power (CHP) Infrastructure:** to provide an opportunity for local district heating for nearby residential developments and businesses. REP would be CHP Enabled with necessary on-site infrastructure within the REP site.

## Electrical Connection

2.4.3 REP would be connected to the electricity distribution network via a new 132 kilovolt (kV) underground electricity cable connection. The route options for the Electrical Connection are shown on the Works Plans (**Document Reference 2.4**).

2.4.4 In consultation with UK Power Networks (UKPN), the Applicant is considering Electrical Connection route options to connect to the existing National Grid Littlebrook substation located south east of the REP site, in Dartford. The route options are located within LBB and Dartford Borough, and would run from a new substation proposed to be constructed within the REP site.

## 2.5 Project Background

2.5.1 REP builds upon the success of the RRRF development in which c. 0.75 million tonnes of London and the south east's residual waste (that remaining after recycling activities) is treated within London's boundaries and turned into low carbon, renewable energy that contributes to powering the capital's needs, as well as providing useful construction aggregates ('secondary aggregate') for use in the construction industry and recovery of metals. REP seeks to optimise the

use of Cory's existing energy and river infrastructure, including its operational jetty, tugs and barges. REP will help meet London's pressing need for further waste management, resource recovery and energy generation infrastructure.

- 2.5.2 REP will enable London to efficiently and effectively manage its own waste while benefitting from renewable/low carbon energy supply. REP is promoted to primarily take waste from within London, with potential to accept waste outside of the capital also.
- 2.5.3 Further information about the need for such development is provided in the Project and its Benefits Statement (**Document Reference 7.2**).

## 2.6 Legislative and Policy Context

- 2.6.1 This Consultation Report has been produced to satisfy section 37(3) and section 37(7) of the PA 2008 and accompanies the Applicant's DCO Application to the Secretary of State for Business, Energy and Industrial Strategy (the relevant Secretary of State who will determine the DCO Application). The DCO Application is being submitted to the Secretary of State through PINS. Following acceptance of the DCO Application for examination, the Secretary of State will appoint an Examining Authority to examine the DCO Application on their behalf. The Examining Authority will be made up of between 1 and 5 Inspectors from PINS. The Examining Authority will examine the DCO Application for up to 6 months before making a recommendation to the Secretary of State. The Secretary of State will then make their decision on whether or not to make a DCO for the Proposed Development.
- 2.6.2 In accordance with section 37(7)(a) of the PA 2008, this Consultation Report demonstrates that the Applicant has complied with the relevant sections of the PA 2008 relating to pre-submission consultation, as follows:
- Under section 42, consulted with all those required to be consulted with, specifically the bodies prescribed in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations'), the Marine Management Organisation (MMO), the relevant local authorities, the Greater London Authority (GLA) and relevant landowners or other parties with an interest in the land;
  - Under section 46, prior to commencing section 42 consultation, notified the Secretary of State of the Proposed Development and provided section 42 consultation materials to the Secretary of State;
  - Under section 47, consulted with the relevant local authorities on the content of the Statement of Community Consultation (SoCC), published a statement in local newspapers and made the SoCC available for inspection by the public, and consulted with the local community in accordance with the published SoCC; and

- Under section 48, publicised the proposed application in the manner prescribed by Regulation 4 of the APFP Regulations.
- 2.6.3 Furthermore, in accordance with section 37(7)(b) and section 37(7)(c) of the PA 2008, this Consultation Report and its appendices include details of relevant responses received and how the Applicant has had regard to the relevant responses in accordance with section 49(2) PA 2008.
- 2.6.4 A summary of the consultation undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the Infrastructure EIA Regulations 2017') is also included in this report.
- 2.6.5 The Applicant's consultation process and the preparation of this Consultation Report have also taken account of the following statutory and non-statutory guidance:
- DCLG (2015) PA 2008 Guidance on the pre-application process ('the PA 2008 DCLG pre-application guidance');
  - DCLG (2013) PA 2008 Guidance related to procedures for the compulsory acquisition of land ('the PA 2008 DCLG compulsory acquisition guidance');
  - Advice Note 3: EIA consultation and notification (PINS, version 7, August 2017) ('PINS Advice Note 3'); and
  - Advice Note 14: Compiling the consultation report (PINS, Version 2: April 2012) ('PINS Advice Note 14').
- 2.6.6 The Applicant has also taken into consideration the National Policy Statements ('NPS'), specifically NPS EN-1 (Overarching National Policy Statement for Energy), NPS EN-3 (National Policy Statement for Renewable Energy Infrastructure) and NPS EN-5 (Electricity Networks Infrastructure).
- 2.6.7 A compliance statement setting out how the Applicant has complied with the relevant provisions of the PA 2008, APFP Regulations, Infrastructure EIA Regulations 2017, the PA 2008 DCLG pre-application guidance and the PINS Advice Note is included at **Annex 1**.

## **2.7 Overview of the Consultation Process**

- 2.7.1 This section provides an overview of the pre-application consultation process undertaken by and on behalf of the Applicant.
- 2.7.2 The Applicant recognises that the planning regime established by the PA 2008 places substantial importance on pre-application consultation and has invested considerable time and resources to encourage meaningful involvement in the pre-application process by the local community, those with an interest in the land, local authorities, and other prescribed consultees. Thus, the Proposed Development has been developed in a consultative and iterative manner, during successive stages of development.

2.7.3 The Applicant adopted a phased consultation process. The main phases of consultation are summarised in **Table 2.2** and illustrated in **Figure 2.1**. To note, the terms summarised in **Table 2.1** are used throughout the report to describe specific consultation phases.

Table 2.1: REP pre-application consultation phases

Consultation Phase	Key Dates	Description
EIA scoping	November 2017 to January 2018	Request from the Applicant to the Secretary of State to provide a Scoping Opinion. The Secretary of State provided a scoping opinion following consultation with prescribed bodies.
Non-statutory engagement	November 2017 to October 2018	Engagement with stakeholders (including consultees such as: the Environment Agency, Natural England, relevant local authorities, local politicians, and the local community) undertaken throughout the pre-application process, separate from the non-statutory and statutory consultation phases. The aim of this engagement was to introduce and notify stakeholders about the outline proposals and DCO process, to gain an understanding of local and technical issues regarding the Proposed Development, and to take technical advice from prescribed bodies on the Proposed Development.
SoCC consultation	April 2018 to May 2018	Consultation pursuant to section 47 of the PA 2008 about developing the statutory consultation strategy and the content of the Statement of Community Consultation (SoCC).
Non-statutory consultation	May 2018	Consultation with stakeholders (including the local community and local politicians) undertaken before the statutory consultation phase. The Applicant held non-statutory public exhibitions for the local community and other stakeholders. During this phase, the Applicant sought responses from stakeholders on a non-statutory basis to inform the effectiveness of the statutory consultation phase and content of the Preliminary Environmental Information Report (PEIR).
Statutory Consultation	June 2018 to July 2018	Consultation pursuant to section 42, section 46, section 47 and section 48 of the PA 2008.



Consultation Phase	Key Dates	Description
Minor refinements consultation	July 2018 to September 2018	Consultation undertaken between July and October 2018 as a result of several minor refinements to the Indicative Application Boundary that was consulted on during the statutory consultation phase.

- 2.7.4 The Applicant has encouraged a range of people to express their views on the Proposed Development through non-statutory engagement, non-statutory consultation and statutory consultation activities, and has had regard to those views, as evidenced in **Appendices J.1-J.5**.
- 2.7.5 Non-statutory engagement and non-statutory consultation was undertaken at an early stage to provide stakeholders with the opportunity to contribute to the refinement of the Proposed Development and the consultation process. The non-statutory engagement and non-statutory consultation was designed to inform and support the effectiveness of the statutory consultation. The non-statutory engagement and non-statutory consultation was effective in supporting this aim and resulted in refinement to the public exhibitions for the statutory consultation, alongside incorporation of Preliminary Environmental Information.
- 2.7.6 The Applicant undertook pre-application statutory consultation between 18<sup>th</sup> June and 30<sup>th</sup> July 2018 in accordance with the requirements of sections 42, 47 and 48 of the PA 2008 across a 42-day consultation period. Following identification of minor amendments required to the Electrical Connection route, the Applicant undertook further consultation, referred to as ‘minor refinements consultation’ between 31<sup>st</sup> July 2018 and 7<sup>th</sup> September 2018. This comprised non-statutory engagement with prescribed bodies and selected local community areas and statutory consultation under section 42(1)(d) of the PA 2008 with newly identified land interests.
- 2.7.7 In light of the above, the Applicant considers that its approach to pre-application consultation has been *“thorough, effective and proportionate”* taking account of relevant legislative requirements and guidance (Paragraph 25, the PA 2008 DCLG pre-application guidance).
- 2.7.8 The extent of the non-statutory engagement, non-statutory consultation, and statutory consultation explained above was based on the consultation zone shown at **Figure 2.2**. The consultation zone was defined to include those likely to be affected by the proposals and to include:
- A 2 km radius around the REP site; and
  - A 200 m buffer either side of the electrical connection route options, extended to the north to follow the natural boundary of the River Thames.

2.7.9 **Appendix A.3** contains the consultation zone map that was included in the final published version of the SoCC and **Section 7** provides a detailed explanation of the rationale behind the adoption of the consultation zone.

2.7.10 **Table 2.2** summarises the non-statutory engagement, non-statutory consultation and statutory consultation activities undertaken within the consultation zone, and beyond it.



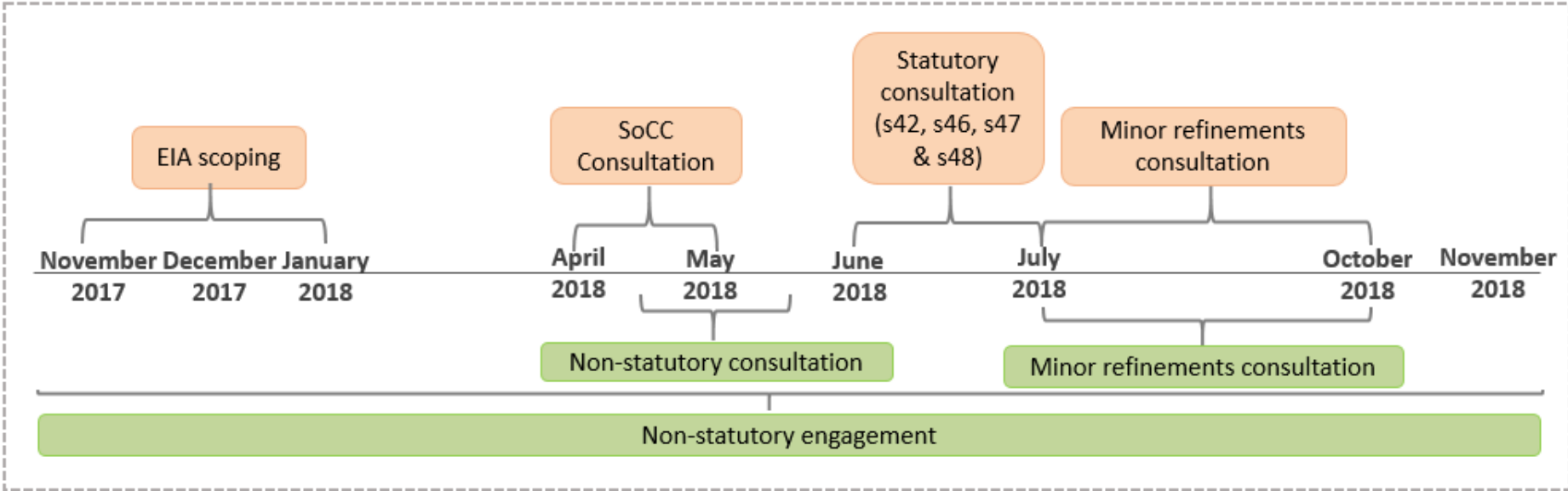


Figure 2.1: REP pre-application consultation timeline

Consultation Report - DRAFT  
Riverside Energy Park

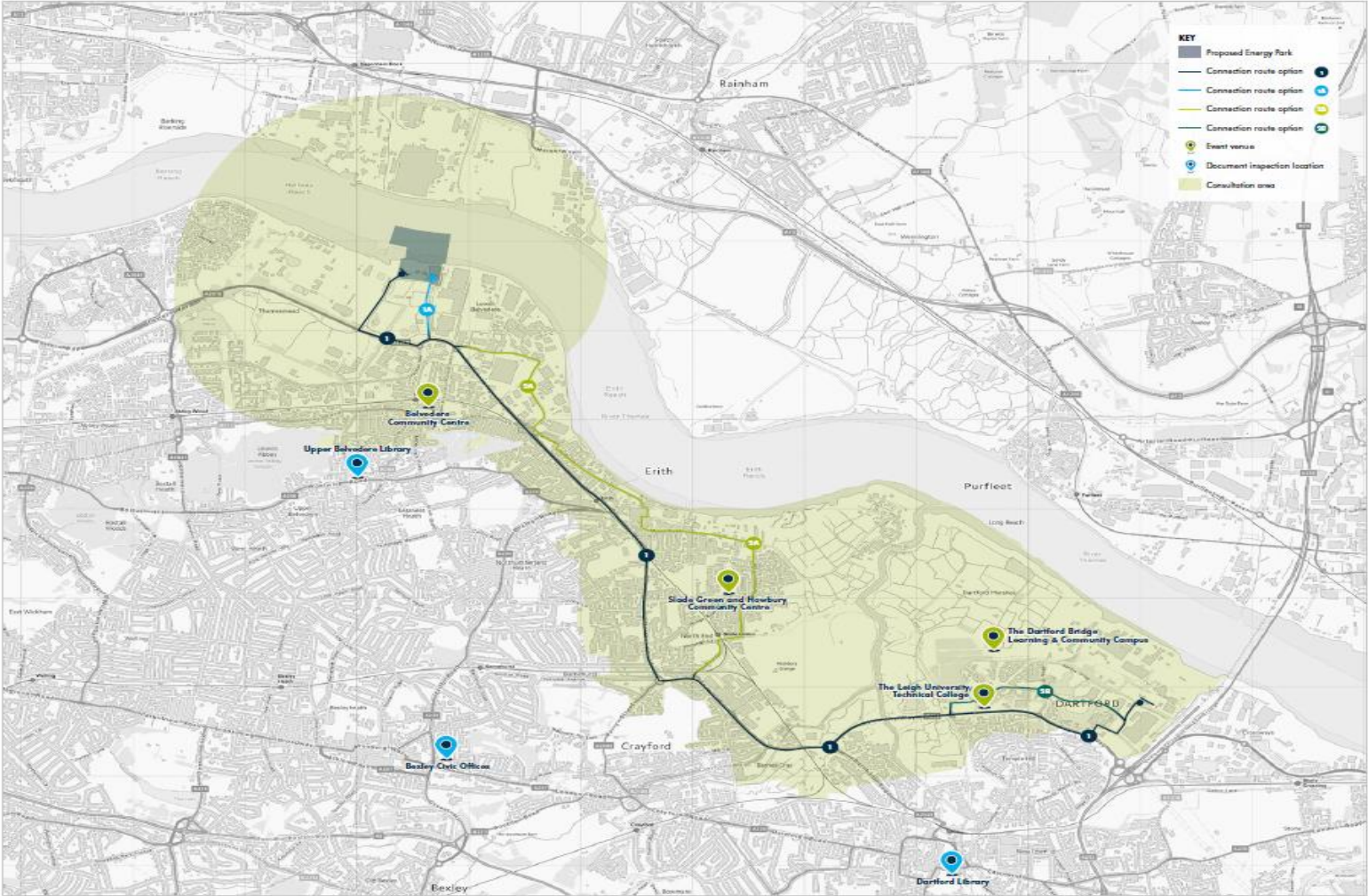


Figure 2.2: Consultation Zone Map (covering over 23,000 addresses)

Table 2.2: Pre-application engagement and consultation activities undertaken within and beyond the consultation zone

Consultation Stage	Within Consultation Zone	Beyond Consultation Zone
Non-Statutory Engagement	<p>The Applicant held several site visits at the existing RRRF throughout the pre-application stage for prescribed bodies.</p> <p>The Applicant also held site visits at the existing RRRF for the local community between 10<sup>th</sup>-11<sup>th</sup> April 2018. The Applicant advertised the site visits for the local community in the Bexley News Shopper (see <b>Appendix C.1</b>) and on the Cory Riverside Energy Park website (see <b>Appendix C.2</b>).</p> <p>For additional details of the non-statutory engagement see <b>Section 3.2</b>.</p>	<p>The Applicant publicised the site visits at the existing RRRF on the Cory Riverside Energy Park Website (see <b>Appendix C.2</b>).</p>
Non-Statutory Consultation	<p>Information about the non-statutory public exhibitions was publicised via a postcard that was mailed to all residential and business addresses within the local community in the consultation zone (see <b>Appendix D.7</b>), the Riverside Energy Park website (see <b>Appendix D.3</b>), posters displayed in local venues within the consultation zone (see <b>Appendix D.8</b>), social media (see <b>Appendix D.9</b>), a press release on the Applicant's website on 18<sup>th</sup> May 2018 (see <b>Appendix D.5</b>) and a news update on LBB's website (see <b>Appendix D.6</b>).</p>	<p>The Applicant publicised the non-statutory public events in Spring 2018 through social media (see <b>Appendix D.9</b>) and Riverside Energy Park website updates (see <b>Appendix D.3</b>).</p>

Consultation Stage	Within Consultation Zone	Beyond Consultation Zone
	<p>The Applicant held non-statutory public exhibitions during May 2018 at the following locations:</p> <ul style="list-style-type: none"> <li>• 22<sup>nd</sup> May 2018 – The Dartford Bridge Learning and Community Campus;</li> <li>• 23<sup>rd</sup> May 2018 – Belvedere Community Centre;</li> <li>• 24<sup>th</sup> May 2018 – Slade Green and Howbury Community Centre; and</li> <li>• 25<sup>th</sup> May 2018 – Belvedere Community Centre.</li> </ul> <p>The Applicant provided information on why the Application Site has been selected, information about the existing RRRF, outline design parameters of the REP proposals, the different low carbon energy generating technologies, the Applicant’s plans to use the River Thames as a ‘Green Highway’ for deliveries to and from REP and key dates for additional consultation and the DCO Application process.</p> <p>For additional details of the non-statutory consultation see <b>Section 3.3</b>.</p>	
Statutory Consultation	The Applicant held statutory public exhibitions during July 2018 at the following locations:	The Applicant publicised the statutory public exhibitions held in Summer 2018 beyond the consultation zone through newspaper advertisements, in the Guardian (13 <sup>th</sup> June 2018), The Bexley News Shopper (13 <sup>th</sup> and 20 <sup>th</sup> June 2018), The London

Consultation Stage	Within Consultation Zone	Beyond Consultation Zone
	<ul style="list-style-type: none"> <li>• 5<sup>th</sup> July (Stakeholder Preview Exhibition) – Belvedere Community Centre;</li> <li>• 6<sup>th</sup> July – Belvedere Community Centre;</li> <li>• 6<sup>th</sup> July – Slade Green and Howbury Community Centre;</li> <li>• 7<sup>th</sup> July – Belvedere Community Centre;</li> <li>• 7<sup>th</sup> July – The Leigh University Technical College;</li> <li>• 10<sup>th</sup> July – Slade Green and Howbury Community Centre;</li> <li>• 12<sup>th</sup> July – The Dartford Bridge Learning and Community Campus; and</li> <li>• 12<sup>th</sup> July – Belvedere Community Centre.</li> </ul> <p>The Applicant provided information about the statutory consultation through a range of methods:</p> <ul style="list-style-type: none"> <li>• Project Leaflet: the Project Leaflet were mailed to stakeholders within the consultation zone to inform the local community about the REP proposals and the statutory consultation (see <b>Appendix I.1</b>);</li> <li>• Website: the Riverside Energy Park website (<a href="https://riversideenergypark.com/">https://riversideenergypark.com/</a>) provided regular</li> </ul>	<p>Gazette (online on 13<sup>th</sup> June 2018 and printed copy on 14<sup>th</sup> June 2018), as well as via twitter and REP website updates (see <b>Appendices F.2 – F.5</b>).</p>

Consultation Stage	Within Consultation Zone	Beyond Consultation Zone
	<p>updates with the latest news about the Proposed Development and provided access to all consultation documents, including the PEIR (see <b>Appendix I.7</b>);</p> <ul style="list-style-type: none"> <li>• Social Media: details of the consultation, including reminders of when and where events were taking place, were publicised via the Cory Riverside Energy twitter account (@CoryEnergy) (see <b>Appendix I.2</b>);</li> <li>• Posters: posters advertising the public exhibitions were displayed in local venues within the consultation zone (see <b>Appendix I.5</b>); and</li> <li>• Newspaper: the Applicant placed a notice (under section 48 of the PA 2008) in The Bexley News Shopper on 13<sup>th</sup> June and 20<sup>th</sup> June 2018, and the Guardian and London Gazette on 13<sup>th</sup> June 2018 publicising the statutory public exhibitions (see <b>Appendices F.2 - F.5</b>).</li> </ul> <p>For additional details of the statutory consultation see <b>Sections 5, 6 and 7</b>.</p>	

2.7.11 **Table 2.3** sets out a chronological summary of the pre-application consultation process undertaken by the Applicant in compliance with the legislation (see **Section 2.6**). For each consultation activity, the table signposts the relevant regulations and where a full description is provided in the relevant section of this Consultation Report. Statutory activities are shown in orange rows and non-statutory activities are shown in green.

Table 2.3: Pre-Application Consultation Process Summary

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
Non-Statutory Engagement (PA, 2008)	Meetings with relevant prescribed bodies and land interests	To introduce the outline proposals and DCO process, to gain an understanding of local and technical issues regarding the Proposed Development.	November 2017 - June 2018	Section 3
	Meetings with relevant Local Authorities to discuss the Proposed Development			
	Site visits at the existing RRRF for prescribed bodies and the local community			
	Issued earlier version of the draft SoCC to London Borough of Bexley (LBB), Dartford Borough Council (DBC) and Kent County Council (KCC) (being the relevant host authorities in accordance with section 43(1) of the PA 2008)	To informally engage and consult on the SoCC and consultation plan with Local Authorities.	March 2018	Section 7



Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
EIA Scoping (Infrastructure EIA Regulations 2017)	Regulation 8 Notification	To notify the Secretary of State under Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017 that the Applicant intends to submit an ES as part of the DCO Application.	November 2017	Section 4
	EIA Scoping Report submitted	Obtain a Scoping Opinion under Regulation 10 of the Infrastructure EIA Regulations 2017 from the Secretary of State.	November 2017	Section 4
	Receipt of EIA Scoping Opinion from the Secretary of State (including Regulation 11(1)(b) consultee list) providing responses to submitted EIA Scoping Report	<p>Sets out the Secretary of State and statutory consultee opinions on the scope, level of detail, and of the information to be provided in the ES.</p> <p>The consultees identified under Regulation 11 of the Infrastructure EIA Regulations 2017 as outlined in Advice Note 3 are set out in <b>Appendix B.1</b>. The Royal National Lifeboat Institute (RNLI) was identified by PINS as a non-prescribed consultee, as part of its consultation on the EIA Scoping for the Proposed Development. PINS did not identify any Regulation</p>	January 2018	Section 4

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
		11(1)(c) consultees to the Applicant in the Regulation 11 list.		
Non-Statutory Consultation	Media Coverage/Press release – Radio, TV, Newspapers, Websites and Social Media	To introduce the Proposed Development, share the Applicant's initial plans with people living in the vicinity of the Application Site and gather initial feedback on the Proposed Development and its potential impact on the environment, local communities and the local economy.	April-May 2018	Section 3
	Public Exhibitions		May 2018	Section 3
EIA Notification (Infrastructure EIA Regulations 2017)	EIA Regulation 13 Notification Issue of the section 48 notice to the consultation bodies	In compliance with Regulation 13 of the Infrastructure EIA Regulations 2017. The Applicant was notified of one non-prescribed consultee (Royal National Lifeboat Institution). As such, the Royal National Lifeboat Institution was consulted in the same manner as a s42 consultee.	June 2018	Section 4
Statutory Consultation (section 47) (PA 2008)	Statutory consultation with relevant local authorities on the content of the SoCC	To consult the local authorities on how the Applicant proposes to consult, about the Proposed Development, people living in the	April-May 2018	Section 7

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
		vicinity of the land (local community)		
	SoCC made available and notice of where it can be inspected was published in The Bexley News Shopper	To inform the local community about how the Applicant will consult with them on the Proposed Development and how they can comment on the proposals	June 2018	Section 7
Statutory Publicity (section 48) (PA 2008)	Publish section 48 notices in The Bexley News Shopper, The London Gazette and The Guardian	To publicise, locally and nationally, the consultation on the proposed application for the Proposed Development	June 2018	Section 5
Statutory Consultation (section 42) (PA 2008)	Section 46 Notification	To notify the Secretary of State under section 46 of the PA 2008 of the proposed application and supply the s42 consultation information	June 2018	Section 6
	Section 42(1)(a) – Prescribed Persons	To consult prescribed persons on the proposals for the Proposed Development and gather their feedback	June-July 2018	Section 6
	Section 42(1)(aa) – Marine Management Organisation	To consult the Marine Management Organisation on the proposals for the Proposed	June-July 2018	Section 6

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
		Development and gather their feedback		
	Section 42(1)(b) – Local Authorities	To consult local authorities on the proposals for the Proposed Development and gather their feedback	June-July 2018	Section 6
	Section 42(1)(c) – Greater London Authority	To consult the GLA on the proposals for the Proposed Development and gather the GLA's feedback	June-July 2018	Section 6
	Section 42(1)(d) – Land Interests	To consult those with an interest in the land of the Proposed Development and gather their feedback.	June-September 2018	Section 6
Statutory Consultation (Sections 47 and 48) (PA 2008)	Media coverage – Radio, TV, Newspapers, Websites and Social Media	To publicise in the vicinity of the land of the Proposed Development, the consultation on the Proposed Development in accordance with the publicised SoCC	April-May 2018	Section 7
	Section 47 Consultation, including public exhibitions	To consult the local community (i.e. those in the vicinity of the land) about the proposals for the Proposed Development in	June-July 2018	Section 7

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
		accordance with the publicised SoCC		
Minor Refinements Consultation (Section 42(1)(d)) (PA 2008)	Minor amendments statutory consultation (Section 42) (PA 2008)	To consult those with an interest in the land of the Proposed Development on the minor refinements to the previous Indicative Application Boundary that was displayed on the materials made available during the June-July statutory consultation and gather their feedback.	July-October 2018	Section 8
Minor Refinements Consultation	Minor amendments notification	To consult on a non-statutory basis with section 42(a), (aa), (b) and (c) bodies consulted during the June-July statutory consultation of refinements to the previous Indicative Application Boundary displayed during that consultation and gather their feedback.	July - September 2018	Section 8
Non-Statutory Engagement	Meetings and ongoing discussions with stakeholders including relevant local authorities, the Greater London	To further develop an understanding of local and technical issues raised through on-going consultation and engagement and have regard to them / attempt to resolve them in	July – October 2018	Section 10

Regulation	Activity	Purpose	Dates	Relevant Section in Consultation Report
	Authority and the Friends of Crossness	the final development of the DCO Application.		
	Drafting Statements of Common Ground (SoCGs)	To provide a record of agreement reached on matters relating to the proposed development, and set out any matters which remain under discussion.	July 2018 – ongoing	Section 10

## 2.1 Structure of this Report

2.1.1 The remainder of this report is structured as follows:

- **Section 3** explains the non-statutory engagement and non-statutory consultation process undertaken by the Applicant prior to the statutory consultation period;
- **Section 4** explains how the Applicant has met the consultation requirements of the Infrastructure EIA Regulations 2017;
- **Section(s) 5, 6 and 7** outline the statutory consultation processes that the Applicant has followed to fulfil the requirements of sections 42, 44, 47 and 48 of the PA 2008;
- **Section 8** outlines the minor refinements consultation undertaken following the statutory consultation;
- **Section 9** summarises the key issues that were raised during consultation;
- **Section 10** outlines further non-statutory engagement carried out post-statutory consultation and the Applicant's approach to preparing Statements of Common Ground (SoCG); and
- **Section 11** sets out the conclusions.

2.1.2 Additional information and evidence relating to the consultation process is set out in **Annex 1** and **Appendices A-L**.

## 3 Non-Statutory Consultation and Engagement

### 3.1 Introduction

3.1.1 This section explains the Applicant's approach to non-statutory engagement and consultation undertaken before and during the statutory consultation period.

### 3.2 Non-Statutory Engagement (November 2017 – July 2018)

3.2.1 The Applicant sought to inform and engage with a range of stakeholders about the Proposed Development from an early stage. The primary aim of the non-statutory engagement was to notify and inform prescribed consultees, relevant local authorities and political representatives about the Proposed Development and identify key areas of interest to focus on during the statutory consultation. Non-statutory engagement comprised a series of information letters, briefing meetings, discussions and site visits to the existing RRRF.

3.2.2 Initial non-statutory engagement commenced in late 2017 and took place up to the commencement of statutory consultation in June 2018. Details of the non-statutory engagement are summarised in **Table 3.1**.

3.2.3 Details of the principal non-statutory engagement activities undertaken after the statutory consultation period are provided in **Section 9.2**.

#### Website Updates

3.2.4 The Applicant published early information about the Proposed Development on its main website ([www.coryenergy.com/](http://www.coryenergy.com/)) from 27<sup>th</sup> November 2017 (see **Appendix C.21**).

3.2.5 The Applicant also advertised forthcoming site visits at RRRF (see further details below) and on its main website ([www.coryenergy.com/](http://www.coryenergy.com/)) from April 2018 (see **Appendix C.2**).

#### Site Visits

3.2.6 The Applicant already hosts site visits to the existing RRRF, which is located adjacent to the proposed REP site, for the local community on a regular basis. This continued throughout the pre-application period.

3.2.7 The Applicant hosted specific site visits at RRRF on 10<sup>th</sup> April and 11<sup>th</sup> April 2018 for the local community to attend. A leaflet advertising the non-statutory exhibition events was made available to visitors (see **Appendix C.3**). This provided visitors the opportunity for early notification of the proposals and dates for the non-statutory public exhibition events. Approximately 50 stakeholders from the local community attended the site visits.

3.2.8 The Applicant also hosted several site visits for prescribed consultees from January 2018 – June 2018 which gave them the opportunity to see the proposed site for REP and the existing RRRF. All site visits are recorded in **Table 3.1** below.



## Meetings

3.2.9 The Applicant organised several 'Introductory Project Meetings' and 'Project Update Meetings' as part of non-statutory engagement with prescribed consultees. The purpose of this engagement was to raise awareness of the proposals, to increase the Applicant's understanding of the local context and to assist with the identification of considerations which might have the potential to influence the development of the Proposed Development.

3.2.10 **Table 3.1** sets out the meetings held with prescribed consultees between September 2017 – June 2018 at which the Applicant sought to raise awareness of the Proposed Development and gain early feedback. At the meetings, the Applicant also outlined the intended project timetable for the consultation periods and the submission of the DCO Application. The minutes of these meetings are contained in **Appendix C.4 - C.18**.

3.2.11 The Applicant also responded to individual queries and information requests from consultees via email, letter and phone call throughout this period.

## Information Documents

3.2.12 Letters were posted or emailed to prescribed consultees informing them of the Proposed Development and additional proposal updates.

3.2.13 The Applicant issued an introductory letter introducing the Proposed Development, detailing the DCO process and outlining the EIA Scoping stages to prescribed consultees on 20<sup>th</sup> December 2017 (**Appendix C.19**). In compiling a list of consultees to issue the introductory letter to, the Applicant referred to schedule 1 to the APFP Regulations. **Appendix B.1** provides a list of the prescribed consultees who were sent the introductory letter.

3.2.14 An additional letter was issued on 23<sup>rd</sup> March 2018, informing prescribed consultees of updates to the Proposed Development and Indicative Application Boundary (**Appendix C.20**). In compiling a list of consultees to issue the letter to, the Applicant referred to schedule 1 to the APFP Regulations and the consultees identified under Regulation 11 of the Infrastructure EIA Regulations 2017 by PINS. **Appendix B.1** provides a list of the prescribed consultees who were sent this letter.

3.2.15 **Sections 6.3, 6.4 and 6.5** describe how the Applicant identified these consultees.

## Summary of Non-Statutory Engagement

3.2.16 **Table 3.1** provides a summary of the principal non-statutory engagement activities, the organisations with whom the Applicant engaged and the dates/details of the engagement undertaken before the statutory consultation period (18<sup>th</sup> June – 30<sup>th</sup> July 2018). A summary of feedback received from non-statutory engagement with stakeholders is provided in **Section 9.2**.

3.2.17 Details of the principal non-statutory engagement activities undertaken after the statutory consultation period are provided in **Section 10**.

Table 3.1: Principal Non-Statutory Engagement Activities

Date	Description of Activity Undertaken
02/11/2017	Introductory meeting with the Planning Inspectorate (PINS).
13/11/2017	Introductory meeting with London Borough of Bexley (LBB).
30/11/2017	Issued letters to advise of potential construction laydown areas to 5 consultees.
11/12/2017	Introductory meeting with Port of London Authority (PLA).
20/12/2017	Issued 50 introductory letters introducing the Proposed Development, detailing the DCO process and listing key EIA Scoping stage to parties prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
08/01/2018	Introductory meeting with Western Riverside Waste Authority (WRWA).
15/01/2018	GLA attended a site visit at existing RRRF.
29/01/2018	Introductory meeting with Port of Tilbury.
07/02/2018	Update meeting GLA.
19/02/2018	Introductory meeting with the Environment Agency (EA).
22/02/2018	Introductory project meeting with Dartford Borough Council (DBC) and Kent County Council (KCC).
27/02/2018	Introductory meeting with Historic England.
28/02/2018	Update meeting with LBB (covering specific issues about transport).
22/03/2018	Introductory meeting with Natural England (NE).
23/03/2018	Issued 109 letters about the update to the Proposed Development and Indicative Application Boundary to section 42(1)(a),(aa),(b) and (c) consultees.
26/03/2018	Emailed 13 letters about the update to the Proposed Development and Indicative Application Boundary to section 42(1)(a),(aa),(b) and (c) consultees.
29/03/2018	Introductory project meeting with Royal Borough of Greenwich (RBG).
10/04/2018- 11/04/2018	The Applicant held two site visits for the general public to visit the existing RRRF.
18/04/2018	Issued letter about the update to the Proposed Development and Indicative Application Boundary to PINS.
24/04/2018	Update phone meeting with DBC and KCC.
25/04/2018	Update meeting with LBB.
01/05/2018	Introductory project meeting with Transport for London (TfL).

Date	Description of Activity Undertaken
10/05/2018	Update meeting with PINS.
11/05/2018	Introductory project briefing with Teresa Pearce MP.
23/05/2018	LBB attended stakeholder preview at non-statutory public exhibitions.
05/06/2018	Update meeting with GLA.
06/06/2018	LBB attended a site visit at the existing RRRF.
20/06/2018	GLA attended a site visit at existing RRRF.
21/06/2018	Update meeting with PLA.
26/06/2018	Update meeting with NE.

### 3.3 Non-Statutory Consultation

- 3.3.1 The Applicant carried out non-statutory consultation during May 2018 in advance of the commencement of the statutory consultation period. This allowed the Applicant to introduce the Proposed Development to the public, share the Applicant's initial plans with people living in the vicinity of the Application Site, and gathered initial feedback on the Proposed Development.
- 3.3.2 The REP site is spatially very constrained and presented limited opportunities for layout, orientation or fundamental design options to be considered within a consultative process. The non-statutory consultation was designed to inform and support the effectiveness of the statutory consultation, and to inform project decisions being taken between the consultation stages. The non-statutory consultation was effective in supporting this aim and resulted in refinements to the public exhibitions for the statutory consultation, alongside incorporation of Preliminary Environmental Information and feedback on the design proposals.
- 3.3.3 During the non-statutory consultation phase, the Applicant made available information relating to the Proposed Development on the project website (<https://riversideenergypark.com/consultation/materials>) from 9<sup>th</sup> May 2018 – 29<sup>th</sup> May 2018. The information on the website comprised:
- May 2018 Leaflet (**Appendix D.1**);
  - May 2018 Consultation Panels (**Appendix D.2**); and
  - May 2018 Comments Form for anyone to submit their views on the information and the proposals to date (**Appendix D.4**).

#### Public Exhibitions and Publicity

- 3.3.4 The Applicant held four non-statutory public exhibitions at local venues in the consultation zone during May 2018 (see **Figures 3.1** and **3.2**). **Section 7** provides additional details on the consultation zone.
- 3.3.5 The non-statutory public exhibitions provided the opportunity for the Applicant to explain the rationale and key objectives of the Proposed Development and provided consultees the opportunity to submit feedback early in the process.
- 3.3.6 **Table 3.2** summarises the range of methods used to advertise the public exhibitions to the local community and locally elected representatives.

Table 3.2: Correspondence with local community and local representatives regarding non-statutory consultation

Date	Correspondence Activity	Consultee
01/05/2018	Email correspondence with LBB inviting case officer to the non-statutory public exhibitions.	LBB
18/05/2018	Press Release on the Applicant's website notifying users of the dates, times and venues of the non-statutory public exhibitions, as well as details of the Proposed Development ( <b>Appendix D.5</b> ).	Local community
21/05/2018- 22/05/2018	<p>Postcards with details of the non-statutory public exhibitions, including the dates, times and venue locations, were emailed to neighbouring authorities (<b>Appendix D.7</b>).</p> <p>Host authorities were made aware of the non-statutory public exhibitions, including the dates, times and venue locations in the early draft SoCC Explanatory Statement (see <b>Appendix H.9</b>) which provided information on the non-statutory consultation with the local community as well as the proposed statutory consultation with the local community.</p> <p>See <b>Section 7</b> for a description of the host authorities and neighbouring authorities relevant to the Proposed Development.</p>	<ul style="list-style-type: none"> <li>• London Borough Bexley</li> <li>• Dartford Borough Council</li> <li>• Kent County Council</li> <li>• Gravesham Borough Council;</li> <li>• East Sussex County Council;</li> <li>• Surrey County Council;</li> <li>• Essex County Council;</li> <li>• Medway Council;</li> <li>• London Borough of Barking and Dagenham;</li> <li>• Sevenoaks District Council;</li> <li>• Thurrock Council;</li> <li>• London Borough of Havering;</li> <li>• Royal Borough of Greenwich; and</li> <li>• London Borough of Bromley.</li> </ul>
May 2018	Postcards with details of the non-statutory public exhibitions, including the dates, times and venue locations, were distributed to c. 23,000 homes, businesses and community groups in the consultation zone (see <b>Appendix D.7</b> ).	Local residents, businesses and community groups in the consultation zone.

Date	Correspondence Activity	Consultee
May 2018	<p>Poster advertising the non-statutory public exhibitions delivered to local venues in the consultation zones (see <b>Appendix D.8</b>). Local venues that received posters advertising the non-statutory public exhibitions were:</p> <ul style="list-style-type: none"> <li>• Premier Stores, 4 - 7 Lime Row, Erith;</li> <li>• Premier Stores, 172A West Street, Erith;</li> <li>• The Village Store, 13A Nuxley Road, Belvedere;</li> <li>• Premier Stores, 7 - 9 Bride Road, Erith;</li> <li>• Londis, 99 Manor Road, Erith;</li> <li>• Premier Stores, 62 Hythe Street, Dartford;</li> <li>• McColl's, 171 Henderson Drive, Dartford;</li> <li>• Upper Belvedere Library, Woolwich Road, Belvedere;</li> <li>• Tesco Express, 204 Bexley Road, Erith;</li> <li>• Erith Riverside Shopping Centre, 93 High Street, Erith;</li> <li>• Erith Library, 100 Erith High Street, Erith;</li> <li>• Nisa, Dartford;</li> <li>• Erith Town Hall, Walnut Tree Road, Erith;</li> <li>• Erith Post Office, 89 Erith High Street, Erith;</li> <li>• Simba Supermarkets, 26 South Road, Erith; and</li> <li>• Londis, Parkside Place, Erith.</li> </ul>	Local residents, businesses and community groups in the consultation zone.
29/05/2018	Twitter post from @CoryEnergy notifying about recent public exhibitions ( <b>Appendix D.9</b> ).	Local community within and outside the consultation zone.

3.3.7 The Applicant selected exhibition venues at convenient locations in proximity to the Application Site and with good transport access to give the local community the greatest possible opportunity to attend. Each exhibition venue was accessible to persons with limited mobility and, upon a timely request, had provision in place for those with special requirements seeking to attend the exhibition.

3.3.8 **Table 3.3** provides details of the public exhibitions.

Table 3.3: Public exhibitions for non-statutory consultation

Date	Time	Venue
Tuesday 22 <sup>nd</sup> May 2018	09:00-13:00	The Dartford Bridge Learning and Community Campus, Birdwood Avenue, DA1 5GB
Wednesday 23 <sup>rd</sup> May 2018	16:00-20:00	Belvedere Community Centre, Mitchell Close, DA17 6AA
Thursday 24 <sup>th</sup> May 2018	09:00-13:00	Slade Green and Howbury Community Centre, Chrome Road, DA8 2EL
Friday 25 <sup>th</sup> May 2018	11:00-15:00	Belvedere Community Centre, Mitchell Close, DA17 6AA

3.3.9 The Applicant presented information relating to the Proposed Development in a variety of formats at the non-statutory public exhibitions. The information presented at the non-statutory public exhibitions comprised: exhibition boards, leaflet and comments forms (see **Appendix D.1-D.4**). Copies of the leaflets were also available for the local community to take away and included the following information:

- Project background/information;
- REP proposals;
- Proposed Electrical Connection route options; and
- Key dates of upcoming public exhibitions for statutory consultation.

3.3.10 Many key members of the Project Team, including technical experts, attended the non-statutory public exhibitions to gather feedback on the Proposed Development and were available to answer questions about the Proposed Development and technical questions from members of the public. A comments form (see **Appendix D.4**) was available for attendees to complete at the non-statutory public exhibitions or to return via Freepost to the Applicant by 29<sup>th</sup> May 2018. Responses on the following aspects were sought:

- Views on the proposals;



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- Views on London's waste being treated in London;
- Views on the use of the River Thames;
- Views on maximising reliable renewable energy generation for London and the UK;
- Views on whether the social, environmental and economic factors that had been identified on the exhibition boards were the right ones to take into consideration in finalising the proposals;
- Views on the electrical connection route; and
- Any other areas of concern.



Figure 3.1: Materials displayed at non-statutory public exhibitions (May 2018)



Figure 3.2: Non-statutory public exhibition (May 2018)

3.3.11 A selection of photographs from the non-statutory public exhibitions are provided in **Appendix D.10**.

3.3.12 The key members of the Project Team and technical experts in attendance at the public exhibitions summarised any verbal feedback received at the end of each session, which went on to inform updates to the Frequently Asked Questions on the Riverside Energy Park website ([www.riversideenergypark.com](http://www.riversideenergypark.com)).

### **3.4 Summary of Non-Statutory Engagement and Consultation Responses**

3.4.1 **Sections 9.2 and 9.3** provide a summary of the feedback received from the non-statutory engagement and non-statutory consultation.

#### **Informing Statutory Consultation Information**

3.4.2 Following the non-statutory engagement, the Applicant continued to review the general themes and potential effects which consultees were suggesting they had concerns about.

3.4.3 During the non-statutory consultation the key themes which arose from the general public were:

- Potential impacts on ecology and local environment;
- Additional road movements;
- Air quality;
- Potential waste odour; and
- Construction impacts for the Electrical Connection.

3.4.4 The Applicant therefore sought to include additional information regarding these topic areas in the information presented at the statutory public exhibitions, as shown on the July 2018 Consultation Panels (**Appendix I.4**).

3.4.5 During the non-statutory consultation, the Applicant presented route options for the Electrical Connection, and design options for the Main REP building which included 3 potential overall forms including: a curved roof, stepped roof and flat roof.

3.4.6 In relation to the Electrical Connection route options, the Applicant explained to attendees, that it was “*working closely with UK Power Networks to confirm the final route, taking into account environmental, engineering and electrical considerations*” and invited views from the local community and on how these routes might affect them. The responses received from the non-statutory consultation were helpful in informing the on-going design and assessment process of the Proposed Development. However, it was considered that the responses on the whole did not identify any overwhelming reasons arising from consultees for a specific Electrical Connection route to be chosen. The Applicant therefore took the view that, given that the engineering and environmental studies were on-going at the time, all Electrical Connection routes would be retained for further consideration in the PEIR and that these would be consulted upon again at the statutory consultation stage. Panels 6 and 10 of the July 2018 Consultation Panels (**Appendix I.4**) provide the information presented on this matter during the statutory public exhibitions.

3.4.7 The Applicant also invited comments on the factors being considered as part of the on-going design process, including the local community’s views on the three potential building forms presented. The responses received suggested a variety of benefits and disbenefits of the design options considered. However, it was considered that the responses on the whole did not identify any overwhelming reasons arising from consultees to override the maximisation of energy generating potential, and the other benefits, from the chosen building form option. Following review of the responses and after further consideration, the Applicant chose to express a preference for the stepped roof building design. However, the Applicant committed to further consult upon this at the statutory consultation. Panel 13 of the July 2018 Consultation Panels (**Appendix I.4**) provide the information presented on this matter during the statutory public exhibitions.

## 4 Consultation under the EIA Regulations

### 4.1 Introduction

- 4.1.1 EIA Scoping consultation was undertaken by PINS on behalf of the Secretary of State in November 2017 following a request submitted by the Applicant under Regulation 10 of the Infrastructure EIA Regulations 2017.
- 4.1.2 This section outlines the consultation undertaken by and on behalf of the Applicant to satisfy the requirements of the Infrastructure EIA Regulations 2017. The ES (**Document Reference 6.1**) explains in further detail how regard has been had to comments received from the EIA Scoping Consultation.

### 4.2 Legislative Context

- 4.2.1 The provisions of the Infrastructure EIA Regulations 2017 relevant to the Proposed Development include the following:
- Regulation 8: Procedure for establishing whether EIA is required;
  - Regulation 10: Application for a scoping opinion;
  - Regulation 11: Procedure to facilitate preparation of environmental statements;
  - Regulation 12: Consultation statement requirements; and
  - Regulation 13: Pre-application publicity under section 48 (duty to publicise).
- 4.2.2 Under Regulation 8 of the Infrastructure EIA Regulations 2017, an applicant is required to, inter alia, notify the Secretary of State of its intention to submit an ES. **Section 4.3** provides details of the Applicant's notification to the Secretary of State.
- 4.2.3 Under Regulation 10 of the Infrastructure EIA Regulations 2017, an applicant may request a scoping opinion from the Secretary of State to confirm the scope of information to be provided in the ES. Details of the EIA scoping opinion request submitted by the Applicant are provided in this section and **Appendix A.1** of the Environment Statement (**Document Reference 6.3**).
- 4.2.4 Under Regulation 11 of the Infrastructure EIA Regulations 2017, the Secretary of State must inform the applicant of consultation bodies consulted in respect of the request for a scoping opinion, and notify the applicant of any particular person whom it considers to be, or to be likely to be, affected by, or to have an interest in the Proposed Development. Details of the notification that the Applicant received from the Secretary of State in accordance with Regulation 11 of the Infrastructure EIA Regulations 2017 are provided in this **Section 4.3** and **4.4**.
- 4.2.5 Under Regulation 12 of the Infrastructure EIA Regulations 2017, if a development is EIA development, the SoCC must state that fact and set out



how the applicant intends to publicise and consult on the preliminary environmental information. Paragraph 1.5.1 of the published SoCC (see **Appendix H.3**) confirmed that the Proposed Development is an EIA development. The SoCC also explained how the Applicant intended to publicise and consult on the PEIR. Further details about the SoCC and statutory section 47 consultation are provided in **Section 7.3** and **7.4**.

4.2.6 Under Regulation 13 of the Infrastructure EIA Regulations 2017, an 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). A copy of the section 48 notice was sent to prescribed bodies at the same time as the Applicant issued the section 42 consultation information to prescribed consultees. No Regulation 11(1)(c) consultees were identified to the Applicant in the Regulation 11 list.

### **4.3 EIA Scoping**

4.3.1 Early in the project development process, a series of option appraisals and initial environmental and engineering studies were undertaken to inform the emerging design of the Proposed Development and the technical and environmental issues in need of consideration. These studies informed the Applicant's EIA Scoping Report.

4.3.2 In accordance with Regulation 10 of the Infrastructure EIA Regulations 2017, an EIA Scoping Report was submitted to the Secretary of State via PINS on 27th November 2017 (received on 28th November 2017), along with a request for an EIA Scoping Opinion. A Scoping Opinion was duly received from the Secretary of State via PINS on 5th January 2018 following their consultation with statutory consultees (see **Appendix A.1** of the ES (**Document Reference 6.3**)).

4.3.3 The Scoping Opinion sets out the Secretary of State's comments on the EIA approach and topic areas, as well as a list of all organisations consulted.

#### **Regulation 8 Notification**

4.3.4 The Proposed Development is considered to fall within Schedule 1 of the Infrastructure EIA Regulations 2017. Accordingly, the Applicant was of the opinion that the Proposed Development had the potential for likely significant effects upon the environment, and, therefore an EIA would be required.

4.3.5 Under Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017, an applicant is required to, inter alia, notify the Secretary of State of its intention to submit an ES. In accordance with this, at the time of submitting the EIA Scoping Report to PINS, the accompanying cover letter included formal notification to the Secretary of State that the Applicant proposed to provide an ES as part of its DCO Application for the Proposed Development.

4.3.6 A copy of the cover letter accompanying the Scoping Opinion request and formal notification under Regulation 8(1)(b) is enclosed in **Appendix E.1**.

## PINS EIA Scoping Opinion

- 4.3.7 An EIA Scoping Opinion was issued by the Secretary of State on 5<sup>th</sup> January 2018.
- 4.3.8 The Scoping Opinion included a list of all prescribed consultation bodies consulted by PINS on behalf of the Secretary of State as required by Regulation 11(1)(b) of the Infrastructure EIA Regulations 2017 and the Secretary of State's comments on the EIA approach and topic areas, including confirmation of topics unlikely to have significant environmental effects.
- 4.3.9 The list of prescribed consultation bodies formally consulted by PINS, as required by Regulation 11 of the Infrastructure EIA Regulations 2017 (the 'Regulation 11 list'), included: bodies prescribed under section 42(1)(a) of the PA 2008 and listed in column 1 of the table set out in Schedule 1 to the APFP Regulations; local authorities within section 43 of the PA 2008; the GLA; and non-prescribed consultation bodies. Non-prescribed consultation bodies were consulted in the same manner as s42 consultation bodies. No Regulation 11(1)(c) consultees were identified to the Applicant in the Regulation 11 list.
- 4.3.10 The Scoping Opinion has been considered in preparing the PEIR and the ES, which have been based on the Scoping Opinion (**Document Reference 6.1**).
- 4.3.11 A copy of the Scoping Opinion is enclosed in **Appendix A.1** of the ES (**Document Reference 6.3**).

## 4.4 Summary of EIA Scoping Opinion Responses

- 4.4.1 The Scoping Opinion included a list of all stakeholders consulted, as required by Regulation 11 of the Infrastructure EIA Regulations 2017. In total, PINS received 27 responses from the EIA Scoping Opinion consultation. The Scoping Opinion identified potential issues for the assessment of the Proposed Development as:
- Transport;
  - Air Quality;
  - Noise and Vibration;
  - Townscape and Visual Impact Assessment;
  - Historic Environment;
  - Terrestrial Biodiversity;
  - Marine Biodiversity;
  - Marine Geomorphology;
  - Hydrology, Flood Risk and Water Resources;

- Ground Conditions;
- Socio-economics;
- Risks of Major Accidents and/or Disasters;
- Climate;
- Aviation;
- Daylight and Sunlight;
- Environmental Wind;
- Lighting;
- Human Health; and
- Waste.

4.4.2 **Chapters 6 to 14** of the ES (**Document Reference 6.1**) summarise the relevant responses from the EIA Scoping Opinion consultation and explain how the Applicant has had regard to these responses. The Scoping Opinion has been considered in preparation of topic chapters in the PEIR and the ES as set out in the Tables in the introductory section of each of those chapters (**Document Reference 6.1**).

#### **Evolution of the Scope of the Assessment**

4.4.3 Since the Scoping Opinion was issued by the Secretary of State, the scope of REP has been reduced and refined. Temporary construction and dredging works within the marine environment, which were proposed at the time and included in the Scoping Report, are no longer included as part of the Proposed Development. Similarly, one possible Electrical Connection route to Renwick Road, Barking is no longer being proposed (see **Chapter 5** of the ES for further information, **Document Reference 6.1**). Additionally, potential Main Temporary Construction Compounds were included in the Scoping Report at Crabtree Manorway North to the south east of the REP site. Since the Scoping Report was submitted, land within this area has been confirmed as unavailable due to it being committed through extant planning permissions and more preferable locations being available. It is therefore no longer part of the Proposed Development.

4.4.4 Through Regulation 14(3)(a) of the Infrastructure EIA Regulations 2017, where a scoping opinion request has been submitted, the subsequent ES must be based on the most recent scoping opinion adopted. As the scope of the EIA has been reduced, since the Scoping Opinion was issued, consultation on refinements to the proposals was undertaken with the relevant stakeholders to allow updated feedback and comments to be provided.

4.4.5 An update on the Proposed Development, including a note explaining the removal of temporary works in the marine environment and how the scope of

the EIA reduced was sent to Section 42 (1)(a), (aa), (b) and (c) consultees in March-April 2018 (see **Appendix C.20**). As discussed in **Section 3.2**, this letter was issued to consultees prescribed under schedule 1 of the APFP Regulations and the consultees identified under Regulation 11 of the Infrastructure EIA Regulations 2017 by PINS (see **Appendix B.1**). **Sections 6.3, 6.4 and 6.5** describe how the Applicant identified these consultees.

4.4.6 **Section 9.4** summarises the details of the relevant responses from the Scoping Opinion update.



## 5 Section 48 Publicity

### 5.1 Introduction

5.1.1 This section provides a detailed overview of how the Applicant publicised the Application pursuant to section 48 of the PA 2008 and complied with Regulation 13 of the Infrastructure EIA Regulations 2017.

### 5.2 Legislative Context

5.2.1 Section 48(1) of the PA 2008 states that the applicant must publicise the proposed application in the “prescribed manner”, namely in accordance with Regulation 4 of the APFP Regulations.

5.2.2 Regulation 4(2) of the APFP Regulations states that a proposed application is required to be publicised once in the London Gazette and a national newspaper and for at least two successive weeks in one or more local newspapers. This notice (‘section 48 notice’) must include a number of details, including: explaining where and when the consultation documents can be viewed and setting out the deadline for the receipt of consultation responses (being not less than 28 days from the date when the notice was last published). As the Proposed Development is not an offshore development, the Applicant was not obliged under Regulation 4(2)(d) of the APFP Regulations to publish a notice in Lloyd’s List and an appropriate fishing trade journal.

5.2.3 Regulation 13 of the Infrastructure EIA Regulations 2017 states that 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 application in accordance with regulation 11(1)(c).

### 5.3 Publications and Timing

5.3.1 As required by section 48 of the PA 2008 and Regulation 4 of the APFP Regulations, a notice publicising the proposed application for development consent for REP was published between 13 June 2018 and 27 June 2018, once in the London Gazette, once in a national newspaper (The Guardian) and for two successive weeks in a local newspaper (Bexley News Shopper). Copies of the notices, as published, are enclosed in **Appendices F.2 – F.5**.

5.3.2 **Table 5.1** sets out details of the publications and dates for the section 48 notice.

Table 5.1: Publication of section 48 notices

Publication title	Date of first notice	Date of second notice	Deadline provided	Copy reference
Bexley News Shopper	13/06/2018	20/06/2018	30/07/2018	See <b>Appendix F.2</b> for the first notice. See <b>Appendix F.3</b> for the second notice.
London Gazette	13/06/2018	N/A	30/07/2018	See <b>Appendix F.5</b> .
The Guardian	13/06/2018	N/A	30/07/2018	See <b>Appendix F.4</b> .

5.3.3 The section 48 notice was sent to all section 42(1)(a), (aa), (b) and (c) consultees on 13<sup>th</sup> June 2018 (for those who received section 42 consultation documents by post) and on 18<sup>th</sup> June 2018 (for those who received section 42 consultation documents by email). **Appendix B.1** outlines which consultees received section 42 consultation documents by email and/or post.

5.3.4 The section 48 notice was also provided on the Riverside Energy Park website ([www.riversideenergypark.com/](http://www.riversideenergypark.com/)).

## 5.4 Content of the Notice

5.4.1 As required by Regulation 4(3) of the APFP Regulations, the content of the notice included:

- The name and address of the Applicant;
- A statement that the Applicant intends to make a DCO Application for development consent to the Secretary of State;
- A statement that the application is EIA development;
- A summary of the main proposals, specifying the locations and route options of the Proposed Development;
- A statement that the documents, plans and maps showing the nature and location of the Proposed Development were available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice;

- The latest date (30<sup>th</sup> July 2018) on which those documents, plans and maps were available for inspection;
- Whether a charge would be made for copies of any of the documents, plans or maps and the amount of any charge;
- Details of how to respond to the publicity; and
- The deadline of 30<sup>th</sup> July 2018 for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice was last published (i.e. 20<sup>th</sup> June 2018).

5.4.2 The notice also included a description of the consultation information used and how consultees were able to access the information. Information made available during the statutory consultation comprised:

- The Preliminary Environmental Information Report (PEIR);
- The PEIR Non-Technical Summary (NTS) (see **Appendix G.2**);
- The PEIR technical appendices;
- The comments form (see **Appendix I.3**); and
- Project Leaflet (see **Appendix I.1**).

5.4.3 A copy of the section 48 notice is included in **Appendix F.1**.

## **5.5 Responses to section 48 Publicity**

5.5.1 As responders did not identify if they were responding to section 47 consultation or section 48 publicity, **Section 9.5.18 – 9.5.51** discusses the relevant responses from non-section 42 consultees which includes both section 47 and section 48 respondents.

5.5.2 For detailed summaries of all relevant responses from both section 47 and section 48 respondents, see **Appendix J.4**.

## 6 Section 42 Consultation Process

### 6.1 Introduction

6.1.1 This section provides a detailed overview of the consultation undertaken by the Applicant in compliance with section 42 of the PA 2008 during the initial statutory consultation carried out by it between 18 June 2018 and 30 July 2018. It does not consider the section 42(1)(d) consultation undertaken by the Applicant in connection with the Minor Refinements consultation, which is detailed in section 8 of this report.

#### Relevant Appendices

6.1.2 The following appendices provide further information on parties that have been consulted under section 42 of the PA 2008:

- **Appendix B.1** – Statutory Consultation (section 42(1)(a), (aa), (b) and (c) parties);
- **Appendix B.2** – Statutory Consultation (originally identified section 42(1)(d) parties);
- **Appendix B.5** – section 42(1)(d) parties identified as a result of on-going diligent inquiry; and
- **Appendix B.6** – Statutory Consultation: Table of undeliverable consultation information and action taken.

### 6.2 Legislative Context

6.2.1 In accordance with section 42 of the PA 2008 and Schedule 1 of the APFP Regulations, consultation on the Proposed Development has been undertaken with the following consultees:

- section 42(1)(a) – Prescribed Persons (i.e. those bodies listed in Schedule 1 of the APFP Regulations where relevant);
- section 42(1)(aa) – the Marine Management Organisation ('MMO');
- section 42(1)(b) – each local authority that is within section 43;
- section 42(1)(c) – the Greater London Authority; and
- section 42(1)(d) – Land Interests.

6.2.2 Under section 42(1)(a) of the PA 2008, bodies prescribed by Schedule 1 of the APFP Regulations must be consulted about the proposed application (the 'prescribed bodies'). Schedule 1 of the APFP Regulations sets out the circumstances when consultees must be consulted about an application.

6.2.3 Section 43 of the PA 2008 defines the Local Authorities for the purposes of section 42(1)(b) as follows:

- (1) *A local authority is within this section if the land is in the authority's area.*
- (2) *A local authority ("A") is within this section if—*
  - *(a) the land is in the area of another local authority ("B"),*
  - *(aa) B is a unitary council or lower-tier district council, and*
  - *(b) any part of the boundary of A's area is also a part of the boundary of B's area.*
- (2A) *If the land is in the area of an upper-tier county council ("C"), a local authority ("D") is within this section if –*
  - *(a) D is not a lower-tier district council, and*
  - *(b) any part of the boundary of D's area is also part of the boundary of C's area.*

6.2.4 In compiling the list of section 42 consultees the Applicant has complied with Schedule 1 of the APFP Regulations, and has also had regard to:

- PINS Advice Note 3;
- PINS Advice Note 14;
- the PA 2008 DCLG pre-application guidance; and
- Consultees who were notified to the Applicant by the Planning Inspectorate under Regulation 11 of the Infrastructure EIA Regulations 2017.

6.2.5 The Applicant undertook statutory consultation with prescribed consultees under section 42 as part of the statutory consultation. Pursuant to section 45 of the PA 2008, which requires that the deadline for receipt by the applicant of section 42 consultation responses is not earlier than 28 days beginning with the day after the day on which the person receives the consultation documents, the statutory consultation periods commenced on 18<sup>th</sup> June 2018 and closed on 30<sup>th</sup> July 2018, allowing more than the statutory minimum of 28 days.

6.2.6 A full list of consultees identified in accordance with section 42(1)(a), (aa), (b) and (c) is included in **Appendix B.1**. A list of section 43 Local Authorities is provided in this section at **Table 6.1**. The list of land interests consulted is enclosed in **Appendix B.2**. The following sections outline how these consultees were identified.

### **6.3 Section 42(1)(a) and (aa): Identification of the prescribed bodies**

6.3.1 Under section 42(1)(a) of the PA 2008, prescribed bodies defined in Schedule 1 of the APFP Regulations, were required to be consulted.

- 6.3.2 In compiling the list of section 42(1)(a) consultees, the Applicant had regard to advice contained in PINS Advice Note 3 when determining categories of persons as prescribed consultees, in particular:
- A2: Applying the 'relevance test' of the APFP Regulations; and
  - A3: Applying the 'circumstance test' of the APFP Regulations.
- 6.3.3 The definition of 'relevant' was amended by the Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 so that 'relevant' in relation to a body, means the body which has responsibility for the location where the proposals may or will be sited. The Applicant considered Schedule 1 of the APFP Regulations and the body was consulted where it, in the Applicant's opinion, appeared to be a statutory consultee in the context of the relevance and/or circumstances test under the meaning of the terms as explained in Advice Note 3.
- 6.3.4 The list of consultees notified of the Proposed Development by PINS (under Regulation 11(1)(a) of the Infrastructure EIA Regulations 2017) was also used for reference. In some instances, the contact address or person used in the consultation differs from the Regulation 11 list provided by PINS. This is the result of further inquiries that led to a change in address or person, or notification by the consultee that a differing address or person should be used.
- 6.3.5 In April 2018, the Applicant wrote to consultees to update them about the scope of the Proposed Development (as detailed in **Chapter 5** of the Environmental Statement (**Document Reference 6.1**)) which, amongst other changes, removed the option for the Electrical Connection to the existing substation on Renwick Road, Barking. In the context of the relevance and circumstances tests, a number of consultees listed on the Regulation 11 list were therefore no longer considered relevant for the purpose of the Proposed Development, or no longer prescribed under section 43 of the PA 2008. These are identified together with an explanation of why they were not considered relevant in **Appendix B.1**. Note that no Regulation 11(1)(c) consultees were identified to the Applicant in the Regulation 11 list.
- 6.3.6 Additional bodies to those identified in the Regulation 11 list, such as the Joint Nature Conservation Committee and London City Airport, have also been consulted by the Applicant on a precautionary basis. These are identified in **Appendix B.1**.
- 6.3.7 Two additional consultees, the National Police Air Service ('NPAS') and The London Heliport, were identified in consultation responses from prescribed bodies and details of how these bodies were consulted on the Proposed Development are provided in **Section 6.8**.
- 6.3.8 Under section 42(1)(aa) of the PA 2008, the Marine Management Organisation is required to be consulted in any case where the proposed development would affect, or would be likely to affect, any of the areas specified.

6.3.9 In April, 2018 the Applicant wrote to consultees to update them about the scope of the Proposed Development (as detailed in **Chapter 5** of the Environmental Statement (**Document Reference 6.1**)) which, amongst other changes, removed the need for temporary works in the River Thames. Following the removal of these temporary works, no likely effects are anticipated in the areas specified, however the Applicant consulted the Marine Management Organisation as the REP site proposals include the use of existing jetty, which extends out into the River Thames, and use of the River Thames for the operation of the Proposed Development.

6.3.10 The prescribed and non-prescribed bodies consulted on the Proposed Development under section 42(1)(a) and 42(1)(aa) of the PA 2008 are contained in **Appendix B.1**.

#### 6.4 Section 42(1)(b) – Identification of the relevant local authorities

6.4.1 Pursuant to section 42(1)(b) of the PA 2008, the Local Authorities falling within section 43 needed to be consulted by the Applicant.

6.4.2 The Proposed Development lies within LBB and DBC administrative boundaries and, as a result, these are category ‘B’ authorities for the purpose of section 43(2) of the PA 2008. The Proposed Development falls partly within KCC’s administrative area which, as an upper-tier county council, means KCC is a category ‘C’ authority.

6.4.3 **Table 6.1** differentiates between the category ‘A’, ‘B’, ‘C’ and ‘D’ authorities.

Table 6.1: Local Authorities categorised in accordance with section 43 of the PA 2008

Local Authority	Provision	Category	Description
London Borough of Bexley	s.43(1)	B	The Proposed Development lies within the local authority boundary.
Dartford Borough Council	s.43(1)	B	The Proposed Development lies within the local authority boundary.
Kent County Council	s.43(1)	C	The Proposed Development lies within the local authority boundary and the authority is an upper-tier county council.
Royal Borough of Greenwich	s.43(2)	A	Shares a boundary with the London Borough of Bexley.
London Borough of Bromley	s.43(2)	A	Shares a boundary with the London Borough of Bexley.
London Borough of Havering	s.43(2)	A	Shares a boundary with the London Borough of Bexley.



Local Authority	Provision	Category	Description
London Borough of Barking and Dagenham	s.43(2)	A	Shares a boundary with the London Borough of Bexley.
Thurrock Council	s.43(2)	A	Shares a boundary with the London Borough of Bexley and Dartford Borough Council.
Sevenoaks District Council	s.43(2)	A	Shares a boundary with the London Borough of Bexley and Dartford Borough Council.
Gravesham Borough Council	s.43(2)	A	Shares a boundary with Dartford Borough Council.
Essex County Council	N/A	D (non-statutory)	Essex County Council does not border Kent County Council as Thurrock is a unitary authority and Castle Point in Essex borders Medway Council, which is also a unitary authority. However, the Applicant has treated Essex County Council as a category 'D' authority as a precaution.
East Sussex County Council	s.43(2)	D	Shares a boundary with Kent County Council which is a category "C" authority.
Surrey County Council	s.43(2)	D	Shares a boundary with Kent County Council which is a category "C" authority.
Medway Council	s.43(2)	D	Shares a boundary with Kent County Council which is a category "C" authority.

6.4.4 The administrative boundaries of the local authorities who were consulted on the Proposed Development under section 42(1)(b) of the PA 2008 are shown in the plan enclosed at **Appendix A.5**.

## 6.5 Section 42(1)(c) – Greater London Authority

6.5.1 Under section 42(1)(c) of the PA 2008, the Greater London Authority was required to be consulted as the Proposed Development is in Greater London.



## **6.6 Section 42(1)(d) – Identification of the relevant section 44 persons with an interest in the land**

6.6.1 This section of the consultation report considers how the Applicant has identified section 42(1)(d) consultees. It considers the relevant legislation, the Applicant's approach to land referencing and how the Applicant has managed its on-going diligent inquiries following on from the close of the initial statutory consultation.

### **Legislative context – sections 42(1)(d) and 44 PA 2008**

6.6.2 Section 42(1)(d) parties consist of persons with interests in land affected by the Proposed Development or who may be able to bring a relevant claim should the application for development consent be granted and fully implemented. Section 44 PA 2008 sets out the categories of persons within section 42(1)(d) as:

- A person is within Category 1 if the Applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
- A person is within Category 2 if the Applicant, after making diligent inquiry, knows that the person –
  - a. is interested in the land, or
  - b. has power –
    - i. to sell and convey the land, or
    - ii. to release the land.
- A person is within Category 3 if the Applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled to make a relevant claim. A 'relevant claim' is then defined in section 44 by reference to a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase), a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works) or a claim under section 152(3) PA 2008 (compensation in case where no right to claim in nuisance).

### **Land referencing**

6.6.3 The interests which have been consulted under section 42(1)(d) have been identified through a process of on-going diligent inquiries known as land referencing. This comprised initial desk-top referencing using information obtained from the Land Registry, checks with Companies House and the use of other software and web based services to identify changes of address or occupancy. Following this initial desk-top exercise the Applicant issued letters and forms requesting further information (see **Appendix G.6**) from the parties identified, to confirm the interests in the land held by those parties and

requesting information on any other persons with interests in the land. Further inquiries were made by way of telephone calls, emails and further requests for information.

- 6.6.4 The Applicant also investigated unregistered land during site visits. These investigations include inspection of the land, where accessible, to ascertain the presence of an interest and the erection of site notices on, or in the vicinity of, the unregistered land inviting persons with interests to contact the Applicant. The site visits also provided opportunities to speak with neighbouring landowners about the interests that may be present in the unregistered land.
- 6.6.5 **Appendix G.5** sets out a summary of the methodology adopted to identify Category 1, 2 and 3 parties. A description of communications and negotiations with landowners is set out in the Statement of Reasons (**Document Reference 4.1**). As is explained in that Appendix, the Applicant considered that, in the light of the emerging environmental studies, the effects of the Proposed Development were such that no persons outside the Indicative Application Boundary would be entitled to bring a relevant claim were the application for development consent granted and the Order fully implemented. As such no persons with interests in land outside the Indicative Application Boundary were considered to be in Category 3. Having completed its Environmental Statement, the Applicant remains of that view which is reflected in Part 2 of the Book of Reference (**Document Reference 4.3**).
- 6.6.6 **Appendix B.2** contains a list of all persons that the Applicant identified as being within section 42(1)(d) and who were consulted under that section during the initial Statutory Consultation which commenced on 18 June 2018 and which closed on 30 July 2018.

#### Ongoing diligent inquiries and newly arising interests

- 6.6.7 The land referencing process was on-going throughout the pre-application period and in some instances diligent inquiries led to new interests being identified after the initial issue by the Applicant of section 42(1)(d) consultation materials in June 2018. New interests arose for a number of reasons such as changes in ownership or occupancy and the late receipt of responses to requests for information.
- 6.6.8 The Applicant has had regard to paragraphs 49 to 52 of the PA 2008 DCLG pre-application guidance which urges applicants to make every reasonable effort to ensure that the Book of Reference is up to date at the time of submission. However, the guidance at paragraph 51, acknowledges that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted.
- 6.6.9 The Applicant selected the 5<sup>th</sup> October 2018 as the “cut-off” for consulting newly arising land interests in light of the Applicant's intention to submit its application for development consent in November 2018. After 5<sup>th</sup> October 2018, the Applicant considered that there would not be sufficient time to afford those

persons the minimum period of 28 days to review the consultation materials, nor for the Applicant to have regard to any responses that it may receive.

6.6.10 The approach taken by the Applicant in response to newly identified section 42(1)(d) interests arising after the issue of the initial section 42(1)(d) statutory consultation that ran between 18 June 2018 and 30 July 2018, was as follows:

- new land interests arising on or before 5<sup>th</sup> October 2018 were consulted under section 42(1)(d) and were afforded no less than 28 days beginning with the day after the date on which the relevant consultation materials were received and the relevant responses received were considered by the Applicant;
- new land interests arising after 5<sup>th</sup> October 2018 were notified of the forthcoming application, were provided with consultation materials and were proactively informed of how they could engage with the examination, if the application is accepted.

6.6.11 The Applicant considers that this approach fully conforms with paragraph 51 of the PA 2008 DCLG pre-application guidance.

6.6.12 **Appendix B.5** contains a list of all land interests arising as a result of the Applicant's on-going diligent inquiries that were identified by the Applicant after the initial issue of the consultation documents for the statutory consultation carried out between 18 June 2018 and 30 July 2018. For each person listed, **Appendix B.5** identifies the date on which the Applicant obtained proof of delivery from Royal Mail and the corresponding deadline for the receipt of responses. Apart from the 6 instances described in the paragraph below, in every case the recipients were afforded at least 28 days to respond from the day after the date of receipt of the consultation documents in compliance with section 45 PA 2008.

6.6.13 Included within **Appendix B.5** are 6 persons within section 42(1)(d) who were notified of the forthcoming application. Of those persons, 2 were consulted under section 42(1)(d) but the Applicant, despite its endeavours, was unable to obtain proof delivery. As a precaution the Applicant issued those persons with a letter (see **Appendix G.1**) enclosing the consultation documents, notifying them of them of the forthcoming application and providing information about how they could participate in the examination, should the application be accepted. With respect to the remaining 4 persons, the Applicant became aware of their interests through its on-going diligent inquiries after the 5<sup>th</sup> October 2018 "cut-off" date. These persons were also issued with a letter (see **Appendix G.1**) enclosing the consultation documents, notifying them of them of the forthcoming application and providing information about how they could participate in the examination, should the application be accepted.

6.6.14 Taken together with the extensive consultation the Applicant carried out under section 47 (see **Section 7** of this consultation report), the Applicant considers that the newly identified land interests have been afforded an opportunity to make their views on the Proposed Application known, and were not prejudiced by the stage that the Applicant became aware of their interest in land.

## Conformity with the Book of Reference

6.6.15 The Applicant confirms that, with the exception of the 6 persons discussed above and identified in **Appendix B.5**, the Applicant has consulted under section 42(1)(d) each person listed in the Book of Reference.

6.6.16 However, the lists of section 42(1)(d) consultees contained in Appendices B.2, B.3, B.4 and B.5 do not wholly align with persons listed in the Book of Reference. With the exception of the instances discussed in paragraph 6.6.13 above, this is due to the Applicant's on-going diligent inquiries subsequently confirming that persons who had been consulted under section 42(1)(d) did not in fact have an interest in land within section 44. Where this has occurred it is noted against that interest in the "Additional Comments" column in **Appendices B.2 and B.5**.

## 6.7 Carrying out Statutory Consultation under section 42

6.7.1 Having identified the persons the Applicant is required to consult under each "strand" of section 42, this section explains how the Applicant carried out that consultation.

### Consultation documents

6.7.2 The Applicant prepared the following documents which comprise the consultation documents for the purposes of the statutory consultation under section 42 carried out between 18 June and 30 July:

- A covering letter providing an overview of the Proposed Development and details of the consultation process (see **Appendix G.1**);
- A Non-Technical Summary to the Preliminary Environmental Information Report (PEIR NTS) (see **Appendix G.2**);
- A copy of the full PEIR and its technical appendices; and
- A copy of the notice pursuant to section 48 of the PA 2008 (see **Appendix F.1**).

6.7.3 As noted in **Section 4** of this report, the Applicant is required by regulation 13 of the Infrastructure Planning EIA Regulations 2017, to send a copy of the section 48 PA 2008 notice to the consultation bodies (as defined in regulation 3) at the same time as publishing that notice. The Applicant elected to include that notice in the consultation documents which were issued to all consultees identified under section 42, going beyond the statutory minimum by also sending it to section 42(1)(d) consultees.

6.7.4 The section 48 notice was sent to all section 42(1)(a), (aa), (b) and (c) consultees on 13<sup>th</sup> June 2018 (for those who received section 42 consultation documents by post) and on 18<sup>th</sup> June 2018 (for those who received section 42 consultation documents by email). **Appendix B.1** outlines which consultees received section 42 consultation documents by email and/or post.

6.7.5 As noted in **Table 5.1** the section 48 notice was published between 13 June 2018 and 20 June 2018.

#### Issue of consultation documents

6.7.6 The Applicant commenced issuing the section 42 consultation documents on 12 June 2018 to the following section 42 consultees:

- Section 42(1)(a) prescribed bodies – **Tables 1 and 2 in Appendix B.1**;
- Section 42(1)(aa) the Marine Management Organisation - **Table 1 in Appendix B.1**;
- Section 42(1)(b) the relevant local authorities – **Table 4 in Appendix B.1**;
- Section 42(1)(c) the Greater London Authority – **Table 5 in Appendix B.1**;
- Section 42(1)(d) land interests – **Appendix B.2**; and
- Non-prescribed bodies – **Table 3 of Appendix B.1**.

#### Method of delivery - Post

6.7.7 The consultation documents were delivered in a range of formats depending on the type of consultee.

6.7.8 Generally, all section 42(1)(a), (aa), (b), (c) and (d) consultees listed in **Appendices B.1 and B.2**, were initially issued the consultation documents by way of Royal Mail Signed For (First Class) which allowed for tracking of packages and proof of delivery. The only exceptions relate to a small number of bodies listed in **Appendix B.1**, shown in blue highlight, which were issued the consultation documents by email only. In those cases, the bodies were issued information electronically either because they had previously requested to receive information electronically only, or because they were non-prescribed bodies which the Applicant consulted as a precaution and therefore issuing materials electronically only was deemed appropriate. The initial postal issue of the consultation documents was despatched on 12 June 2018 for delivery on 13 June 2018, ahead of the opening of the statutory consultation.

6.7.9 The format of the consultation documents when issued by post are as follows:

- A covering letter providing an overview of the Proposed Development and details of the consultation process (**Appendix G.1**);
- A paper copy of the PEIR NTS (**Appendix G.2**);
- A USB drive containing an electronic copy of the PEIR and its technical appendices; and
- A paper copy of a notice pursuant to section 48 of the PA 2008.

### Method of delivery - email

6.7.10 In addition to postal copies, the Applicant also issued the initial consultation documents in electronic format to some section 42(1)(a), (aa), (b) and (c) by email. Where this occurred those consultees received postal copies, but the Applicant also issued copies electronically to named contacts as a precautionary approach, those consultees are highlighted in orange in **Appendix B.1**.

6.7.11 In a small number of cases the Applicant issued the consultation materials to consultees listed in **Appendix B.1** by email only. Where this has occurred those consultees are highlighted in blue in **Appendix B.1**.

6.7.12 The format of the consultation documents when issued electronically was as follows:

- An electronic copy of a covering letter providing an overview of the Proposed Development and details of the consultation process;
- An electronic copy of the notice pursuant to section 48 of the PA 2008 and Regulation 4 of APFP Regulations (**Appendix F.1**);
- A link to the Project Leaflet providing details of the Proposed Development and consultation on the Riverside Energy Park website; and
- A SimpleSend link (an internet link to download files that are likely to be rejected by some email systems due to file size) to the other consultation documents available to view (including the PEIR, technical appendices and PEIR NTS) and a link to the Riverside Energy Park website.

### Deadline for response – section 45 PA 2008

6.7.13 Section 45 PA 2008 requires the Applicant, when consulting a person under section 42, to notify that person of the deadline for the receipt by the applicant of the person's response to the consultation. The deadline must not be earlier than the end of the period of 28 days, beginning with the day after the day on which the person receives the consultation documents.

6.7.14 The covering letter accompanying the consultation documents (see Appendix G.1) clearly states that the deadline for responses to be received was 30 July 2018.

6.7.15 The tables in **Appendices B.1** and **B.2** also list, for each statutory consultee, the date by which the Applicant obtained proof of receipt of the consultation documents and the corresponding deadline specified. These demonstrate that the vast majority of section 42 consultees received the consultation documents on 13 June 2018, to coincide with the commencement of statutory consultation under sections 47 and 48.

6.7.16 As would be expected in a consultation of the scale carried out by the Applicant, there were a small minority of instances where mail was not accepted by the



recipient, or was returned to the sender or was otherwise undeliverable. **Appendices B.1** and **B.2** note each consultee where this was the case and detail the actions taken by the Applicant to ensure the consultation documents were delivered in a timely fashion.

6.7.17 The Applicant confirms, as shown in **Appendices B.1** and **B.2**, that it can demonstrate that all persons initially consulted under section 42 received the consultation documents with sufficient time to observe the minimum 28 day period, running from the day after receipt of the documents, prescribed by section 45 PA 2008. The latest date that the Applicant obtained proof of receipt of the consultation documents was 25 June 2018 in respect of London Fire Brigade, which still allows for more than the minimum period.

6.7.18 In a small number of cases a section 42(1)(a) responded to request that the Applicant also consult with another body non-prescribed body, or with another person within the same body. The Applicant has accommodated these requests where feasible, as outlined in **Appendix B.1**.

## **6.8 Responses to section 42 Consultation**

6.8.1 Following the consultation deadlines, the Applicant recorded and considered all relevant responses in finalising the DCO Application. These are summarised in **Appendices J.1 – J.5**. More information on how responses were taken into account can be found in **Section 9.5** and in the relevant chapters of the ES (**Document Reference 6.1**).

## **6.9 Section 46 Notification**

6.9.1 Under section 46 of the PA 2008, the Applicant was required to notify the Secretary of State of the Proposed Development by providing section 42 consultation information on or before commencement of that consultation.

6.9.2 In accordance with section 46 of the PA 2008, the Applicant issued a hard copy of the statutory consultation documents to PINS on 12<sup>th</sup> June 2018, at the same time as the issue of the statutory consultation documents to section 42 prescribed consultees, prior to the commencement of the statutory section 42 consultation on 18<sup>th</sup> June 2018. The statutory consultation documents issued to PINS consisted of the same information issued to section 42 prescribed consultees, comprising:

- the section 42 cover letter (**Appendix G.1**);
- a paper copy of the PEIR NTS (**Appendix G.2**);
- a USB drive containing an electronic copy of the PEIR and its technical appendices; and
- a paper copy of a notice pursuant to section 48 of the PA 2008 and Regulation 4 of APFP Regulations (**Appendix F.1**).

6.9.3 A formal acknowledgment of the section 46 notification was issued by PINS on 20<sup>th</sup> June 2018 (**Appendix G.4**) confirming receipt of the statutory consultation documents.



## **7 Section 47 Consultation Process**

### **7.1 Introduction**

7.1.1 This section provides a detailed overview of the consultation undertaken by and on behalf of the Applicant in compliance with section 47 of the PA 2008.

### **7.2 Legislative Context**

7.2.1 Section 47(1) of the PA 2008 requires the Applicant to prepare a statement setting out how the Applicant proposes to consult people living in the vicinity of the Proposed Development. This statement is known as a Statement of Community Consultation (SoCC).

7.2.2 In accordance with section 47(2) of the PA 2008, the Applicant must consult each local authority that is within section 43(1) (i.e. a local authority is in this section if the land is in the authority's area) in respect of the content of the SoCC, because their knowledge of the local area may influence decisions on the geographical extent of the consultation and the methods that will be most effective in the local circumstances.

7.2.3 As required by section 47(3) of the PA 2008, the local authority must submit their comments on the SoCC within 28 days of receiving the consultation documents. The Applicant also must have regard to any responses received before the deadline, as outlined in section 47(5) of the PA 2008.

7.2.4 Once the SoCC is finalised, the Applicant must:

- Under section 47(6)(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 Proposed Development;
- Under section 47(6)(a), publish in a newspaper circulating in the vicinity of the Proposed Development, a notice stating where and when the statement can be inspected; and
- Under section 47(6)(b), publish the statement in such manner as may be prescribed.

7.2.5 Regulation 12 of the Infrastructure EIA Regulations 2017 requires that the consultation statement prepared under section 47 of the PA 2008 sets out whether the application is EIA development and, if so, how the applicant intends to publicise and consult on the preliminary environmental information.

### **7.3 Section 47 SoCC Consultation and Publication**

7.3.1 In accordance with section 47 of the PA 2008, the Applicant prepared a SoCC which explained how the Applicant intended to consult with the local community about the proposed application and then carried out pre-application consultation in accordance with the final published SoCC.

7.3.2 The Applicant published the SoCC on 6<sup>th</sup> June 2018 ahead of the statutory consultation process (**Appendix H.3**).

7.3.3 **Table 7.1** sets out the overarching timetable for the preparation of the SoCC.

Table 7.1: Timetable for the preparation of the SoCC

Date	Milestone
23/03/2018	Early draft SoCC and early draft Explanatory Statement issued to LBB, KCC and DBC (the 'host authorities') for informal comment (see <b>Appendix H.8</b> and <b>H.9</b> ).
29/03/2018	Deadline for submission of informal comments from the host authorities to the Applicant on the draft SoCC.
05/04/2018	Updated draft SoCC issued to the host authorities for SoCC statutory consultation (see <b>Appendix H.1</b> for updated draft SoCC, <b>Appendix H.4</b> for the updated draft SoCC Explanatory Statement and <b>Appendix H.7</b> for cover emails issued).
06/04/2018	Start of statutory consultation on draft SoCC with the host authorities, being the "B" and "C" authorities of LBB, DBC and KCC.
09/04/2018	Updated draft SoCC issued to Gravesham Borough Council, East Sussex County Council, Surrey County Council, Essex County Council, Medway Council, London Borough of Barking and Dagenham, Sevenoaks District Council, Thurrock Council, London Borough of Havering, Royal Borough of Greenwich and London Borough of Bromley (the 'neighbouring authorities') to invite informal comments (see <b>Appendix H.1</b> for the updated draft SoCC and <b>Appendix H.7</b> for cover emails issued).
03/05/2018	Deadline for submission of statutory consultation comments from host authorities, and any informal comments from neighbouring authorities, to the Applicant on the draft SoCC.
08/05/2018	Draft SoCC updated in light of comments received, and finalised for publication (see <b>Appendix H.5</b> for a summary of the responses on the draft SoCC and the Applicant's responses).
16/05/2018	SoCC notice published in local newspaper (see <b>Appendix H.2</b> ).
06/06/2018	SoCC published and lodged in local venues for public inspection (see <b>Appendix H.3</b> ).

### SoCC Content

7.3.4 The SoCC outlined:

- Details about REP;
- Key consultation activities and dates;

- How the Applicant was publishing preliminary environmental information relating to the Proposed Development;
- How the Applicant was going to consult local people and communities about REP and what activities would be undertaken to give them access to information about the proposals; and
- How people could provide feedback to the Applicant from consultation activities and ensure that they are informed about REP.

### SoCC Consultation

- 7.3.5 As acknowledged in **Section 7.2.2**, section 47(2) of the PA 2008 states that the Applicant must consult each local authority that is within section 43(1) about the content of the SoCC. As such, in preparing the draft SoCC the Applicant has had regard to the consultation feedback received from the local authorities it consulted.
- 7.3.6 As described in **Annex 1**, the Applicant had regard to paragraphs 34 – 42 of the PA 2008 DCLG pre-application guidance, in undertaking consultation on the content of the SoCC.
- 7.3.7 The Applicant also discussed the community consultation strategy with each section 43(1) local authority (the host authorities) at a project update meeting in April, and provided a SoCC Explanatory Statement to aid the host authorities understanding of the proposed non-statutory and statutory consultation. A copy of the updated draft SoCC Explanatory Statement is provided in **Appendix H.4**.
- 7.3.8 The Applicant undertook two stages of consultation on the content and format of the SoCC.

### Early informal comment

- 7.3.9 Consultation on the SoCC can occur outside of the statutorily defined consultation, although potentially involving the same consultees. PINS Advice Note 14 highlights that non-statutory engagement should not necessarily be afforded any less weight than the defined statutory consultation.
- 7.3.10 The Applicant undertook early non-statutory engagement with the host authorities on the content and format of an earlier version of the draft SoCC in March 2018.
- 7.3.11 The Applicant issued an earlier version of the draft SoCC to the host authorities on 23<sup>rd</sup> March 2018 and requested comments by 29<sup>th</sup> March 2018 (see **Appendix H.8**). During this engagement, only DBC provided informal comments on the early draft SoCC.
- 7.3.12 Following the receipt of feedback, and discussion at project update meetings, the Applicant incorporated and sought comments on the following changes to the proposed approach to community consultation set out in the Explanatory Statement:

- Extension of the consultation zone to include the Bridge masterplan area in Dartford;
- The inclusion of the Leigh University Technical College as a public exhibition location;
- KCC and DBC confirmed that there were no significant hard to reach groups; and
- Residents groups in surrounding area to be directly contacted about the proposed public exhibitions at request of KCC/DBC to address potential wider transport and road network users.

7.3.13 The comments were incorporated into the draft version of the SoCC produced for statutory consultation under section 47(2) of the PA 2008.

### **Statutory Consultation on the SoCC**

7.3.14 Pursuant to section 47(2) of the PA 2008, the draft SoCC was sent to the host authorities for statutory consultation on 5<sup>th</sup> April 2018 (covering email provided in **Appendix H.7**). See **Table 6.1** in **Section 6** above, that differentiates between the category 'A', 'B', 'C' and 'D' authorities categorised in accordance with section 43 of the PA 2008.

7.3.15 The covering email accompanying the documents explained that in accordance with section 47(2) of the PA 2008, the Applicant must consult the local authorities about the content of the SoCC and that the Applicant therefore requested that the local authorities provide comments on the draft SoCC within 28 days from the day after receipt of the draft SoCC.

7.3.16 LBB's response was received on 2<sup>nd</sup> May 2018 (see **Appendix H.5**). In their response, LBB considered the Applicant's justification of the consultation zone to be '*reasonable*' and invited the Applicant to present the proposals to LBB's Places Overview and Scrutiny Committee. LBB also asked the Applicant to clarify:

- When the posters would be displayed and what information they would contain – in particular, if the posters would refer to the non-statutory exhibitions, statutory exhibitions or both;
- Whether the invitations for the public exhibitions would be for the non-statutory exhibitions, the statutory exhibitions or both and whether the invitations would be extended out to local schools, community groups and any others within the consultation zone; and
- The list of local interest/amenity groups who will receive the invitations so that LBB could advise on any others missed.

7.3.17 DBC's response was received on 2<sup>nd</sup> May 2018 (see **Appendix H.5**). In their response, DBC confirmed that they had reviewed the draft SoCC and had no further comments to make. DBC stated that the Applicant was '*taking a*

*comprehensive approach to consulting the local community within the Borough of Dartford* and *'supports the approach'* set out in the draft SoCC.

7.3.18 KCC's response was received on 3<sup>rd</sup> May 2018 (see **Appendix H.5**). In their response, KCC were *'generally satisfied with the proposed methods of the consultation'* and made the following comments/recommendations:

- KCC were concerned that there was limited opportunity for the public to engage in the public exhibitions as none of the dates provided fell on the weekend, with only one event taking place on an evening;
- KCC recommended that access to the documents should also be made available online to ensure that all interested parties, whether or not they are able to attend the exhibitions, were well informed of the proposal; and
- KCC believed that there was a very narrow timeframe between the non-statutory and statutory consultation periods and that the consultation could be open to criticism that feedback would not be able to be considered ahead of the statutory consultation, thereby not providing an effective early opportunity to influence the development of the Proposed Development.

7.3.19 The Applicant also gave Gravesham Borough Council, East Sussex County Council, Surrey County Council, Essex County Council, Medway Council, London Borough of Barking and Dagenham, Sevenoaks District Council, Thurrock Council, London Borough of Havering, Royal Borough of Greenwich and London Borough of Bromley (being the relevant 'neighbouring authorities') the opportunity to comment on the content and format of the draft SoCC. The neighbouring authorities were sent the draft SoCC on 9th April 2018. The covering email accompanying the documents explained that the Applicant requested that the neighbouring authorities provide comments on the draft SoCC by 3<sup>rd</sup> May 2018 (see **Appendix H.7**).

7.3.20 Medway Council's response was received on 13th April 2018 (see **Appendix H.5**). In their response, Medway Council stated that the council *'raises no objection'* to the content of the draft SoCC.

7.3.21 Gravesham Borough Council's response was received on 27th April 2018 (see **Appendix H.5**). In their response, Gravesham Borough Council stated that the final SoCC should consider *'how it consults on components, such as the recent acquisition of the Thames Ship Repair service, which are needed for the NSIP proposal but which are located outside the current consultation zone'*.

7.3.22 Surrey County Council also responded on 3<sup>rd</sup> May 2018 and had no comments on the draft SoCC (see **Appendix H.5**).

7.3.23 Following the receipt of comments from the host authorities and neighbouring authorities, minor amendments were made to the SoCC. Full details of the local authorities' comments and how the Applicant has considered them within the final SoCC are enclosed in **Appendix H.5**.

## Consultation Zone

7.3.24 The SoCC explained that the Applicant would carry out section 47 statutory consultation with the local community in the 'consultation zone'. The consultation zone was defined to include those likely to be affected by the proposals. The consultation zone boundary was defined to include:

- A 2 km radius around the REP site; and
- A 200 m buffer either side of the electrical connection route options, extended to the north to follow the natural boundary of the River Thames.

7.3.25 **Appendix A.3** of the Consultation Report contains the consultation zone map that was included in the final published version of the SoCC. The consultation zone map illustrates the proposed public exhibitions venue locations, document inspection locations, the REP site and electrical cable route option variants alongside the consultation zone area.

7.3.26 As noted previously, the Applicant engaged and consulted directly with local communities within a 2 km radius of the REP site. The consultation zone was identified such that it was proportionate to REP and to the potential impacts arising from the construction and operation of REP, which included:

- Temporary and permanent transport impacts on the road and river network from delivery of components for construction;
- Temporary impacts on air quality from dust and trackout;
- Temporary noise and vibration impacts on the nearest Noise Sensitive Receptors during construction;
- Temporary visual impacts for users of local public rights of way (PRoW);
- Temporary impacts on terrestrial biodiversity - disturbance to local flora and fauna from soil stripping, habitat loss and construction lighting;
- Temporary impacts on hydrology, flood risk and water resources - potential for sediment discharge and chemical leakage into local water courses;
- Temporary impacts on ground conditions including compaction of soils, potential to release contaminants through soil disturbance and impacts to groundwater due to the potential for chemical spillages;
- Temporary socio-economic impacts both positive and negative including a strain on local services due to influx of construction workers, additional spending and job creation;
- Permanent air quality impacts due to the dispersion of pollutants from the REP stack, anaerobic digestion and increased vehicle and vessel delivering waste;



- Permanent impacts on townscape and the historic environment from the Stack and massing of the main REP building;
- Permanent noise from the operation of REP and increased vehicle movements;
- Permanent impact on biodiversity from noise from operational plant, dispersion of pollutants from REP Stack and operational lighting;
- Permanent impacts on ground conditions due to the potential for chemical spillages; and
- Permanent socio-economic impact due to the potential for job creation.

7.3.27 The Applicant also engaged and consulted with local communities within a 200 m buffer either side of the electrical connection route options and up to the boundary of the River Thames to the north. Since multiple electrical connection route options have been assessed as part of the DCO Application, a wide consultation zone was adopted to provide all communities that could potentially be affected the opportunity to comment on the proposals. The consultation zone was proportionate to the potential impacts arising from the construction of the electrical connection, which included:

- Temporary impacts on the road network from temporary road closures;
- Temporary air quality impacts from dust and trackout;
- Temporary noise and vibration impacts on the nearest Noise Sensitive Receptors during construction;
- Temporary impact on townscape limited to local residents; and
- Temporary socio-economic impact due to the influx of construction workers.

7.3.28 The same consultation zone was adopted for both non-statutory consultation and statutory consultation activities. The Applicant focused its primary consultation activities (for example leaflet distribution) within the consultation zone and carried out less intensive consultation activities (for example media coverage) across a wider area outside of the consultation zone.

### Publication of SoCC

7.3.29 Pursuant to section 47(6) of the PA 2008, a notice relating to where and when the published SoCC was available to be inspected was published in local newspapers, as described in **Table 7.2**.

Table 7.2: SoCC Notice

Publication	Date of Notice
Bexley News Shopper	6 <sup>th</sup> June 2018

7.3.30 A copy of the notice is enclosed in **Appendix H.2**.

7.3.31 The SoCC (see **Appendix H.3**) was published on the Riverside Energy Park website ([www.riversideenergypark.com](http://www.riversideenergypark.com)) on 6<sup>th</sup> June 2018 and paper copies were available for public viewing at the following venues throughout the section 47 statutory consultation period (18<sup>th</sup> June to 30<sup>th</sup> July 2018):

Table 7.3: SoCC Venues

Venue Name and Location	Opening Hours
<b>Upper Belvedere Community Library,</b> Woolwich Road, Upper Belvedere, DA17 5EQ	Monday 09:30-13:00 Tuesday 09:30-17:30 Wednesday 13:45-17:30 Thursday CLOSED Friday 09:30-17:30 Saturday 09:30-14:30 Sunday CLOSED
<b>London Borough of Bexley Civic Offices,</b> 2 Watling Street, Bexleyheath, Kent, DA6 7AT	Monday 09:00-17:00 Tuesday 09:00-17:00 Wednesday 09:00-17:00 Thursday 09:00-17:00 Friday 09:00-17:00 Saturday CLOSED Sunday CLOSED
<b>Dartford Library,</b> Central Park, Market Street, Dartford, Kent, DA1 1EU	Monday 08:30-18:00 Tuesday 08:30-18:00 Wednesday 08:30-18:00 Thursday 08:30-20:00 Friday 08:30-18:00 Saturday 09:00-17:00 Sunday CLOSED

7.3.32 Paper copies of the published SoCC were also available to inspect at the statutory public exhibitions held between 6<sup>th</sup> July – 12<sup>th</sup> July 2018 (see **Section 7.4** below).



## 7.4 Section 47 Community Consultation

7.4.1 The Applicant undertook section 47 statutory consultation with the local community and key stakeholders in accordance with the published SoCC. The SoCC Compliance Checklist (**Appendix H.6**) demonstrates how the Applicant undertook section 47 statutory consultation in accordance with the published SoCC (**Appendix H.3**).

7.4.2 **Table 7.4** outlines the key community consultation dates.

Table 7.4: Key Community Consultation Dates

Date	Consultation Activity
6 <sup>th</sup> June 2018	SoCC available in local venues for inspection
15 <sup>th</sup> June 2018	Project Leaflets distributed to residents, businesses and community groups
18 <sup>th</sup> June 2018	Statutory consultation period starts
18 <sup>th</sup> June 2018	Statutory consultation documents available in local venues for inspection
5 <sup>th</sup> July 2018	Stakeholder Preview Exhibition
6 <sup>th</sup> July 2018	Public Exhibition 1
	Public Exhibition 2
7 <sup>th</sup> July 2018	Public Exhibition 3
	Public Exhibition 4
10 <sup>th</sup> July 2018	Public Exhibition 5
12 <sup>th</sup> July 2018	Public Exhibition 6
	Public Exhibition 7
30 <sup>th</sup> July 2018	Section 47 statutory consultation period closes

7.4.3 The statutory section 47 consultation phase commenced on 18<sup>th</sup> June 2018 and closed on 30<sup>th</sup> July 2018 allowing more than the statutory minimum of 28 days. This consultation phase ran concurrently with the section 42 statutory consultation phase.

7.4.4 The aim of the section 47 statutory consultation was to seek the views of the local community and key stakeholders on all aspects of the proposal and specifically invited comments on the following:

- The design of REP and the Applicant's preferred roof option for the facility (stepped, rather than a curved or flat building form);
- Options for where the Applicant could route the underground electrical connection;

- Proposed use of the River Thames;
- Proposed approach to traffic and transport management;
- Proposed protection of local air quality; and
- The preliminary findings of the assessment on the likely significant environmental effects of the Proposed Development during construction and operation, as set out in the PEIR.

7.4.5 The local community and key stakeholders were also able to comment on other elements of the Proposed Development that were of concern to them.

7.4.6 The Applicant undertook section 47 statutory consultation activities within the consultation zone (see **Section 7.3**).

7.4.7 During section 47 statutory consultation, hard copies of the PEIR, the PEIR technical appendices, the PEIR NTS, project leaflet and an electronic copy of the PEIR and the PEIR technical appendices were made available to the public to view at the following locations:

- Upper Belvedere Community Library;
- London Borough of Bexley Civic Offices; and
- Dartford Library.

7.4.8 Addresses, opening hours and dates that the materials were available were published in the SoCC (**Appendix H.3**). Printed copies of the above documents were also available for the public to view at the statutory public exhibitions (as listed in **Table 7.6**).

### Public Exhibitions

7.4.9 Public exhibitions were held at the locations and times identified in **Table 7.5**. The public exhibitions were staffed by key members of the REP Project team, who were knowledgeable about the proposals and the intended application timeline. The REP Project team proactively sought to engage with attendees in order to provide information and answer questions.

Table 7.5: Locations and times of the statutory public exhibitions

Date	Time	Location
Friday 6 <sup>th</sup> July 2018	09:00-13:00	Belvedere Community Centre, Mitchell Close, Belvedere DA17 6AA
	16:00-20:00	Slade Green and Howbury Community Centre, Chrome Road, DA8 2EL

Date	Time	Location
Saturday 7 <sup>th</sup> July 2018	09:00-13:00	Belvedere Community Centre, Mitchell Close, Belvedere DA17 6AA
	15:00-18:00	The Leigh University Technical College, The Bridge Development, Brunel Way, Dartford, Kent, DA1 5TF
Tuesday 10 <sup>th</sup> July 2018	16:00-20:00	Slade Green and Howbury Community Centre, Chrome Road, DA8 2EL
Thursday 12 <sup>th</sup> July 2018	09:00-13:00	The Dartford Bridge Learning & Community Campus, Birdwood Avenue, DA1 5GB
	16:00-20:00	Belvedere Community Centre, Mitchell Close, Belvedere DA17 6AA

7.4.10 The Applicant also held a Stakeholder Preview Session on 5<sup>th</sup> July at Belvedere Community Centre (19:00-21:00), to which 92 stakeholders including local authorities, local councillors, MPs and MEPs, and representatives from community groups were invited. Five individuals attended the preview event.

7.4.11 At the statutory public exhibitions, large information exhibition panels (Summer 2018 Exhibition Panels) were set up containing information relating to the Proposed Development (see **Appendix I.4**) and project leaflets were made available, including information on:

- Who the Applicant is;
- The Proposed Development;
- The existing RRRF;
- The use of the River Thames;
- The need for the Proposed Development;
- Electrical Cable route options;
- Generating energy from waste;
- Turning food waste into energy and the proposed anaerobic digestion plant;
- Harvesting renewable energy from the sun;
- Feedback on popular topics from the non-statutory consultation;
- The local environment and the PEIR;

- Preferred building form and the stepped roof design;
- Planning process; and
- Next steps including key project milestones.

7.4.12 The Summer 2018 Exhibition Panels and project leaflet were also available on the Riverside Energy Park website ([www.riversideenergypark.com/](http://www.riversideenergypark.com/)).

7.4.13 The Applicant also employed a range of other materials/ tools in order to aid the visitors' understanding of the Applicant and the Proposed Development, these included:

- Video loop introducing the Applicant and its current operations;
- A0 laminate print outs of the Electrical Connection route options;
- Copies of the PEIR, PEIR technical appendices and the PEIR NTS;
- Copies of the SoCC and section 48 notice;
- An interactive 3D model (prepared by 3d web technologies Ltd.), which visitors could navigate and view the Proposed Development from different locations; and
- A computer showing the Indicative Application Boundary on Google Earth, which visitors could navigate live and print snap shots of the proposed Electrical Connection route to mark up to accompany their comments forms.

7.4.14 Images taken from the interactive 3D model are included in **Appendix I.8**.

7.4.15 In total, 58 people attended the statutory public exhibitions (see **Appendix I.9** for photographs from the statutory public exhibitions) and five individuals attended the Stakeholder Preview Session. Attendees were asked to complete a comments form for return on the day or at a later date via free-post or through an online version of the same form on the Riverside Energy Park website. A copy of the comments form is included in **Appendix I.3**. The summary of feedback received can be found in **Section 9.5**.

7.4.16 The Applicant also responded to individual queries and information requests from consultees via email, letter and phone call.

7.4.17 The key members of the Project Team and technical experts in attendance at the public exhibitions summarised any verbal feedback received at the end of each session. Verbal feedback, and written feedback from the non-statutory consultation, went on to inform updates to the Frequently Asked Questions on the Riverside Energy Park website ([www.riversideenergypark.com](http://www.riversideenergypark.com/)).

### **Advertising and Publicity**

- 7.4.18 As noted in **Table 7.5**, seven statutory public exhibitions were held in July 2018 within the consultation zone. These statutory public exhibitions were publicised in advance as noted in **Table 7.6**.
- 7.4.19 On 4<sup>th</sup> July the Applicant also invited host authorities to the seven statutory public exhibitions, as well as the Stakeholder Preview Session at Belvedere Community Centre.
- 7.4.20 During the statutory public exhibitions, the Applicant received and responded to comments on the Proposed Development and its impact on the environment, local communities and the local economy. The responses generated by this phase of consultation are summarised in **Section 9.5**.

Table 7.6: Methods of publication for statutory consultation events

Publication	Date	Details
Online Article	20/06/2018	Online article in the Bexley News Shopper detailing the Proposed Development, previous non-statutory consultation events and details of statutory public exhibition dates and locations. Copy of the article is enclosed in <b>Appendix I.6</b> .
Posters	26/06/2018	<p>Posters advertising the statutory consultation (<b>Appendix I.5</b>) were sent out by the Applicant to be displayed at community venues within the consultation zone. Venues included:</p> <ul style="list-style-type: none"> <li>• Belvedere Community Centre;</li> <li>• Sunner Food Store, Lower Road, Belvedere;</li> <li>• Belvedere Post Office, Lower Road, Belvedere;</li> <li>• Fresh Fry Fish and Chip Shop, Lower Road, Belvedere;</li> <li>• Upper Belvedere Post Office, Nuxley Road, Belvedere;</li> <li>• Slade Green and Howbury Community Centre, Chrome Road, Slade Green;</li> <li>• Premier Slade Green, Bridge Road, Erith;</li> <li>• No 3 Community Coffee Shop, The Bridge, Dartford;</li> <li>• Nisa Convenience Store, The Bridge, Dartford; and</li> <li>• Community Campus, The Bridge, Dartford.</li> </ul> <p>A list of all the locations that were sent posters by the Applicant is contained in <b>Appendix I.5</b>.</p>
Project Leaflet	June 2018	<p>The project leaflet containing an invitation to attend the public exhibitions was delivered to approximately 23,000 households, businesses and institutions in the consultation zone, including those groups that are defined as 'hard to reach' (e.g. the elderly, young and minority groups).</p> <p>The project leaflet included information on the following:</p>

Publication	Date	Details
		<ul style="list-style-type: none"> <li>• The Proposed Development;</li> <li>• Building design options;</li> <li>• Proposed electrical connection route options;</li> <li>• Locations of where more information is available;</li> <li>• Dates and location of exhibitions in the local area;</li> <li>• Information on how to get in touch with the Applicant; and</li> <li>• How to submit comments.</li> </ul> <p>A copy of the project leaflet is enclosed in <b>Appendix I.1</b>.</p>
Newspaper Notices (published in accordance with section 48 of the PA 2008)	27/06/2018	The Applicant placed the section 48 notice in the Local and National press to publicise the statutory public exhibitions in the consultation zone. The section 48 notice was published on 13 <sup>th</sup> June 2018 in the Bexley News Shopper, Guardian and London Gazette and again on 20 <sup>th</sup> June in the Bexley News Shopper. Copies of the section 48 notices are enclosed in <b>Appendices F.2 – F.5</b> .
Twitter	June-July 2018	<p>The Applicant publicised details of the statutory consultation, including reminders when and where events are taking place, via the main Cory Riverside Energy twitter account (@CoryEnergy). A summary of the Twitter posts were:</p> <ul style="list-style-type: none"> <li>• Link to the Riverside Energy Park website posted on 19<sup>th</sup> June 2018;</li> <li>• Details of public exhibitions posted on 6<sup>th</sup> July 2018;</li> <li>• Link to the Riverside Energy Park website posted on 9<sup>th</sup> July 2018; and</li> <li>• Reminder of the consultation end date posted on 24<sup>th</sup> July 2018.</li> </ul> <p>Copies of the Twitter posts are enclosed in <b>Appendix I.2</b>.</p>
Neighbourhood watch newsletter	Summer 2018	The Applicant published an article in the Bexley Borough Neighbourhood Watch Association newsletter detailing the Proposed Development, details of statutory public exhibition dates and locations, where the statutory consultation documents



Publication	Date	Details
		could be viewed electronically and how comments could be submitted. A copy of the article is enclosed in <b>Appendix I.10</b> .

## **7.5 Responses to section 47 Consultation**

- 7.5.1 A complete record of all feedback received during the statutory section 47 consultation (comprising feedback from the comments forms submitted at the statutory public exhibitions and online), with the Applicant's response, is presented in **Appendix J.4**.
- 7.5.2 **Section 9.5** summarises details of the relevant responses received from section 47 consultees during the statutory consultation period. As respondents online did not identify if they were responding to section 47 consultation or section 48 publicity, **Section 9.5** discusses the relevant responses from non-section 42 consultees which includes both section 47 and section 48 respondents.

## 8 Minor Refinements Consultation

### 8.1 Introduction

8.1.1 Through ongoing engineering review and development of the project proposals, several minor refinements were made to the Indicative Application Boundary that had been consulted on between 18<sup>th</sup> June and 30<sup>th</sup> July 2018. The minor refinements of the Indicative Application Boundary (IAB) related to the Electrical Connection route and comprised additional areas of land (labelled as 'A' areas on the enclosed plans at **Appendix A.4**) and other refinements ('B' areas).

8.1.2 The location and details of these changes are listed in **Table 8.1** below.

8.1.3 In addition to the 'A' areas, the Applicant took the opportunity to make minor refinements to the IAB at a number of locations (labelled as 'B' areas), see **Appendix A.4**. These did not give rise to any potential changes in environmental effects and were limited to:

- Removal of some areas of established woodland/planting, which the Applicant was satisfied would not be required;
- Inclusion of some additional strips of verge or footway adjacent to highways where they lie within the adopted highway land; and
- Inclusion of some additional bellmouths on roundabout arms to provide an additional alignment through those junctions.

8.1.4 The areas identified in bullets 2 and 3 above were all within the existing adopted highway.

8.1.5 This section provides details of the minor refinements consultation the Applicant has undertaken in addition to the statutory consultation on the changes noted above.

### Relevant Appendices

8.1.6 The following appendices provide further information on parties that have been consulted under section 42(1)(d) of the PA 2008 during the minor refinements consultation:

- **Appendix B.3** – Minor Refinements Consultation (section 42(1)(d) parties identified as having an interest in the 'A' areas which **had not** previously been consulted during statutory consultation – described further in **Section 6**);
- **Appendix B.4** – Minor Refinements Consultation (section 42(1)(d) parties identified as having an interest in the 'A' areas which **had** previously been consulted during statutory consultation – described further in **Section 6**); and

- **Appendix B.7** – Minor Refinements Consultation: Table of undeliverable consultation information and action taken.

## 8.2 Minor Refinements Consultation – approach to consultation

- 8.2.1 In light of these refinements described above, the Applicant considered how best to consult upon the minor refinements.
- 8.2.2 In determining how to consult upon the refinements required, the Applicant had regard to paragraphs 73 – 77 of the PA 2008 DCLG pre-application guidance.
- 8.2.3 Paragraph 73 states: *“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 the local community and the level of public interest as guiding factors.”*
- 8.2.4 **Table 8.1** sets out the changes required and the consideration which was given to the degree of change, the effect on local community and the level of public interest.
- 8.2.5 Paragraph 75 states: *“If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes”.*
- 8.2.6 Given the nature of the minor refinements, and in the context of the PA 2008 DCLG pre-application guidance, the Applicant did not consider that the *‘proposed application changes [had changed] to such a large degree that the proposals could be considered a new application’* or that it *‘materially change[d] the application or materially changes [changed] its impacts’*.
- 8.2.7 The Applicant therefore determined that consultation under section 47 of the PA 2008 was not necessary, but instead identified the land interests potentially affected by the ‘A’ areas (who were subsequently consulted on a statutory basis under section 42(1)(d) of the PA 2008), and adopted a strategy to consult previously consulted prescribed and non-prescribed bodies and the local community on a non-statutory basis.

Table 8.1: Changes to the Indicative Application Boundary

New 'A' Areas (see Appendix G.7)	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
A1	An area of verge extending towards the natural fenced boundary adjacent to Norman Road (north) to allow an option for trenched cable installation, whilst avoiding the surfaced highway.	On-going engineering review and development of the project proposals	Additional 1,102 m <sup>2</sup> required to be added to the Application Boundary	No	No	No	The changes to include Areas A1 – A6 primarily affected those with an interest in the land affected. A targeted consultation with those who had an interest in the land was therefore deemed appropriate.
A2	Areas either side of the existing Norman Road bridge to facilitate either the installation of a cable bridge/trough spanning the existing watercourse between banks, or to allow an alternative trenchless civil engineering technique/solution (for example localised Horizontal Directional Drilling (HDD)) which could commence either within the additional	On-going engineering review and development of the project proposals	Additional 455 m <sup>2</sup> required to be added to the Application Boundary	No	Yes	No	<b>Appendices B.3</b> and <b>B.4</b> provide a list of new land interests and existing land interests identified as having an interest in the A1 – A6 areas and who were therefore consulted.

New 'A' Areas (see Appendix G.7)	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant ?	Comments
	areas, or within the existing boundary.						
A3	Area included to the front of Erith Railway Station and along an existing pedestrian route to allow an option to install cables avoiding a potential engineering constraint in the adjacent dual carriageway.	On-going engineering review and development of the project proposals	Additional 868 m <sup>2</sup> required to be added to the Application Boundary	No	No	No	
A4	Existing footway and bridge crossing included to allow alternative means of crossing the existing railway, should this be preferable to using one of the existing road bridges. Cables would be trenched either side of the bridge and attached to the existing footbridge structure for support.	On-going engineering review and development of the project proposals	Additional 1,057 m <sup>2</sup> required to be added to the Application Boundary	No	No	No	
A5	Area included to the south of the existing highway to allow for an alternative trenchless civil engineering	On-going engineering review and development of the	Additional 2,676 m <sup>2</sup> required to be added to the	No	No	No	

New 'A' Areas (see Appendix G.7)	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant ?	Comments
	technique/solution (for example localised HDD under the River Cray, other watercourses and the existing railway line). The area also provides for trenched installation in those areas outside the current metalled highway.	project proposals	Application Boundary				
A6	The areas north and south of the existing bridge crossing of the River Darent allow optional implementation of alternative trenchless civil engineering techniques/solutions (for example localised HDD) under the river in the event that a highway based crossing is not practicable. The area also allows for access and installation in the event that cables are attached to the existing bridge. Further east the	On-going engineering review and development of the project proposals	Additional 41,437 m <sup>2</sup> required to be added to the Application Boundary	No	No	No	



New 'A' Areas (see Appendix G.7)	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant ?	Comments
	<p>additional areas allow for trenching outside the highway, crossing of other watercourses and the exploration of using the existing opening that protects the existing strategic sewer under the A206 as a crossing point.</p> <p>Note that the area included to the southwest of the existing highway crossing of the River Darent would <u>not</u> be used as a location for trenchless installation techniques due to the presence of an existing inert landfill. This area would be used for access/laydown only if required to facilitate the installation of cables being installed across the existing highway structure.</p>						

8.2.8 A Supplementary Information to the PEIR (SIP) report was prepared to identify if the works in the new areas would be likely to give rise to any new or different environmental effects (**Appendix K.4**). The report considered all of the changes proposed and concluded that none of the minor refinements, individually or collectively, would result in any material change. In the context of the PA 2008 DCLG pre-application guidance it was therefore considered that the project remained the same project as was consulted upon during the earlier statutory consultation described in **Section 6**.

### 8.3 Minor Refinements Consultation – s42(1)(d) consultation

#### Identification of section 42(1)(d) interests

8.3.1 In advance of the Minor Refinements Consultation the Applicant carried out diligent inquiries (as discussed in section 6 of this report) on the land identified as being within the “A” areas (see **Appendix A.4**). The diligent inquiries identified persons who were not previously consulted under section 42(1)(d) during the statutory consultation carried out between 18 June 2018 and 30 July 2018. These persons are listed in **Appendix B.3**. Diligent inquiries also identified persons with interests in the land identified as being within the newly included “A” areas who had previously been consulted under section 42(1)(d) during the statutory consultation carried out between 18 June 2018 and 30 July 2018 (see **Appendix B.4**).

#### Minor Refinements Statutory Consultation Documents

8.3.2 The Applicant prepared the following Minor Refinements Statutory Consultation Documents to carry out the section 42(1)(d) Minor Refinements Statutory Consultation:

- A plan identifying the new ‘A’ areas (**Appendix A.4**);
- A USB drive containing an electronic copy of the SIP report (**Appendix K.4**), its figures and technical appendices; and
- A covering letter providing an overview of the minor refinements and of the consultation process. Different versions of this letter were prepared for;
  - **Appendix K.1**, persons identified as having an interest in the land in the new “A” areas who had not previously been consulted (those listed in **Appendix B.3**) that also enclosed the consultation documents from the June 18 2018 to July 30 2018 consultation (see paragraph 6.7.2); and
  - **Appendix K.2**, persons identified as having an interest in the land in the new “A” areas who were previously consulted in the 18 June 2018 to 30 July 2018 consultation (those listed in **Appendix B.4**), which did not enclose the consultation documents from the early consultation because those parties had already received those documents.

- 8.3.3 The Applicant undertook the minor refinements consultation on a statutory basis between 31st July and 7th September 2018 with the persons listed in **Appendices B.3** and **B.4**.

#### **Deadline for responses – section 45 PA 2008**

- 8.3.4 Section 45 PA 2008 requires the Applicant, when consulting a person under section 42, to notify that person of the deadline for the receipt by the applicant of the person's response to the consultation. The deadline must not be earlier than the end of the period of 28 days, beginning with the day after the day on which the person receives the consultation documents.
- 8.3.5 The covering letters (see **Appendices K.1** and **K.2**) accompanying the Minor Refinements Statutory Consultation Documents clearly state that the deadline for responses to be received was 7 September 2018. **Appendices B.3** and **B.4** list, for each section 42(1)(d) person consulted on the Minor Refinements Consultation on a statutory basis, the date when the Applicant obtained proof of receipt of the consultation documents. With one exception all parties received the documentation on 31 July 2018. The one exception is the Environment Agency, who had previously been consulted in the 18 June 2018 to 30 July 2018 statutory consultation, who did not receive the documents until 3 August 2018. Despite this delayed receipt by the Environment Agency, the Applicant can demonstrate that more than 28 day minimum period was afforded to all those consulted under section 42(1)(d), in accordance with section 45 PA 2008.

#### **Notification of the Planning Inspectorate**

- 8.3.6 The Applicant sent a copy of the minor refinements consultation documents to PINS on 13<sup>th</sup> August 2018, and provided an update on the refinements and approach taken to the minor refinements consultation on a teleconference on 20<sup>th</sup> August 2018.

#### **8.4 Minor Refinements Consultation – section 42(1)(a), (aa), (b) and (c) and Local Community**

- 8.4.1 The Applicant undertook additional consultation relating to minor refinements made to the Electrical Connection route following the statutory consultation period with section 42(1)(a), (aa), (b), (c) consultees and the local community on a non-statutory basis.
- 8.4.2 In determining how to consult upon the minor refinements, the Applicant had regard to paragraphs 73 – 75 of the PA 2008 DCLG pre-application guidance. Given the nature of the refinements the Applicant did not consider that the *'proposed application changes [had changed] to such a large degree that the proposals could be considered a new application'* or that it *'materially change[d] the application or materially changes [changed] its impacts'*. The Applicant therefore did not undertake a full statutory re-consultation with the local community, but instead ensured that all statutory consultees and local communities affected by the refinements were consulted on a non-statutory basis.

### Section 42(1)(a), (aa), (b) and (c) (and non-prescribed) parties

- 8.4.3 As well as the consultation with affected land interests (undertaken pursuant to s42(1)(d) of the PA 2008, as described in **Section 8.3**), the Applicant also undertook non-statutory consultation with all prescribed bodies previously consulted under section 42(1)(a), (aa), (b) and (c) of the PA 2008 and any non-prescribed bodies previously consulted, between 31<sup>st</sup> July and 7<sup>th</sup> September 2018.
- 8.4.4 These bodies were provided with the minor refinements consultation documents which comprised:
- A covering letter providing an overview of the minor refinements and details of the consultation process (**Appendix K.3**);
  - A plan identifying the new 'A' areas (**Appendix A.4**); and
  - A USB drive containing an electronic copy of the SIP report and associated figures (see **Appendix K.4** for a copy of the SIP report).
- 8.4.5 These bodies were invited to provide comments on the additional areas and SIP report.
- 8.4.6 The minor refinements consultation documents were sent to most prescribed bodies via Royal Mail recorded delivery on 31<sup>st</sup> July 2018. **Appendix B.1** lists the dates that section 42(1)(a), (aa), (b) and (c) and non-prescribed persons received the Minor Refinements consultation documents.
- 8.4.7 **Appendix B.7** sets out any undelivered packs and the action taken by the Applicant to re-issue information.

### Local community

- 8.4.8 The Applicant undertook non-statutory engagement on the Indicative Application Boundary minor refinements with selected local community areas. These local community areas were identified within a 200m radius of the supplementary areas as shown in the SIP report, which is consistent with the approach taken to the section 47 consultation with the local community (described in **Section 7**).
- 8.4.9 A letter was sent to 2,660 addresses within the 200m radius zone of each of the supplementary areas informing those recipients of the minor refinements and directing them to the Riverside Energy Park website for further information ([www.riversideenergypark.com/consultation/materials](http://www.riversideenergypark.com/consultation/materials)). A copy of the letter is enclosed in in **Appendix K.5**.
- 8.4.10 The Riverside Energy Park website was updated to provide details of the minor refinements consultation and the following consultation documents (referred to as the 'minor refinements consultation documents') on 31st July 2018:

- The SIP report and its figures and technical appendices (**Appendix K.4**); and
- A plan identifying the new 'A' areas (**Appendix A.4**).

8.4.11 A Tweet was posted from the Cory Riverside Energy's twitter account on 2<sup>nd</sup> August 2018 (see **Appendix K.6**), as part of the ongoing social media campaign, publicising the minor refinements consultation and a link to the Riverside Energy Park website.

## 8.5 Minor Refinements Consultation Feedback

### Minor Refinements Consultation

8.5.1 In accordance with section 49 of the PA 2008 the Applicant has had regard to relevant responses received from the minor refinements consultation. Detailed comments to all relevant responses received during minor refinements consultation are presented within **Appendix J.3**.

### Minor Refinements Consultation – Non-Statutory Feedback

8.5.2 As set out in **Section 8.4**, the SIP report was provided for information to prescribed bodies who were consulted during the statutory consultation. The prescribed bodies were asked to submit comments on the SIP on a non-statutory basis.

8.5.3 The Applicant issued minor refinements consultation documents (set out above in paragraph 8.4.4) to 81 prescribed consultees and received 10 responses, equivalent to a response rate of approximately 12%. The responses were mainly received from section 42(a) parties, as well as a number of section 42(1)(b) parties (see **Figure 9.1**). Respondents classified as both Section 42(1)(a) and 42(1)(b) consultees have been counted separately under both categories. Respondents classified under more than one sub-paragraph in section 42(1) are counted against each of the categories that apply to that party.

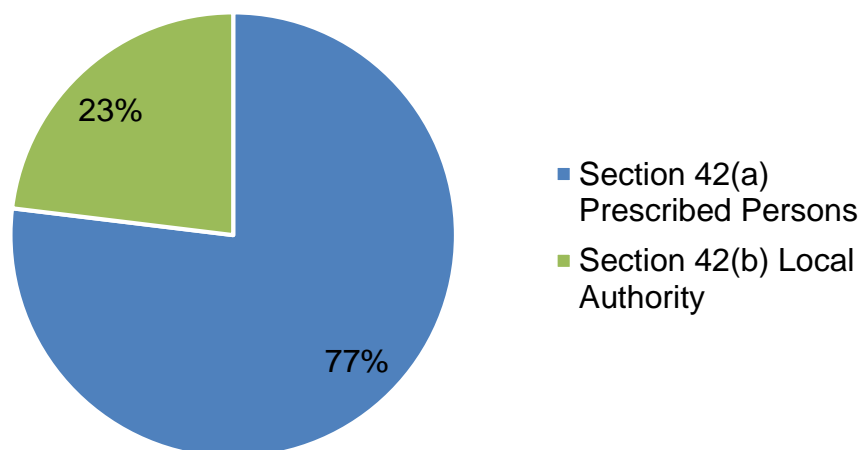


Figure 8.1: Total number of responses for Minor Refinements Consultation (non-statutory)

- 8.5.4 The Applicant has reviewed each of the minor refinements consultation (non-statutory) responses and categorised the comments into topic themes. **Figure 8.2** illustrates the number of minor refinement non-statutory engagement feedback received in respect of each topic theme.
- 8.5.5 A summary of the responses received from prescribed consultees during minor refinement non-statutory engagement, together with the Applicant's responses, is provided in **Appendix J.3**.
- 8.5.6 It should be noted that each response is considered on its own merit and thus the number of comments in respect of an individual topic may not correlate directly to the importance of that topic.
- 8.5.7 The most common themes related to:
- Safety (11);
  - Permits and Consent (9); and
  - Indicating that they had no additional comments to previous section 42 consultation (6).

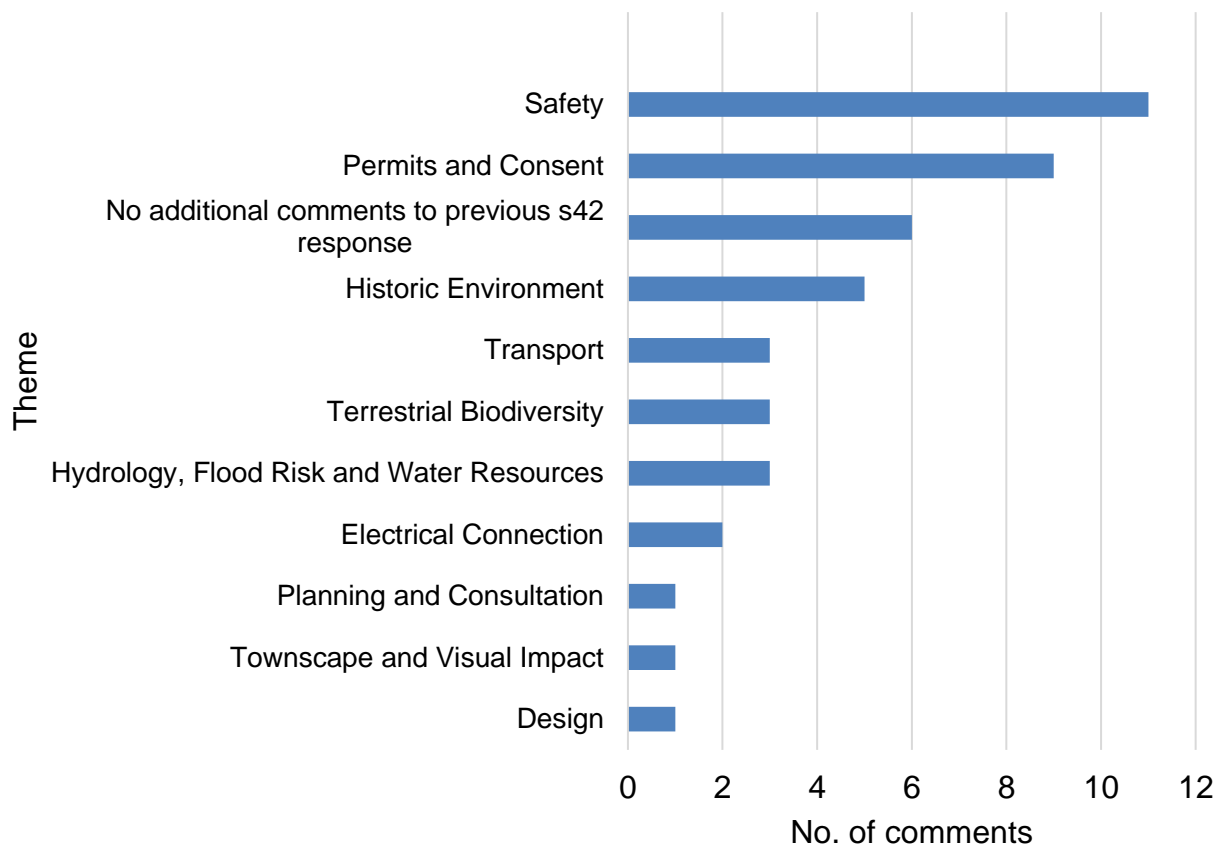


Figure 8.2: Minor Refinements Consultation Themes – Non-Statutory Feedback

### Safety, Permits and Consents

8.5.8 A considerable number of comments related to operational safety issues and consents or permits that may be required. Respondents provided general advice regarding safety requirements to consider as a result of the location of the Proposed Development, in respect of rail infrastructure, health and safety and electrical safety clearances. A summary of the responses received together with the Applicant's response, is provided in **Appendix J.3**.

### No additional comments to previous statutory consultation

8.5.9 Several respondents did not raise any additional matters in respect of the Proposed Development, or confirmed they had no additional comments to those provided in response to the PEIR and statutory consultation.

### **Minor Refinements Consultation – Statutory Feedback From Section 42(1)(d) Parties**

8.5.10 The Applicant issued minor refinements consultation documents to a total of 41 section 42(1)(d) parties. The Applicant received 3 responses from the minor refinements consultation.



8.5.11 The Applicant has reviewed each of the minor refinements responses received from section 42(1)(d) parties and categorised the comments into topic themes.

8.5.12 Consultation responses received from minor refinements consultation are provided in full in **Appendix J.3**. A summary of the responses received from section 42(1)(d) parties during minor refinements consultation, together with details of how the Applicant has considered those responses in finalising its application for development consent for REP in accordance with its duty under section 49 PA 2008, is provided in **Appendix J.3**.

8.5.13 The most common themes related to:

- Terrestrial Biodiversity; and
- Transport.

#### Transport

8.5.14 One land interest expressed concern that the construction and installation of the Electrical Connection route would have an adverse impact on the local transport network, including disruptions to bus routes and driver delays. For detailed summaries of the consultation responses and the Applicant's responses see **Appendix J.3**.

#### Terrestrial Biodiversity

8.5.15 A number of comments related to the effects the Proposed Development might have on the local biodiversity, with particular reference to water voles and a number of reptiles, at Joyce Green Quarry. One land interest also expressed concern on the impacts to the mitigation strategy already in place to protect both water voles and reptiles. A summary of the responses received together with the Applicant's response, is provided in **Appendix J.3**.

## **8.6 Additional Consultation**

8.6.1 Following ongoing engineering studies, the Applicant issued a letter to one section 42(1)(d) party (s42-230) on 18<sup>th</sup> September 2018, to notify them of proposed changes to the rights being sought over their land and that the Applicant would be seeking a power to compulsorily acquire an easement within their land, as well as temporary use which had been previously explained and discussed. S42-230 had been previously consulted as part of the statutory consultation and the minor refinements consultation. The Applicant requested comments on these further changes to be provided by 19<sup>th</sup> October 2018. Proof of delivery was received on 19<sup>th</sup> September 2018. The consultee was therefore given at least the 28 days statutory minimum consultation period.

## 9 Summary of Relevant Responses

### 9.1 Introduction

- 9.1.1 This section sets out how the Applicant has complied with its duty under section 49 of the PA 2008 and provides an overview of the general overarching opinions and themes derived from the detailed responses received under section 42, section 47 and section 48 of the PA 2008, which were all considered on an individual basis.
- 9.1.2 Throughout the non-statutory engagement, non-statutory consultation and statutory consultation, the Applicant has gathered feedback on the Proposed Development from consultees via correspondence, meetings and comments forms. As reiterated in this report, the Applicant has sought to maximise involvement from a variety of consultees in the consultation process, such that the responses received are representative of the nature and scale of the Proposed Development. The Applicant has therefore also provided a summary of relevant responses to non-statutory consultation and set out how the Applicant has had regard to these responses.
- 9.1.3 **Section 9.2** summarises the feedback received during the non-statutory engagement (November 2018 to July 2018) undertaken prior to and during the statutory consultation.
- 9.1.4 **Section 9.3** analyses the feedback received during non-statutory consultation undertaken in May 2018 prior to the statutory consultation.
- 9.1.5 **Section 9.4** summarises the feedback received during EIA Scoping prior to the statutory consultation.
- 9.1.6 **Section 9.5** analyses the feedback received during the statutory consultation, which includes the statutory consultation undertaken in June-July 2018.
- 9.1.7 **Section 9.6** provides a summary of how the Applicant has had regard to consultation responses in accordance with section 49 of the PA 2008, and describes the evolution of the Proposed Development in response to consultation feedback.
- 9.1.8 Details of the consultation on the draft SoCC are provided in **Section 7.3** and responses received during the minor refinements consultation are provided in **Section 8.5**.
- 9.1.9 **Appendices J.1-J.4** set out detailed summaries of all relevant responses received and how the Applicant has had regard to the responses as follows:
- **Appendix J.1** - non-statutory consultation;
  - **Appendix J.2** – section 42 statutory consultation;
  - **Appendix J.3** – minor refinements consultation; and

- **Appendix J.4** – section 47 and section 48 statutory consultation.

9.1.10 Relevant responses received from section 42(a), (aa), (b) and (c) consultees have been set out in **Appendices J.2** and **J.3** as received, the theme of each issue raised has been noted in the table, together with details of how the Applicant has had regard to those relevant responses, in accordance with its duty under section 49 PA 2008.

9.1.11 PINS Advice Note 14 considers that it is appropriate to follow an "issues led approach", grouping responses under the key themes arising from the consultation, where levels of response are significant. The Applicant has therefore structured **Appendices J.1** and **J.4** to follow an issued led approach.

9.1.12 The Applicant considers that the key themes arising from the consultation under sections 47 and 48 are as follows (in no particular order):

- Consultation;
- The Project and its benefits;
- Alternatives considered;
- Project description;
- Transport and navigational risk;
- Air quality and odour;
- Health and safety;
- Noise and vibration;
- Townscape and visual impact assessment;
- Terrestrial biodiversity;
- Other considerations;
- Hydrology, flood risk and water resources;
- Socio-economics;
- Community impacts; and
- Design.

### **Legislative Context**

9.1.13 Section 49 of the PA 2008 requires the Applicant to have regard to relevant responses received in response to consultation and publicity undertaken pursuant to section 42, section 47 and section 48. A relevant response for the purposes of section 42, section 47 and section 48 is defined in section 49(3) as

a response from a person consulted in accordance with the corresponding section that is received by the Applicant before the deadline is imposed. The Applicant can confirm that it has had regard to all relevant responses received, including any that were received after the deadline for responses had closed.

9.1.14 Paragraph 80 of the PA 2008 DCLG pre-application guidance states that the Consultation Report should “*set out a summary of relevant responses to consultation (but not a complete list of responses)*”, this section therefore provides a high-level summary and analysis of the non-statutory responses and statutory consultation relevant responses received throughout the pre-application consultation process. Lists of the responses received are enclosed in **Appendices J.1-J.4**.

9.1.15 PINS Advice Note 14 states that “*a list of the individual responses received should be provided and categorised in an appropriate way*” and it is “*advised that applicants group responses under the three strands of consultations as follows: s42 prescribed consultees, s47 community consultees and s48 responses to statutory publicity*” (Page 5). The approach taken in reporting on consultation feedback is considered to be consistent with PINS Advice Note 14 (as set out in **Annex 1**) which advocates adopting different approaches to reporting the consultation responses, depending on the nature of consultation and the volume of responses received.

## 9.2 Non-Statutory Engagement Feedback

### Meetings

9.2.1 The Applicant held a series of meetings with prescribed consultees before the statutory consultation commenced. **Table 3.1** summarises the meetings which took place and the minutes from these meetings are enclosed in **Appendices C.4 – C.18**.

### Information Documents

9.2.2 As outlined in **Table 3.1** the Applicant issued two letters to prescribed consultees and PINS in December 2017 and March-April 2018, providing an introduction to the Proposed Development, and an update regarding the refined scope of the proposals.

9.2.3 Following refinements to the scope of the REP proposals, the Applicant issued an update letter (via post and email) in March-April 2018, detailing updates to the Proposed Development and Indicative Application Boundary, to 122 section 42(1)(a), (aa), (b) and (c) consultees and to PINS (see **Section 4.4** for details on the scope of the changes to the Proposed Development). The Applicant received responses on the updates from the following:

- Sevenoaks District Council;
- ES Pipelines Ltd and ESP Electricity Ltd;
- Environment Agency (EA);

- Port of London Authority (PLA); and
- Marine Management Organisation (MMO).

9.2.4 In summary, Sevenoaks District Council and MMO raised no concerns or additional comments regarding the updates to the Proposed Development, whilst ES Pipelines Ltd and ESP Electricity Ltd were concerned with the security of supply of their assets. The EA noted that the need to assess the Proposed Development under the Water Framework Directive (WFD) was no longer required but requested that the Applicant continued to update the EA on design changes.

9.2.5 Sevenoaks District Council, ES Pipelines Ltd and ESP Electricity Ltd, the EA, the PLA and the MMO were later consulted under section 42 of the PA 2008.

### 9.3 Non-Statutory Consultation Feedback

#### Public Exhibitions and Publicity

9.3.1 As set out in **Section 3.3**, the Applicant hosted four non-statutory public exhibitions in Belvedere, Dartford and Slade Green as part of its non-statutory consultation activities prior to the commencement of the statutory consultation. The public exhibitions were attended by 88 people over the course of four days (22<sup>nd</sup>-25<sup>th</sup> May 2018). **Table 9.1** sets out the number of attendees at each of the four non-statutory public exhibitions.

Table 9.1: Number of attendees at the non-statutory public exhibitions (May 2018)

Date	Exhibition Location and Time	Number of Attendees
Tuesday 22 <sup>nd</sup> May 2018	The Dartford Bridge Learning and Community Campus 9am to 1 pm	3
Wednesday 23 <sup>rd</sup> May 2018	Belvedere Community Centre 4pm to 8pm	37
Thursday 24 <sup>th</sup> May 2018	Slade Green and Howbury Community Centre 9am to 1pm	17
Friday 25 <sup>th</sup> May 2018	Belvedere Community Centre 11am to 3pm	31

9.3.2 The Applicant also publicised the non-statutory public exhibitions and advertised that information about the Proposed Development was available, as outlined in **Section 3.3**.

9.3.3 Comments forms were available at each non-statutory public exhibition for attendees to submit their comments about the Proposed Development. Attendees were asked to complete a comments form for return on the day or at a later date via freepost or online via the Riverside Energy Park website ([www.riversideenergypark.com](http://www.riversideenergypark.com)) or to the Riverside Energy Park email address ([info@riversideenergypark.com](mailto:info@riversideenergypark.com)).

9.3.4 Out of the 88 attendees to non-statutory public exhibitions and responses received from non-statutory publicity, 43 comments forms were returned in total. The Applicant received 22 comments forms returned on the day, at the event, one comments form was emailed to the Applicant, and an additional 20 comments forms were submitted online (see **Figure 9.1**).

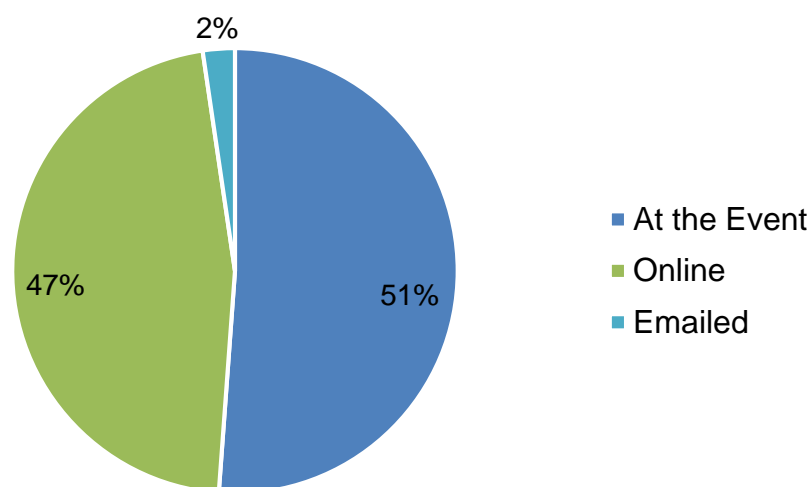


Figure 9.1: Non-Statutory Consultation Comments Forms (May 2018)

9.3.5 The sub-sections below provide a summary of the feedback received from the non-statutory public exhibitions based on the questions included on the comments form (see **Appendix D.4** for a copy of the comments form). For each question, the responses received have been inferred by the Applicant as being overall 'supportive', 'neutral' and 'opposing' in order to categorise and analyse the feedback received.

#### **Feedback to the question 'Please tell us your views about our proposals'**

9.3.6 Overall response to the question: *'Please tell us your views about our proposals'* demonstrated the majority of responses at this stage in the development proposals were supportive of the outline proposals; around 62% of respondents provided positive responses to this question. Of the remaining responses, there was a combination of neutral or negative views.

9.3.7 Responses on the proposals included concerns relating to air quality, terrestrial biodiversity and the health of the local community (see summary in **Appendix J.1**). Other responses included an appreciation of diverting non-recyclable

waste away from landfill, and instead using it to generate low carbon renewable electricity (see summary in **Appendix J.1**).

### **Feedback to the question ‘Do you think more of London’s waste should be treated in London?’**

9.3.8 Overall, responses to the question ‘*Do you think more of London’s waste should be treated in London?*’ were mostly positive, with respondents offering outright or qualified support towards more of London’s waste being treated in London. Many respondents noted that they felt that treating more of London’s waste would be beneficial towards the environment and local community, by limiting the number of vehicles on local roads travelling long distances and creating more local job opportunities (see summary in **Appendix J.1**). However, there was a common theme amongst respondents that waste should be treated in the Borough in which it was produced (see summary in **Appendix J.1**).

### **Feedback to the question ‘Are you in favour of making greater use of the river?’**

9.3.9 Overall responses to the question: ‘*Are you in favour of making greater use of the river?*’ demonstrated that approximately 85% of respondents were in favour of making greater use of the River Thames.

9.3.10 Respondents who did not support greater use of the River Thames, raised concerns over the impacts on water quality, terrestrial and marine biodiversity and contamination (see summary in **Appendix J.1**). Other responses highlighted the potential environmental benefits of using the river, including the improvements on local air quality and road congestion by reducing vehicular movements on local roads (see summary in **Appendix J.1**).

### **Feedback to the question ‘Do you support maximising reliable renewable energy generation for London and the UK?’**

9.3.11 The majority of responses to the question: ‘*Do you support maximising reliable renewable energy generation for London and the UK?*’ supported maximising reliable renewable energy generation for London and the UK (approximately 89%), whilst the remainder of responses were a combination of opposing or neutral views.

9.3.12 Comments on the proposals included concerns over the choice of renewable energy technology and REP’s contribution to the circular economy (see **Appendix J.1**). Respondents who had neutral views were largely supportive but raised concerns over maintaining the balance between improving the quality of life for local communities and future generations whilst not negatively impacting biodiversity and human health (see summary in **Appendix J.1**).

### **Feedback to the question ‘Are the social, environmental and economic factors that we have identified the right ones to take into consideration in finalising our proposals for an integrated Energy Park?’**



9.3.13 The results to the question: ‘Are the social, environmental and economic factors that we have identified the right ones to take into consideration in finalising our proposals for an integrated Energy Park?’ show that 62% of respondents indicated that the information provided during the non-statutory public exhibitions in May 2018 was appropriate to take forward to finalise the proposals. However, 38% noted that either the correct social, environmental and economic factors were not identified or that there was further information which could be provided about the Proposed Development.

9.3.14 **Table 9.2** presents the number of responses received (both positive and negative) in respect of each topic theme.

Table 9.2: Number of comments on the social, environmental and economic factors identified (May 2018)

Theme	Number of Comments
Environmental	14
Social	7
Economic	4
Other	4

9.3.15 The majority of respondents indicated that they would like specific environmental factors to be considered in finalising the proposals for the Proposed Development (see summary in **Appendix J.1**). This included additional information on:

- Biodiversity impacts;
- Air quality impacts (including odour effects);
- Cumulative impacts;
- Water quality from use of the River Thames; and
- Townscape and visual impacts.

9.3.16 Responses relating to social and economic factors primarily requested more information on the local job opportunities as a result of the Proposed Development and a quantitative analysis on the number of jobs predicted (see summary in **Appendix J.1**). Other responses included queries on design and light impacts on light sensitive species (see summary in **Appendix J.1**).

9.3.17 Other responses indicated that some respondents would like more information on the proposed design.

**Feedback to the question(s) ‘Is there anything that you want to make sure we consider as part of our proposals?’ and ‘Any other comments’**

9.3.18 This sub-section shows the combined responses from the questions which asked respondents to provide comments on factors to be considered in the proposals and any other comments about the Proposed Development.

9.3.19 In total, there were 49 responses to these two questions. In order to identify the key issues arising from these questions, each response was reviewed and the responses were summarised by topic theme. In broad terms, the non-statutory responses received, when broken down into themes, produce the results shown in **Figure 9.2**.

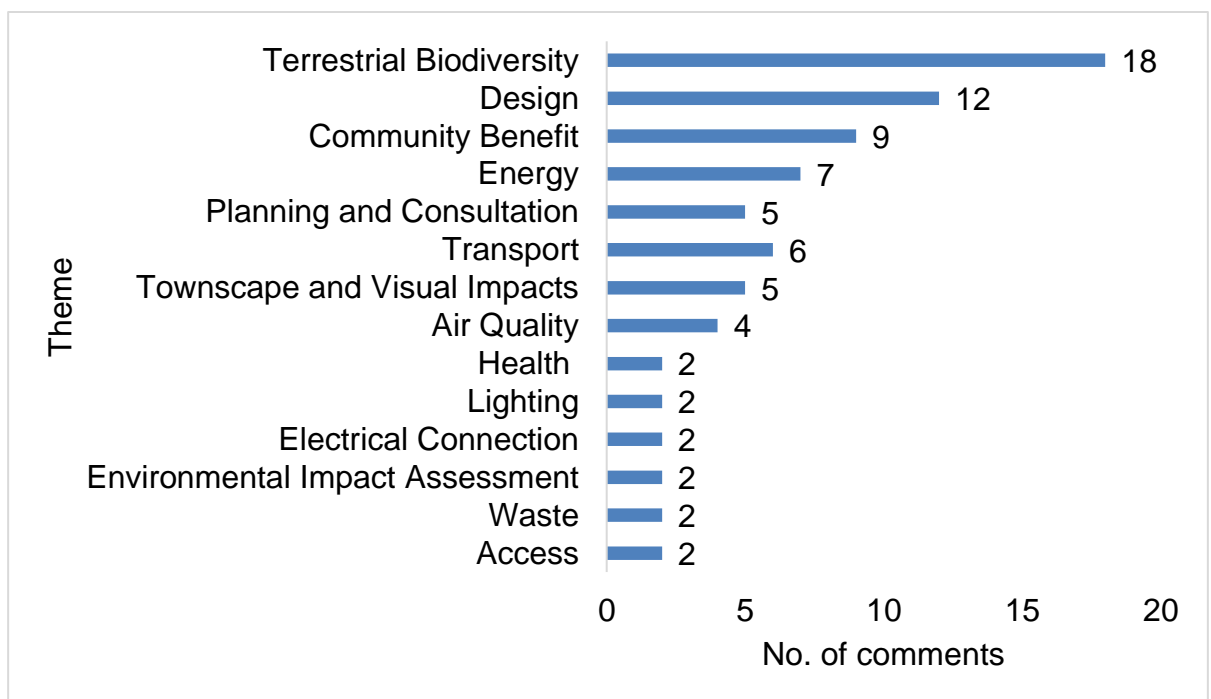


Figure 9.2: Non-statutory comments – themed (May 2018)

9.3.20 Further details of the comments received and the Applicant’s response under each of the above themes are provided in **Appendix J.1**. The themes that attracted the most comments were:

- Terrestrial Biodiversity (18);
- Design (12); and
- Community Benefit (9).

9.3.21 It should be noted that each response has been considered on its own merit and that the number of respondents identifying an issue does not correlate directly to the importance of that individual topic in terms of consideration given within the application. So, for example, although many more comments were

made on community benefit than health, this does not mean that responses on health issues were treated with less significance.

9.3.22 A number of general themes emerged through non-statutory responses. Some of these related to matters which have been considered within the EIA, such as: terrestrial biodiversity, air quality, townscape and visual, and transport. Many of matters raised in these responses were subsequently reported in the PEIR, published as part of the statutory consultation held in June-July 2018 (see **Sections 5, 6 and 7**).

#### Terrestrial Biodiversity

9.3.23 A number of comments expressed concerns over the potential impacts the Proposed Development might have on the habitats at Crossness Local Nature Reserve (LNR) and local biodiversity in areas surrounding the REP site, with particular reference to bats and breeding birds. Respondents suggested potential mitigation measures that the Applicant could consider to alleviate potential impacts, including: funding at Crossness LNR, improvements of dykes in Thamesmead and living roof spaces (i.e. green roofs) within the design proposals.

9.3.24 The Applicant considered all comments, including proposed mitigation measures, received in relation to terrestrial biodiversity in the preparation of Chapter 11 of the PEIR, and subsequently in the preparation of the ES (**Document Reference 6.1**) and the DCO Application documents.

#### Design

9.3.25 The Applicant received a number of comments about the three main design approaches presented at the non-statutory public exhibitions. A roughly equal number of respondents preferred the stepped roof building design (option 3) or curved roof building design (option 2). Respondents suggested that the curved roof building design would be more fitting with the local townscape and reduce potential visual impacts. However, the majority of respondents understood the rationale behind the social, environmental and economic factors supporting the selection of a stepped roof design and supported the stepped roof design if it maximised the provision of solar panels. None of the respondents showed a preference for the flat roof design.

9.3.26 Respondents also suggested that the design should include forms of green infrastructure, such as green walls/roof, and open spaces, to reduce the visual impacts of REP and provide habitats for terrestrial biodiversity.

9.3.27 The Applicant has considered all comments received in relation to design in the preparation of the PEIR and DCO Application documents. To address concerns raised by consultees and in order to secure principles in relation to design and mitigation for TVIA, the Applicant has developed Design Principles (**Document Reference 7.4**) which the detailed design must be in accordance with, pursuant to requirement 2 in the draft DCO (**Document Reference 3.1**) to ensure mitigation for any visual effects is secured within the DCO application.

### Community Benefit

9.3.28 A number of respondents indicated that they supported the potential community benefits arising from the operation of the Proposed Development and they commented this could be considered in greater detail as part of the Applicant's proposals. Respondents expressed an interest in understanding more about the local job opportunities, particularly for the unemployed and apprenticeship opportunities.

9.3.29 The Applicant considered all responses received in relation to community benefit in the preparation of Chapter 14 of the PEIR and subsequently in the preparation of the ES (**Document Reference 6.1**) and DCO Application documents.

### **Feedback to question 'Do you have any comments on how the electrical connection route might affect you?'**

9.3.30 This sub-section shows the response to the question: *'Do you have any comments on how the electrical connection route might affect you?'* Each response was reviewed and the responses are summarised by topic theme (see **Figure 9.3** below).

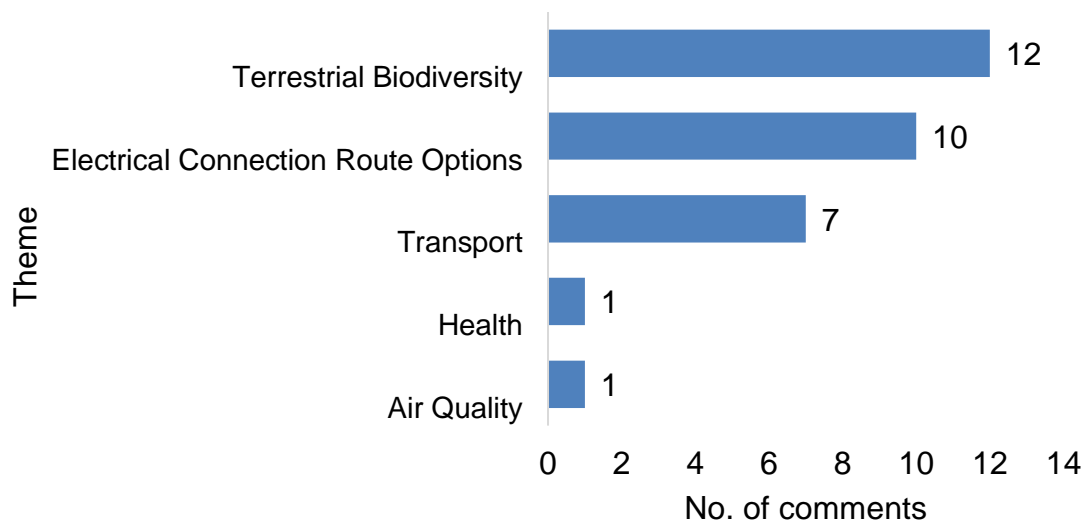


Figure 9.3: Electrical Connection Route – themed (May 2018)

9.3.31 The themes that attracted the most comments were:

- Terrestrial Biodiversity (12);
- Electrical Connection Route Options (10); and
- Transport (7).

### Terrestrial Biodiversity

9.3.32 A number of respondents expressed concern that the construction and installation of the Electrical Connection route would have an adverse impact on terrestrial biodiversity, particularly species at Crossness LNR. The Applicant also received limited comments highlighting that consultees felt disruption was caused to terrestrial biodiversity during the installation of the electrical connection for RRRF. The Applicant considered all comments received in relation to terrestrial biodiversity impacts in the preparation of Chapter 11 of the PEIR and subsequently in the preparation of the ES (**Document Reference 6.1**) and DCO Application documents.

#### Electrical Connection Route Options

9.3.33 The majority of responses were supportive of either Route 1A or Route 2A, with only one response demonstrating preference for Route 1 through the LNR. Comments about Route 1A included reduced disruption to Crossness LNR, whilst comments about Route 2A included reduced traffic disruption.

9.3.34 Comments received in relation to the Electrical Connection route have been considered in the preparation of the DCO Application documents. As described in Chapter 3 of the ES (**Document Reference 6.1**), the Application has identified a preferred route, which is Route 1 but following variant 1A along Norman Road and 2B through The Bridge development. The Applicant has noted the relevant responses received during the consultation. Selection of a final single Electrical Connection route will be confirmed in partnership with UKPN, after further detailed engineering investigation has been completed. The final route will take account of UKPN's statutory obligations under the Electricity Act (to develop an efficient, co-ordinated and economical system) as well as the responses received from statutory consultation. It is expected that a single Electrical Connection route option will be decided upon during the pre-examination and examination process, and that will allow the Development Consent Order to be granted on the basis of a single route. The Applicant has provided an Outline Construction Traffic Management Plan in the Transport Assessment (**Appendix B.1** of the ES (**Document Reference 6.1**)), which sets out measures to manage construction traffic such that impacts are mitigated as far as practicable.

#### Transport

9.3.35 A number of respondents expressed concern that the construction and installation of the Electrical Connection route would have an adverse impact on the local transport network, including driver delays and increased vehicular movements, and in turn an adverse impact on air quality. The Applicant considered all comments received in relation to air quality impact in the preparation of Chapter 7 of the PEIR and subsequently in the preparation of the ES (**Document Reference 6.1**) and DCO Application documents.

### **Summary of Non-Statutory Consultation Responses**

9.3.36 In summary, the Applicant hosted four non-statutory public exhibitions as part of its non-statutory consultation activities in May 2018. The non-statutory public exhibitions were attended by 88 people over the course of four days (22<sup>nd</sup>-25<sup>th</sup> May 2018).

9.3.37 In total, the Applicant received 43 comments forms. Generally, respondents agreed that London's waste should be treated locally and supported the use of the River Thames. The themes that attracted the most attention were: the impact on the Crossness Nature Reserve, air quality, the proposed Electrical Connection route options, terrestrial biodiversity and the Applicant's contributions to the local community.

9.3.38 **Appendix J.1** includes the full list of responses received during the non-statutory consultation and the Applicant's response to these comments. The feedback received influenced the approach taken and information provided during the subsequent statutory consultation as explained in **Section 7**.

9.3.39 During the non-statutory public exhibitions, many questions were raised by attendees, which were broadly in line with the feedback recorded in the comments forms. The Applicant responded to these questions during the non-statutory public exhibitions.

#### **9.4 EIA Scoping Opinion Feedback**

9.4.1 An EIA Scoping Opinion was received from the Secretary of State on 5<sup>th</sup> January 2018 (see **Section 4**) and **Appendix A.1** of the ES (**Document Reference 6.1**).

9.4.2 The Scoping Opinion included a list of all parties consulted, as required by Regulation 11 of the Infrastructure EIA Regulations 2017, and provided the comments received from them and the Secretary of State on the EIA approach and EIA topic areas.

9.4.3 The Scoping Opinion was considered in undertaking the EIA and in the production of the PEIR. The ES (**Document Reference 6.1**) has also been prepared based on the Scoping Opinion. Further details on how the Applicant has accommodated the Scoping Opinion are provided in each of the technical chapters of the ES (**Document Reference 6.1**).

9.4.4 Following further iterations to the proposals and the scope of REP, the Applicant issued letters in March – April 2018 to 122 section 42(1)(a), (aa), (b) and (c) consultees and to PINS, detailing updates to the Proposed Development and Indicative Application Boundary. The Applicant received responses on the updates from five consultees and these are summarised in **Section 9.2**.

#### **9.5 Statutory Consultation Feedback**

9.5.1 The period of statutory consultation commenced on 18<sup>th</sup> June 2018 and concluded on 30<sup>th</sup> July 2018, providing more than the 28 day statutory minimum consultation period.

9.5.2 The statutory phase of consultation consisted of:

- Section 42 consultation;
- Section 47 consultation; and
- Section 48 publicity.

### Section 42 Consultation Feedback

- 9.5.3 This section analyses the feedback received from section 42 parties during the statutory consultation undertaken in June 2018 – July 2018.
- 9.5.4 Due to the high volume of detailed comments received, the section 42 feedback has been analysed according to the themes that represent the comments. Where a comment covers more than one theme, this has been accounted for. Where relevant, the detailed comments received are also discussed. For detailed summaries of the consultation responses and the Applicant's responses, see **Appendix J.2**.
- 9.5.5 The Applicant issued statutory consultation documents to a total of 222 consultees and received 44 responses, equivalent to a response rate of approximately 20%. The section 42 responses were received predominately from section 42(a) parties, as well as a number of section 42(b) parties. **Figure 9.4** illustrates the number of responses in respect of Section 42(1)(a), Section 42(1)(aa), Section 42(1)(b), Section 42(1)(c) and Section 42(1)(d). Respondents classified under more than one sub-paragraph in section 42(1) are counted against each of the categories that apply to that party.

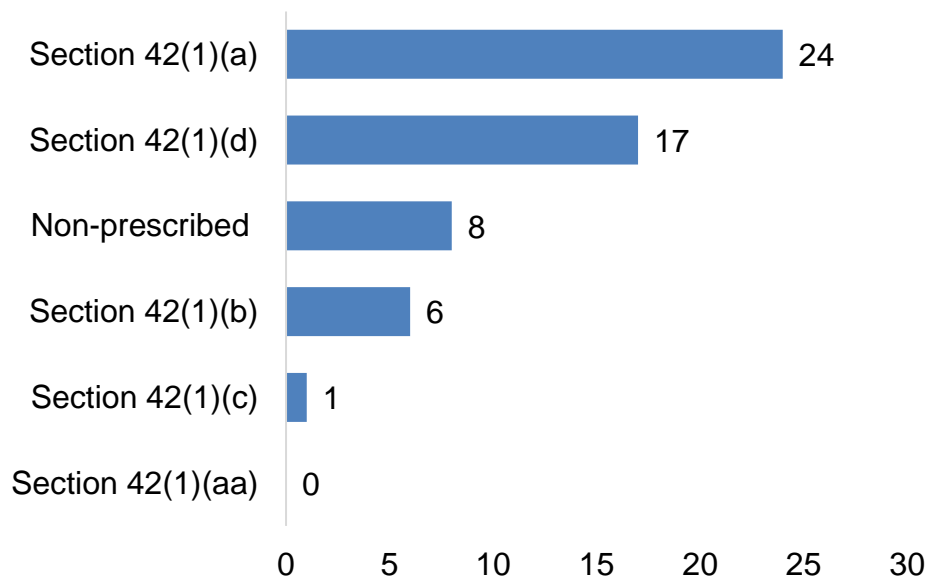


Figure 9.4: Total number of respondents to section 42 consultation

- 9.5.6 The Applicant has reviewed each of the section 42 consultation responses and categorised the comments into topic themes. **Figure 9.5** illustrates the number of section 42 consultation responses received in respect of each topic theme.



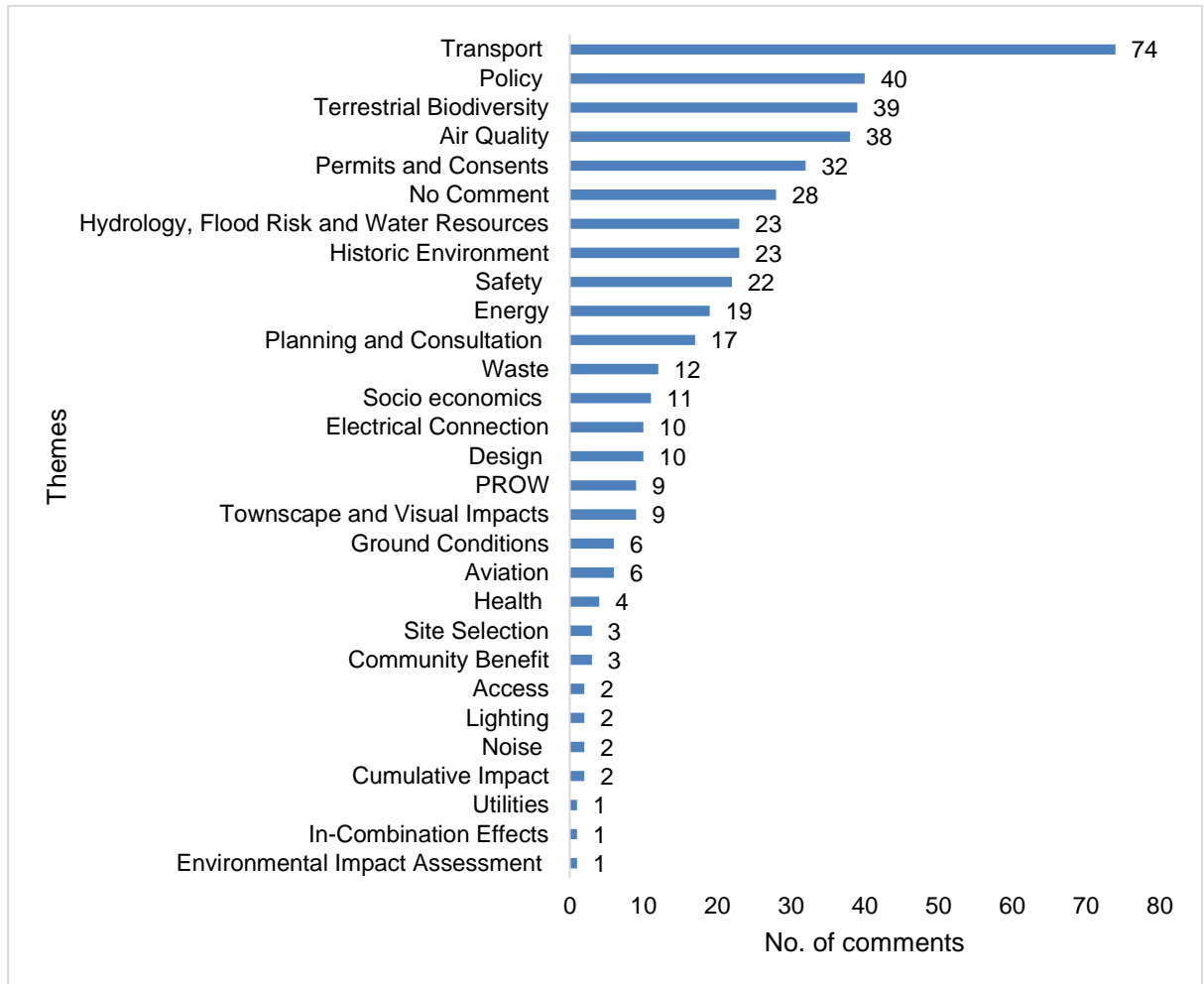


Figure 9.5: Statutory Section 42 Consultation – Number of comments categorised by topic theme

9.5.7 Consultation responses received from section 42 consultees are provided in full in **Appendix J.2**. A summary of the responses received from section 42 consultees during statutory consultation, together with details of how the Applicant has considered those responses in finalising its application for development consent for REP in accordance with its duty under section 49 PA 2008, is provided in **Appendix J.2**.

9.5.8 It should be noted that each response is considered on its own merit and thus the number of responses in respect of one individual topic may not correlate directly to the importance of that individual topic.

9.5.9 The most common topics for comment related to:

- Transport (74);
- Policy (40);
- Terrestrial Biodiversity (39);
- Air Quality (38).



9.5.10 These are discussed in turn below.

### Transport

9.5.11 Several respondents supported the proposals to maximise the use of the River Thames as part of the operation of REP. A number of respondents highlighted the wider environmental benefit that using the river to transport waste would have by helping to reduce the volume of additional HGVs on the local road network. The PLA also supported the Applicant's proposed use of the River Thames and proposed approach to the development of a Navigational Risk Assessment.

9.5.12 Respondents also raised concerns in respect of the potential transport impact of the Proposed Development on road closures and increased congestion or delays on local residents and businesses. The majority of respondents were concerned about the potential impacts during both the construction and operational phases on the A206 Bob Dunn Way and junction 1A of the M25. It was suggested that the transport assessment should also assess the impact of lane closure along Bob Dunn Way during an incident on the strategic network. Furthermore, respondents queried the number of additional vehicles per day visiting the REP site and expected a higher concentration of vehicle movements visiting the REP site than predicted in Chapter 6 of the PEIR.

9.5.13 A number of respondents suggested that the EIA should consider traffic generated during the operation of REP. In particular respondents recommended that the potential socio-economic impact of queuing on local residents and businesses north of Bob Dunn Way, known as 'the Bridge' development, which uses Bob Dunn Way for access should be assessed. Additionally, respondents considered committed and cumulative developments should be included in the assessment, including the traffic impacts of the proposed Strategic Rail Freight Interchange at Howbury Park (decision currently under appeal). Further information was also requested in the ES in respect of traffic management measures that would be put in place to mitigate construction impacts on traffic flows within the surrounding highway network.

9.5.14 The Applicant considered all comments received in relation to transport impacts in the preparation of Chapter 6 of the ES (**Document Reference 6.1**) and DCO Application documents. In addition, the Applicant has provided an Outline Construction Traffic Management Plan in the Transport Assessment (**Appendix B.1** of the ES (**Document Reference 6.1**)), which sets out measures to manage construction traffic such that impacts are mitigated as far as practicable.

### Policy

9.5.15 A number of respondents raised concerns in respect of the need for the Proposed Development and whether the proposals meet policy requirements, in particular the London Plan policies. The Applicant considered all comments received in relation to the need for the Proposed Development and compliance with the London Plan policies and has prepared and included within the

Application a Project and its Benefits Report (**Document Reference 7.2**) to provide further information on the matters raised.

### Air Quality

9.5.16 Several respondents provided advice in respect of the baseline and future monitoring for the air quality assessment and requested that the Applicant makes it explicitly clear in the ES where conclusions have been reached in relation to the significance of impacts. A number of respondents raised concerns in respect of the potential impact of the Proposed Development on air quality and the resultant effects on human health and wellbeing, and on biodiversity at Crossness LNR and Ingrebourne and Inner Thames Marshes. Respondents noted that potential impacts on air quality will not only affect existing and future residents surrounding the REP site, but also could affect residents within the Bexley Riverside Opportunity Area, near Thamesmead & Abbey Wood Opportunity Area, and across the river from the London Riverside Opportunity Area, and thus suggested that these receptors should be considered. It was also suggested that the potential impacts arising from emissions and particulate matter should be considered in respect of all applicable routes of exposure and impacts on all receptors during construction, operation and decommissioning. The Applicant considered all comments received in relation to air quality impacts in the preparation of Chapter 7 of the ES (**Document Reference 6.1**) and DCO Application documents.

### Terrestrial Biodiversity

9.5.17 Respondents raised concerns in respect of the potential impact of the Proposed Development on Crossness LNR and Erith Marshes Local Wildlife Site and the resultant effects on local biodiversity from an increase in light and noise. A number of respondents suggested additional mitigation and compensation measures that the Applicant could incorporate into design principles to secure measurable net gains for biodiversity. In particular, some respondents suggested that the Proposed Development could provide an opportunity to reduce habitat fragmentation through the incorporation of wildlife crossing points designed into the Proposed Development along the highway network at locations near to existing wildlife corridors and nature conservation sites, such as the ditch networks. It was also suggested that a biodiversity method statement should be produced and implemented.

9.5.18 Respondents suggested that the EIA should include an assessment of the potential impact of the Proposed Development in respect of marine biodiversity, as well as terrestrial biodiversity. In particular, LBB suggested the inclusion of additional survey work, including fish surveys and bat surveys. LBB's comments were not consistent previous engagement on these topics, the Applicant therefore sought clarification from technical officers at LBB. LBB officers subsequently confirmed that fish and bat surveys were not required within the scope of the EIA.

9.5.19 The Applicant considered all comments received in relation to terrestrial biodiversity impacts in the preparation of Chapter 11 of the ES (**Document**

**Reference 6.1)** and DCO Application documents. In addition, the Applicant has provided an Outline Biodiversity and Landscape Mitigation Strategy (**Document Reference 7.6**), to capture the key principles required to avoid, mitigate and compensate for effects to terrestrial biodiversity from pre-construction, construction, operation and maintenance of the Proposed Development.

### Section 47 Consultation and Section 48 Publicity Feedback

9.5.20 As set out in **Section 7.4**, the Applicant hosted seven statutory public exhibitions in Belvedere, Slade Green and Dartford and one stakeholder preview event on 5<sup>th</sup> May 2018 (attended by 5 attendees). The statutory public exhibitions were attended by 58 people over the course of four days (6<sup>th</sup>, 7<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> July 2018). **Table 9.3** sets out the number of attendees at each of the seven statutory public exhibitions.

Table 9.3: Number of attendees at the statutory public exhibitions (July 2018)

Date	Exhibition Location and Time	Number of Attendees
Friday 6 <sup>th</sup> July 2018	Belvedere Community Centre 9am to 1pm	11
	Slade Green and Howbury Community Centre 4pm to 8pm	7
Saturday 7 <sup>th</sup> July 2018	Belvedere Community Centre 9am to 1pm	19
	The Leigh University Technical College 3pm to 6pm	1
Tuesday 10 <sup>th</sup> July 2018	Slade Green and Howbury Community Centre 4pm to 8pm	7
Thursday 12 <sup>th</sup> July 2018	Dartford Bridge Learning and Community Campus 9am to 1pm	1
	Belvedere Community Centre 4pm to 8pm	12

9.5.21 Attendance at the public exhibitions varied between locations. The most-attended exhibition was held at Belvedere Community Centre, with nearly 72% of visitors attending that venue during July 2018 (see **Figure 9.6**).

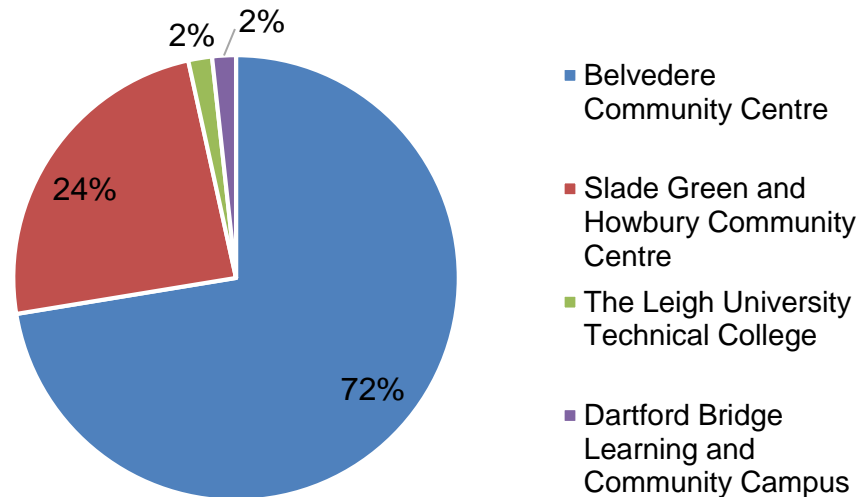


Figure 9.6: Number of attendees at the statutory public exhibitions (July 2018)

9.5.22 Comments forms were available at each exhibition for attendees to submit their comments about the Proposed Development. Attendees were asked to complete a comments form for return on the day or at a later date via freepost or online via the Riverside Energy Park website ([www.riversideenergypark.com](http://www.riversideenergypark.com)) or to the Riverside Energy Park email address ([info@riversideenergypark.com](mailto:info@riversideenergypark.com)).

9.5.23 58 comments forms were returned. A summary of the relevant responses received during statutory public exhibitions held in July 2018, with the Applicant's response, is presented in **Appendix J.4**.

9.5.24 As responders online did not identify if they were responding to section 47 consultation or section 48 publicity, the sub-sections below provide a summary of the feedback received from the section 47 consultation and section 48 publicity based on the questions included on the comments form (**Appendix I.3**).

#### **Feedback to the question 'Please tell us your views about our proposals'**

9.5.25 At this stage in the development proposals, the majority of respondents to the question: *'Please tell us your views about our proposals'* were generally unsupportive or neutral about the proposals.

9.5.26 Comments on the proposal included: concerns relating to air quality, the health and wellbeing of the local community, and the potential impact on the Crossness LNR (see summary in **Appendix J.4**). However, several respondents acknowledged the need for new waste management facilities in London and the need for new energy infrastructure to provide renewable energy (see summary in **Appendix J.4**).

### Feedback to the question ‘Please tell us your views on our proposed use of the River Thames’

9.5.27 The response to the question: ‘Please tell us your views on our proposed use of the River Thames’ demonstrated that approximately 65% of respondents supported the use of the River Thames within the Applicant’s proposals, whilst approximately 20% of respondents opposed its use due to concerns regarding pollution and air quality.

9.5.28 Respondents queried the potential impact of the proposed use of the River Thames on local air quality. Respondents suggested that increased transportation along the river would generate more pollution and odour (see summary in **Appendix J.4**). Respondents also queried whether there would be any long-term adverse effects on marine biodiversity and water quality (see summary in **Appendix J.4**). Despite this, several respondents recognised the benefits of maximising the use of the River Thames, including reducing congestion on the local road network and improving safety (see summary in **Appendix J.4**).

### Feedback to the question ‘Please tell us your views about our approach to the protection of air quality, traffic and transport management’

9.5.29 The response to the question: ‘Please tell us your views on our approach to the protection of air quality, traffic and transport management’ show that approximately 45% of respondents supported the Applicant’s approach to the protection of air quality, traffic and transport management, whilst approximately 39% opposed the Applicant’s approach highlighting specific concerns about potential Air Quality effects from the ERF, and impacts from additional traffic and congestion on the roads. An additional 13% had neutral views and 3% of respondents were undecided on the Applicant’s approach and suggested that more information should be made available to the local residents.

9.5.30 **Table 9.4** presents the number of responses received in respect of each theme.

Table 9.4: Number of comments on the Applicant’s approach to air quality, traffic and transport management (July 2018)

Theme	Number of Comments	
	Overall Supportive	Raised Questions/Concerns
Air Quality	7	9
Traffic and Transport Management	5	9
Other	2	3

9.5.31 A number of respondents commended the Applicant’s efforts to reduce likely air quality impacts and supported the consideration of odour effects (see summary in **Appendix J.4**). Several respondents raised concerns in respect of the

Proposed Development on air quality and the resultant effects on health and wellbeing; the water quality of the River Thames; and on biodiversity at Crossness LNR (see summary in **Appendix J.4**). It was recommended that the impacts arising from emissions should be considered in respect of all applicable routes of exposure to ensure they meet legislative requirements.

9.5.32 A number of comments expressed concern over the Applicant's approach to transport management during the construction of the Proposed Development, although many respondents appreciated that these would be temporary impacts (see summary in **Appendix J.4**). Respondents also queried the Applicant's assessment on the transport impacts generated during the operational phase. Some respondents expressed concern that the local transport network would not be able to cope with additional deliveries as there is already considered to be congestion caused by deliveries to the nearby ASDA distribution centre and RRRF (see summary in **Appendix J.4**).

9.5.33 The Applicant received a range of comments which did not relate to air quality or transport. A number of consultees queried the Applicant's approach to noise, mitigation to reduce adverse impacts on biodiversity and health impacts (see summary in **Appendix J.4**). One comment was received querying the proposed capacity of REP and current capacity of RRRF (see summary in **Appendix J.4**).

9.5.34 The Applicant has considered all comments received in relation to assessment approaches in the preparation of the DCO Application documents as set out in **Appendices J.1 – J.4**. In particular, strategies and management plans have been included with the Application to manage and mitigate impacts, such in relation to construction traffic and biodiversity, as explained above.

**Feedback to the question 'Do you have any comments on the design of the proposed Energy Park and the factors (social, environmental and economic) that we have taken into account in our preferred design, including our preference for a stepped, rather than a curved or flat building form?'**

9.5.35 **Figure 9.7** shows the response to the question: *'Do you have any comments on the design of the proposed Energy Park and the factors (social, environmental and economic) that we have taken into account in our preferred design'*.

9.5.36 The results show that 46% of respondents had no preference on the design, whilst 33% favoured the curved roof design and 21% favoured the Applicant's preference for a stepped roof design. There were no comments on the flat roof design.

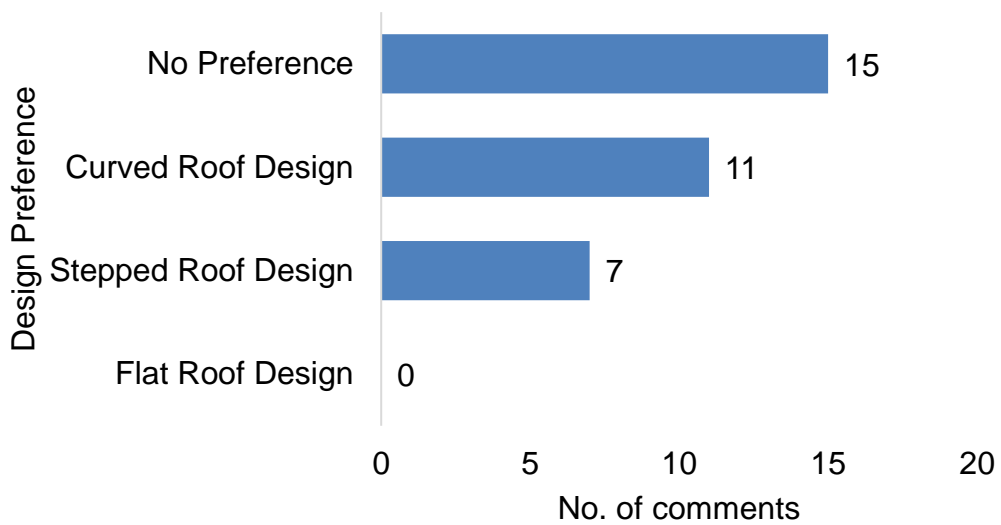


Figure 9.7: Respondents preference on design (July 2018)

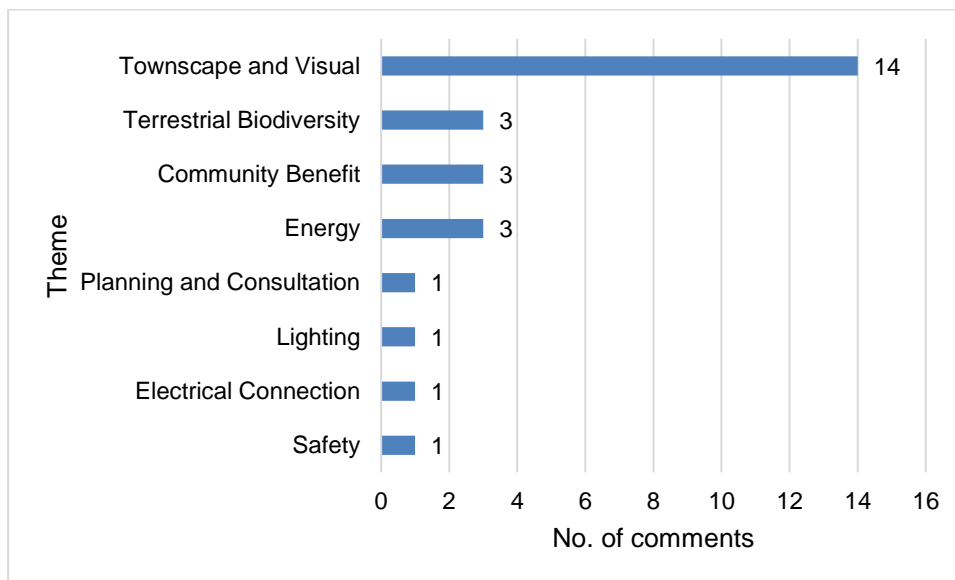


Figure 9.8: Number of comments on the social, environmental and economic factors that the Applicant has taken into account in their preferred design (July 2018)

9.5.37 The themes that attracted the most comments were:

- Townscape and Visual (14)
- Terrestrial Biodiversity (3);
- Community Benefit (3); and
- Energy Generation (3).



9.5.38 A number of respondents highlighted the townscape and visual impact of REP as a concern, suggesting that the cumulative visual impact of REP combined with other developments in the local area (including RRRF and Crossness Sewage Treatment Plant), would have a negative impact upon the local townscape. Several respondents considered the curved roof design would complement the surrounding infrastructure and be more in-keeping with the local townscape, thus providing less of a visual impact. Other comments related to mitigation of visual impacts, including the inclusion of green walls for the south-facing wall. Respondents also understood the rationale behind the social, environmental and economic benefits of a stepped roof design and supported the stepped roof design if it maximised the provision of solar panels.

9.5.39 The Applicant has considered all comments received in the preparation of the DCO Application documents as set out in **Appendix J.4**. To address concerns raised by respondents and in order to secure principles in relation to design and mitigation for TVIA, the Applicant has developed Design Principles (**Document Reference 7.4**) which the detailed design must be in accordance with, pursuant to requirement 2 in the draft DCO (**Document Reference 3.1**) to ensure mitigation for any visual effects is secured within the DCO application.

**Feedback to the question ‘Do you have any comments on the different options for the route of the electrical connection? (The options are labelled 1,1A,2A and 2B).’**

9.5.40 **Table 9.5** shows the response to the question: ‘Do you have any comments on the different options for the route of the electrical connection?’

Table 9.5: Number of comments on the different options for the route of the electrical connection (July 2018)

Route Option	Number of Comments
Preference for Electrical Connection Route Option 1A	7
Preference for Electrical Connection Route Option 1	6
Preference for Electrical Connection Route Option 2A	7
Preference for Electrical Connection Route Option 2B	2
Concern with Electrical Connection Route Option 1A	1
Concern with Electrical Connection Route Option 1	10
Concern with Electrical Connection Route Option 2A	3
Concern with Electrical Connection Route Option 2B	1

9.5.41 The majority of respondents stated a general preference for Electrical Connection route Options 1, 1A and 2A with fewer comments received expressing a general preference for route Option 2B.



- 9.5.42 A number of respondents raised concerns regarding the potential effects the proposed Electrical Connection route would have on the local road network. Respondents suggested that route Option 2A would cause fewer adverse impacts on traffic flows because it avoids main roads, such as the A206. As such, several respondents implied that route Option 2A would have wider environmental benefits during construction, including reduced pollution from stationary vehicles and noise disruption.
- 9.5.43 Several respondents queried the potential impact of the proposed Electrical Connection route on Crossness LNR and the resultant effects on local biodiversity. Respondents suggested that although route Option 1A would have likely impacts on traffic along Norman Road, it would have less of an adverse effect on biodiversity. Respondents requested that if route Option 1A is not selected, the Applicant should incorporate additional mitigation measures and compensation for local biodiversity at Crossness Local Nature Reserve into the proposals.
- 9.5.44 Further details of the comments received and the Applicant's response are provided in **Appendix J.4**.
- 9.5.45 Comments received in relation to the Electrical Connection route have been considered in the preparation of the DCO Application documents. As described in Chapter 3 of the ES (**Document Reference 6.1**), the Application has identified a preferred route, which is Route 1 but following variant 1A along Norman Road and 2B through The Bridge development. The Applicant has noted the relevant responses received during the consultation. Selection of a final single Electrical Connection route will be confirmed in partnership with UKPN, after further detailed engineering investigation has been completed. The final route will take account of UKPN's statutory obligations under the Electricity Act (to develop an efficient, co-ordinated and economical system) as well as the responses received from statutory consultation. It is expected that a single Electrical Connection route option will be decided upon during the pre-examination and examination process, and that will allow the Development Consent Order to be granted on the basis of a single route. The Applicant has provided an Outline Construction Traffic Management Plan in the Transport Assessment (**Appendix B.1** of the ES (**Document Reference 6.1**)), which sets out measures to manage construction traffic such that impacts are mitigated as far as practicable.

**Feedback to the question 'Please tell us if there is anything else that you want us to consider when finalising our proposals' and 'Any other comments'**

- 9.5.46 This sub-section summarises the combined responses from the questions '*Please tell us if there is anything else that you want us to consider when finalising our proposals*' and '*Any other comments*'.
- 9.5.47 The Applicant received 37 individual responses to these two questions. In order to identify the main areas that respondents considered should be included when

finalising the proposals, the Applicant reviewed each response and categorised them into the following topic themes:

- Cumulative Impact (1);
- EIA Methodology (1);
- Noise (1);
- Site Selection (1);
- Design (1);
- Health (1);
- Safety (1);
- Energy Generation (2);
- Planning and Consultation (3);
- Transport (3);
- Waste (3);
- Electrical Connection (4);
- Air Quality (4);
- Terrestrial Biodiversity (6); and
- Community Benefit (9).

9.5.48 **Figure 9.9** illustrates the number of responses received in respect of each topic theme.

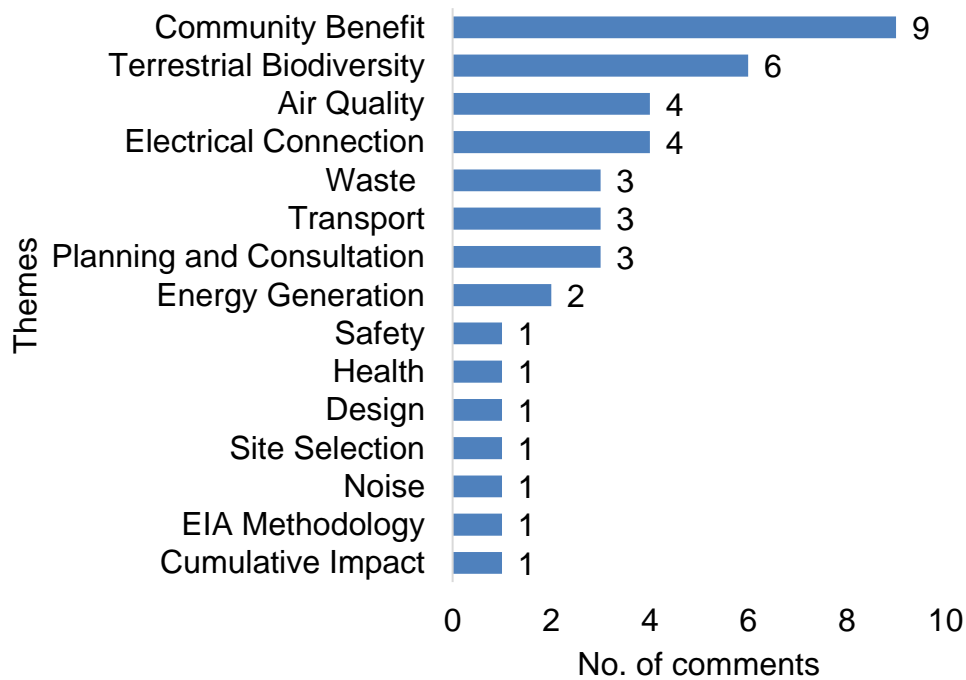


Figure 9.9: Section 47 comments – themed (July 2018)

9.5.49 The most common topics for comment related to:

- Community Benefit (9);
- Terrestrial Biodiversity (6);
- Air Quality (4); and
- Electrical Connection Route (4).

9.5.50 These are discussed below.

#### Community Benefit

9.5.51 A number of respondents provided comments in respect of gaining community support and engagement. It was suggested, in particular, that the Applicant provides up-to-date communication at local community venues and also engages with external stakeholders, young adults and schools as the Proposed Development progresses. Respondents suggested scheme updates could include design changes, additional likely environmental impacts, clarity on the Proposed Development’s progress and employment and apprenticeship opportunities. Further information was requested in respect of the opportunities for providing renewable energy to local residents and any adverse impacts on the local community that might arise as the proposal develops. Further details of the comments received and the Applicant’s response under each of the themes are provided in **Appendix J.4**.

### Terrestrial Biodiversity

9.5.52 Several respondents raised concerns in respect of the potential impact of the Proposed Development on Crossness LNR and the resultant effects on local biodiversity and the health and wellbeing of local residents who use Crossness LNR for recreational purposes. A number of respondents made suggestions for future monitoring, additional mitigation and compensation measures that respondents believed the Applicant could incorporate into design proposals. As such, respondents requested additional information on the potential impacts on biodiversity as the Proposed Development progresses, particularly on impacts during construction and from temporary compounds, and opportunities for mitigation. Further details of the comments received and the Applicant's response under each of the themes are provided in **Appendix J.4**.

### Air Quality

9.5.53 A number of respondents expressed concerns in respect of the baseline and future monitoring for the air quality assessment. Some stated that although the impacts presented are not significant, respondents would like the Applicant to continue efforts to reduce air quality impacts, be compliant with future regulations and offer medical/financial support if needed. Further information was requested in respect of any additional air quality impacts on local residents that may arise as the Proposed Development progresses. Other respondents also raised concerns in respect of the potential effects of odour and the management practices in place to mitigate these. Further details of the comments received and the Applicant's response under each of the themes are provided in **Appendix J.4**.

### Electrical Connection

9.5.54 Several respondents raised concerns in respect of the potential impact of the installation of the Electrical Connection route on the local transport network and local residents, due to potential traffic delays. Further information on the potential impact regarding road closures during the cable installation was requested. Other comments related to the safety of the underground cables. Additional details of the comments received and the Applicant's response under each of the themes are provided in **Appendix J.4**.

## **9.6 Evolution of the Proposed Development in Response to Consultation Feedback**

9.6.1 As set out in **Section 9.1**, section 49 of the PA 2008 requires the Applicant to have regard to relevant responses received in response to consultation and publicity undertaken pursuant to s42, s47 and s48. This section therefore provides details of how the relevant responses (summarised and analysed above) have influenced the evolution of the Proposed Development.

9.6.2 The pre-application consultation for the Proposed Development informed the on-going process of developing the proposals, and influenced the iterative nature of the consultation approach and mitigation commitments.

9.6.3 At each stage of consultation the Applicant has reviewed feedback received and, in accordance with section 49 of the PA 2008, had regard to the comments made. Where appropriate, the Applicant has sought to refine its proposals in response to the feedback from the consultation process. The Applicant has, in other cases, taken account of the responses in the preparation of the ES (**Document Reference 6.1**), the draft DCO (**Document Reference 3.1**) and other DCO Application documents.

9.6.4 In summary, feedback received during consultation informed the development of the Proposed Development in the following ways:

- Development of Design Principles (**Document Reference 7.4**), which marry the achievement of an appropriate aesthetic form with the minimisation of height/massing to mitigate effects to the LNR and Thames Path; and
- Approach to assessment scenarios/methodologies and commitment to mitigation and enhancement measures in the EIA, including a preference for the Electrical Connection route avoiding the LNR if practicable.

#### Development of Design Principles

9.6.5 Following responses received from the non-statutory consultation and statutory consultation, the Applicant has had regard to several comments relating to potential townscape and visual impacts, including potential impacts on the amenity of Crossness LNR.

9.6.6 The Applicant, in response to the consultation, has developed a Design Principles Statement (DPS) (**Document Reference 7.4**) which is secured through the draft DCO (**Document Reference 3.1**). The DPS includes measures to ensure that the final detailed design will meet the following requirements:

- The siting and design of Riverside Energy Park would be appropriate to its location adjacent to the River Thames and RRRF;
- The composition and massing of the main REP building will be designed to maximise renewable energy outputs whilst mitigating visual impacts, including long distance views where practicable and appropriate, in particular from Crossness Conservation Area, the Thames Path and Lesnes Abbey;
- The façade systems of the main REP building upper elements would introduce rhythm, variations, shadow, and use lighter colours to provide visual interest and reduce visual impact;
- The Main REP building roof will be designed to achieve an appropriate balance between maximising photovoltaic panel area for electricity generation and mitigating visual impacts whilst ensuring safe access for cleaning and maintenance;

- The Main REP stepped building solution would minimise the shadowing effects to the surrounding areas in particular Crossness Nature Reserve and the Thames Path;
- The use of light colours on the upper elements and dark materials on the lower elements would emphasise the sub-division of the building and reduce its perceived mass. This arrangement would also facilitate the integration of the building into its context by promoting the darker colours to reference the lower levels of landscape and urban setting while the lighter upper elements would blend into the sky;
- The planting design would contribute to the overall amenity spaces and would be useful to define outdoor spaces, strengthen architectural design, support the wayfinding strategy and connect with the surrounding context; and
- Lighting will be appropriate to the local context and mitigate lighting impacts upon identified habitats, neighbouring occupiers and the wider landscape.

### Approach to Assessment and Proposed Mitigation Measures

- 9.6.7 Throughout the non-statutory engagement, non-statutory consultation, and statutory consultation (including the minor refinements consultation), the Applicant has sought views from a range of statutory stakeholders in order to undertake a robust EIA.
- 9.6.8 Following receipt of statutory consultation responses, the Applicant, in accordance with section 49 of the PA 2008, had regard to the responses received and has provided comments on these within **Appendices J.2-J.4** and within **Chapters 6 – 14** of the ES (**Document Reference 6.1**).
- 9.6.9 The approach to assessment and commitment to mitigation measures for a number of disciplines has been informed by the feedback received from consultees, for example the additional viewpoints added to the TVIA, and the commitment to a Biodiversity and Landscape Mitigation Strategy, particularly in light of the number of responses that raised concerns regarding the potential impacts on Crossness Local Nature Reserves.

### Summary

- 9.6.10 Following the statutory consultation, the Applicant has had regard to the responses received in accordance with section 49 of the PA 2008. A summary of the response received and the Applicant's detailed comments on these are contained in **Appendices J.2-J.4**.
- 9.6.11 Having had regard to the responses the Applicant remains confident that the environmental, social, and engineering considerations which will inform the final design of the Main REP building and the final routing of the Electrical Connection are appropriate. Indeed, the views of the community and stakeholders reinforced the selection of the considerations as being appropriate and comprehensive.

9.6.12 The Applicant has however acknowledged the importance for the local community to feel confident that any potential significant adverse effects will be sufficiently mitigated during the construction and operation of REP. As such, the regard made to consultation responses has focused on ensuring that the EIA provides a robust assessment of the likely significant effects of the Proposed Development; and that the mitigation measures presented in the ES (**Document Reference 6.1**) are secured through the draft DCO (**Document Reference 3.1**).

## 10 Continued Non-Statutory Engagement

### 10.1 Introduction

10.1.1 This section provides a detailed overview of continued non-statutory engagement undertaken by the Applicant following the statutory consultation period.

10.1.2 Details of the principal non-statutory engagement undertaken before the statutory consultation period is provided in **Section 3**.

### 10.2 Non-Statutory Engagement (August 2018 – October 2018)

10.2.1 The Applicant continued to engage with a range of stakeholders about the Proposed Development following statutory consultation undertaken between 18<sup>th</sup> June and 30<sup>th</sup> July 2018. Post-statutory engagement activities comprised project update meetings, discussions and technical notes.

10.2.2 **Table 10.1** sets out the post-statutory engagement activities undertaken by the Applicant between August 2018 up until the end of October 2018. Discussions with a variety of consultees are ongoing and the Applicant endeavours to continue to engage with stakeholders following the submission of the DCO Application.

10.2.3 The minutes of these meetings are enclosed in **Appendices L.1 - L.4**. The Applicant also responded to individual queries and information requests from consultees via email, letter and phone call.

Table 10.1: Post-statutory engagement activities (August 2018 – October 2018)

Date	Description of Activity Undertaken
10/08/2018	Update meeting with the PLA.
28/08/2018	Project update meeting with LBB
11/09/2018	Project update meeting with GLA
17/09/2018	Issued two technical notes (Air Quality Technical Note and Waste Capacity Technical Notes) (see <b>Appendix J.5</b> ) to the London Assembly, in response to the London Assembly's statutory consultation response
27/09/2018	Project update meeting with PINS
03/10/2018	Project update meeting with DBC and KCC
08/10/2018	Project update meeting with TfL to discuss Transport Assessment and modelling
16/10/2018	Presentation to LBB's Places Scrutiny Committee
31/10/2018	Introductory meeting with Ingrebourne Valley Limited



### **10.3 Statements of Common Ground**

10.3.1 Where possible, the Applicant is endeavouring to make early progress in preparing Statements of Common Ground (SoCG) with certain consultees, such that agreed SoCGs can be submitted in a timely manner to the examination process to assist the Examining Authority (ExA) in understanding which matters have been agreed and which remain unresolved.

10.3.2 Each SoCG sets out a record of consultation undertaken to date with the stakeholder, the key agreements reached and outstanding matters unresolved.

10.3.3 The Applicant is in the process of pursuing SoCGs with the following consultees:

- Dartford Borough Council;
- Kent County Council
- Environment Agency;
- Friends of Crossness [Nature Reserve];
- Greater London Authority;
- Highways England;
- Historic Environment;
- London Borough of Bexley;
- Natural England;
- Port of London Authority;
- Transport for London; and
- Ingrebourne Valley Limited.

## 11 Conclusion

11.1.1 This Consultation Report demonstrates that the Applicant has carried out pre-application consultation on the Proposed Development with a wide range of stakeholders and therefore meets the relevant requirements of the PA 2008, the APFP Regulations and takes account of relevant advice issued by PINS and statutory guidance.

11.1.2 The following provisions of the PA 2008 are relevant to statutory pre-application consultation on the Proposed Development:

- Section 42: duty to consult certain categories of person;
- Section 43: local authorities for purpose of s42(1)(b);
- Section 44: categories for the purposes of s42(1)(d);
- Section 45: timetable for consultation under s42;
- Section 46: duty to notify the Secretary of State of proposed application (and to provide s42 consultation materials to the Secretary of State);
- Section 47: duty to consult the local community (people living in the vicinity of the land);
- Section 48: duty to publicise the proposed application;
- Section 49: duty to take account of responses to consultation and publicity; and
- Section 50: guidance about pre-application procedure.

11.1.3 Stakeholders have been engaged from an early stage and throughout the consultation process including: non-statutory engagement, non-statutory consultation and statutory consultation.

11.1.4 The Applicant undertook a statutory pre-application consultation period between 18<sup>th</sup> June 2018 and 30<sup>th</sup> July 2018 incorporating the requirements of sections 42, 47 and 48 of the PA 2008 across a 43-day consultation period. Following identification of minor amendments required to the Electrical Connection route, the Applicant undertook a minor refinements consultation phase with newly identified land interests under section 44 of the PA 2008, in conjunction with seeking comments on a non-statutory basis with prescribed bodies and select local community areas.

11.1.5 Relevant consultation responses have been documented and considered throughout the evolution of the Proposed Development, which has resulted in stakeholders having a clear influence on the Proposed Development and the consultation process. However, there have been instances where consultation comments or recommendations for changes to the Proposed Development

have not been taken forward. In such instances the reasons for not doing so are clearly explained in this Consultation Report (see **Appendix J.1 to J.4**).

11.1.6 Prior to the submission of the application, the Applicant has also initiated the preparation of SoCG to demonstrate a commitment to developing mutually acceptable solutions. It is intended that draft SoCGs will be available at an early stage in the examination, if the application is accepted.

# Annex 1

# Consultation Compliance Checklist

Ref	Requirement	Compliance
<b>Planning Act 2008, as amended by the Localism Act 2011</b>		
<b>Section 42</b>	<b>Duty to consult</b>	<b>See Section 6 of Consultation Report</b>
	<i>The applicant must consult the following about the proposed application-</i>	
	(a) such persons as may be prescribed	The prescribed consultees, identified under section 42 of the Planning Act 2008 (PA 2008) with reference to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), were consulted at the commencement of the statutory consultation period. Section 6.3 of the Consultation Report (Document Reference 5.1) provides further details of this and Appendix B.1 contains the list of prescribed s42(1)(a) consultees that were consulted by the Applicant and the consultation window each consultee was given.
	(aa) the Marine Management Organisation, in any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in subsection (2)	The Applicant undertook statutory consultation under section 42(1)(aa) of the Planning Act 2008 with the Marine Management Organisation (MMO). The MMO was consulted at the commencement of the statutory consultation. Section 6.3 of the Consultation Report (Document Reference 5.1) provides a description of the statutory consultation undertaken with the MMO and Appendix B.1 provides details on the consultation window the MMO was given.

Ref	Requirement	Compliance
	(b) each local authority that is within section 43	<p>The Applicant undertook statutory consultation under section 42(1)(b) with local authorities within section 43 of the Planning Act 2008. The local authorities identified and consulted on the Proposed Development under section 42(1)(b) were as follows:</p> <p><b>'B' Authorities</b></p> <ul style="list-style-type: none"> <li>• London Borough of Bexley (LBB); and</li> <li>• Dartford Borough Council (DBC).</li> </ul> <p><b>'C' Authorities</b></p> <ul style="list-style-type: none"> <li>• Kent County Council (KCC).</li> </ul> <p><b>'A' Authorities</b></p> <ul style="list-style-type: none"> <li>• Royal Borough of Greenwich;</li> <li>• London Borough of Bromley;</li> <li>• London Borough of Havering;</li> <li>• London Borough of Barking and Dagenham;</li> <li>• Thurrock Council;</li> <li>• Sevenoaks District Council; and</li> <li>• Gravesham Borough Council.</li> </ul> <p><b>'D' Authorities</b></p> <ul style="list-style-type: none"> <li>• East Sussex County Council;</li> <li>• Surrey County Council;</li> <li>• Medway Council.; and</li> <li>• Essex County Council (non-statutory).</li> </ul>

Ref	Requirement	Compliance
		<p>Essex County Council does not border Kent County Council as Thurrock in Essex is a unitary authority and Castle Point in Essex borders Medway Council, which is also a unitary authority. However, the Applicant has treated Essex County Council as a "D" authority as a precaution.</p> <p>Section 6.4 of the Consultation Report (Document Reference 5.1) provides a description of the statutory consultation undertaken with local authorities and Appendix B.1 provides details about the consultation window the local authorities were given.</p>
	(c) the Greater London Authority	<p>The Applicant undertook statutory consultation under section 42(1)(c) of the Planning Act 2008 with the Greater London Authority (GLA). Refer to Section 6.5 of the Consultation Report (Document Reference 5.1) for a description of the Statutory Consultation undertaken with the GLA and Appendix B.1 for details of the consultation window given to the GLA.</p>
	(d) each person who is within one or more of the categories set out in section 44	<p>The Applicant undertook Statutory Consultation under section 42(1)(d) of the Planning Act 2008 with Category 1, 2 and 3 land interests under section 44 for the purposes of the statutory consultation. Appendix G.5 explains the land referencing process that was undertaken to identify those interests. Section 6.6 of the Consultation Report (Document Reference 5.1) describes the process of the identification of section 44 parties and the statutory consultation undertaken.</p>

Ref	Requirement	Compliance
		<p>Any Category 1, 2 and 3 land interests identified through ongoing diligent inquiry (as referenced in paragraphs 6.6.7 – 6.6.14) up to the 5 October 2018 were consulted under section 42(1)(d) and, where necessary, provided with a bespoke consultation window (ensuring the Applicant allowed more than the statutory minimum of 28 days). Appendices B.2 – B.5 contain anonymised lists of all s42(1)(d) land interests that were consulted and provide details of the consultation window provided for each land interest for the Statutory Consultation and Minor Refinements Consultations.</p>
<b>Section 45</b>	<b>Timetable for consultation under section 42</b>	<b>See Sections 6 and 8 of Consultation Report</b>
	<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>The section 42 consultees were notified of the deadline for receipt of consultation responses in the letters sent with the consultation materials.</p> <p>Copies of the cover letters sent to section 42 consultees are provided in Appendix G.1 of the Consultation Report (Document Reference 5.1). All letters contain a clear notification of the deadline for receipt of responses.</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 Applicant's statutory consultation under section 42 commenced on 18<sup>th</sup> June 2018 and concluded on 30<sup>th</sup> July 2018; allowing more than the statutory minimum of 28 days.</p>



Ref	Requirement	Compliance
		<p>As set out in paragraphs 6.6.7 – 6.6.14 and Appendix B.5 of the Consultation Report (Document Reference 5.1), 18 additional land interests were identified as a result of ongoing diligent inquiries after 12<sup>th</sup> June 2018. Each additional land interest was given a separate consultation period which allowed at least the statutory minimum of 28 days.</p> <p>Appendices B.2, B.3 and B.5 contain anonymised lists of all s42(1)(d) land interests that were consulted and provide details of the consultation window provided for each land interest for the statutory consultation.</p> <p>As outlined in Section 8 and Appendices B.3 and B.4 of the Consultation Report (Document Reference 5.1), additional section 42(1)(d) consultees were identified as a result of minor refinements to the Indicative Application Boundary. The Applicant's minor refinements consultation commenced on 31<sup>st</sup> July 2018 and concluded on 7<sup>th</sup> September 2018; allowing more than the statutory minimum of 28 days.</p> <p>Appendices B.3 - B.5 contain anonymised lists of all s42(1)(d) land interests that were consulted on the minor refinements and provide details of the consultation window provided for each land interest.</p> <p>The deadline for each consultation period was clearly provided in each cover letter as set out in paragraphs 6.7.13 – 6.7.18 and 8.3.4 – 8.3.5 of the Consultation</p>

Ref	Requirement	Compliance
	(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person	<p>Report. A copy of all cover letters are provided in Appendices G.1 and K.1 – K.3 of the Consultation Report (Document Reference 5.1).</p> <p>Copies of the consultation documents were issued with the cover letters in the instances outlined above for the purpose of consulting the person. The consultation documents provided are described in Section 6.7 (for section 42 statutory consultation) and Section 8.3 (for minor refinements consultation) of the Consultation Report (Document Reference 5.1). Appendices A.4, K.1 – K.4 and G.1 – G.6 contain copies of the consultation documents.</p>
<b>Section 46</b>	<b>Duty to notify the Secretary of State of proposed application</b>	<b>See Section 6 of Consultation Report</b>
	(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>The section 46 notification (dated 12<sup>th</sup> June 2018) was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. A copy of the notification letter is provided in Appendix G.3 of the Consultation Report (Document Reference 5.1). The information provided in accordance with section 46 comprised:</p>
	(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42	<ul style="list-style-type: none"> <li>• A covering letter;</li> <li>• Notification pursuant to Section 48 of the 2008 Act and Regulation 13 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended);</li> <li>• A USB drive containing an electronic copy of the</li> </ul>

Ref	Requirement	Compliance
		<p>Preliminary Environmental Information Report (PEIR) and its technical appendices; and</p> <ul style="list-style-type: none"> <li>• A paper copy of the Non-Technical Summary (NTS) of the PEIR.</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the section 46 notification on 20<sup>th</sup> June 2018 (see Appendix G.4).</p> <p>The notification under section 46 was provided on 12<sup>th</sup> June 2018, the commencement of the statutory consultation period was 18<sup>th</sup> June 2018. The Secretary of State was therefore notified before statutory consultation under section 42 of the Planning Act 2008 commenced.</p>
<b>Section 47</b>	<b>Duty to consult local community</b>	<b>See Section 7 of the Consultation Report.</b>
	(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land	The Applicant prepared a Statement of Community Consultation (SoCC) on how it intended to carry out consultation in accordance with section 47 of the Planning Act 2008 (a copy of the SoCC is provided in Appendix H.3 of the Consultation Report (Document Reference 5.1)). Section 7.3 of the Consultation Report describes the approach taken to the SoCC, and Appendix H.6 sets out the Applicant’s compliance with the SoCC.
	(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	The Applicant consulted with each local authority under section 43(1) – LBB and DBC as the ‘B’ local authorities and KCC as the ‘C’ local authority - on the content of the SoCC. The Applicant also informally engaged with

Ref	Requirement	Compliance
		<p>relevant 'A' and 'D' local authorities on the draft SoCC, allowing them an opportunity to provide comments.</p> <p>Table 7.1 and paragraphs 7.3.5 – 7.3.23 of the Consultation Report (Document Reference 5.1) outline both the non-statutory engagement and the statutory consultation undertaken on the draft SoCC. Appendix H.5 also provides a summary of the comments received by the local authorities on the draft SoCC and how the Applicant has had regard to those responses in the preparation of the published SoCC.</p>
	<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 consultation documents</p>	<p>On 23<sup>rd</sup> March 2018, the Applicant issued a draft SoCC to LBB, DBC and KCC for informal (i.e. non-statutory) comment. Appendix H.7 of the Consultation Report includes copies of the cover letters.</p> <p>On 5th April 2018, the Applicant emailed an updated draft SoCC to LBB, DBC and KCC for formal statutory consultation in accordance with s.47(3). See Appendix H.7 for copies of the cover letters, draft SoCC and draft SoCC Explanatory Statement. The draft SoCC Explanatory Statement stated that <i>"In accordance with section 47(3) of the 2008 Act local authorities have 28 days in which to respond to this consultation. Therefore, comments must be submitted to Cory by 3rd May 2018 to ensure that they are incorporated in the published version of the SoCC"</i>, thereby providing the statutory 28 days to respond.</p>

Ref	Requirement	Compliance
		LBB and DBC provided their statutory response to the draft SoCC on 2nd May 2018 and KCC provided their statutory response on 3rd May 2018 (see Appendix H.5 of the Consultation Report for a summary of responses).
	(4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2)	The Applicant issued a draft SoCC and SoCC Explanatory Statement to LBB, DBC and KCC for consultation (see Appendix H.4 of the Consultation Report).
	(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)	Paragraph 7.3.14 – 7.3.23 and Appendix H.5 of the Consultation Report (Document Reference 5.1) set out the responses received on the draft SoCC and explains how the Applicant had regard to the responses when preparing the final SoCC for publication.
	<p>(6) Once the applicant has prepared the statement, the applicant must publish it -</p> <p>(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;</p> <p>(a) in a newspaper circulating in the vicinity of the land; and</p>	<p>Paragraph 7.3.29 – 7.3.32 of the Consultation Report (Document Reference 5.1) details how the SoCC has been made available for inspection and how a SoCC notice was published in a newspaper circulating in the vicinity of the land.</p> <p>A SoCC notice was published in the Bexley News Shopper on 6th June 2018.</p> <p>The SoCC notice provided details of three public inspection locations where the final SoCC could be inspected. In addition, it provided details of the seven public exhibition events to be held where a copy of the</p>

Ref	Requirement	Compliance
	(b) in such other manner as may be prescribed	<p>SoCC was made available, as well as providing details of the Riverside Energy Park website (<a href="https://riversideenergypark.com/">https://riversideenergypark.com/</a>), where the SoCC and consultation materials could be downloaded.</p> <p>The SoCC was made available from the 6<sup>th</sup> June 2018 in the following locations within the vicinity of the land:</p> <ul style="list-style-type: none"> <li>• Upper Belvedere Community Library;</li> <li>• London Borough of Bexley Civic Offices; and</li> <li>• Dartford Library.</li> </ul> <p>The venues were considered reasonably convenient for people living in the vicinity of the land where the development is proposed.</p> <p>The final published SoCC and SoCC Notice are provided in Appendix H.2 and H.3 of the Consultation Report (Document Reference 5.1).</p> <p>No regulations were in force at the relevant time prescribing the manner in which the SoCC should be published.</p>
	(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.	<p>The Applicant has consulted under section 47 of the Planning Act 2008 fully in accordance with the SoCC. Details of the consultation carried out in accordance with the SoCC are set out in Section 7.4 of the Consultation Report, as well as in the SoCC Compliance Checklist (Appendix H.6 of the Consultation Report (Document Reference 5.1)).</p>

Ref	Requirement	Compliance
<b>Section 48</b>	<b>Duty to publicise</b>	<b>See Section 5 of the Consultation Report</b>
	(1) The applicant must publicise the proposed application in the prescribed manner	<p>The Applicant prepared and published a section 48 notice in the manner prescribed by regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (which was then also issued to the consultation bodies under Regulation 13 of the EIA Regulations 2017). See Section 5.3 and paragraph 6.7.3 of the Consultation Report (Document Reference 5.1).</p> <p>The section 48 notice was published in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Bexley News Shopper for two successive weeks (13<sup>th</sup> June 2018 and 20<sup>th</sup> June 2018);</li> <li>• Guardian (13<sup>th</sup> June 2018);</li> <li>• London Gazette (13<sup>th</sup> June 2018).</li> </ul> <p>The Proposed Development does not involve land in Scotland and as such there was no requirement to publish a section notice in the Edinburgh Gazette. The Proposed Development does not involve offshore development and as such there was no requirement to publish a section 48 notice in the Lloyds List or within an appropriate fishing journal.</p> <p>Copies of the section 48 notices as they appeared in the papers above are provided in Appendix F.2-F.5 of the Consultation Report (Document Reference 5.1).</p>

Ref	Requirement	Compliance
	(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.	The section 48 notice included a deadline for receipt by the Applicant of responses to the publicity. The section 48 notice was published between 13 <sup>th</sup> June 2018 and 20 <sup>th</sup> June 2018. The deadline for receipt by the Applicant of responses to the publicity provided in the notice was 30 <sup>th</sup> July 2018, therefore, allowing more than the statutory minimum of 28 days following the date when the notice was last published.
<b>Section 49</b>	<b>Duty to take account of responses to consultation and publicity</b>	<b>See Section 9 of the Consultation Report.</b>
	<p>(1) Subsection (2) applies where the applicant-</p> <p>(a) has complied with sections 42, 47 and 48, and</p> <p>(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).</p> <p>(2) The applicant must, when deciding whether the application that the 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>Section 9 of the Consultation Report (Document Reference 5.1) provides a summary of the main issues raised in the consultation responses and how the Applicant has had regard to the responses received. The following paragraphs in the Consultation Report summarise the responses received during consultation and associated appendices provide detailed comments and how the Applicant has had regard to relevant responses:</p> <ul style="list-style-type: none"> <li>• Section 42 consultation – paragraphs 9.5.3-9.5.19 and Appendices J.2 and J.3;</li> <li>• Section 47 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4; and</li> <li>• Section 48 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4.</li> </ul>



Ref	Requirement	Compliance
	(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	Appendices J.1-J.4 of the Consultation Report (Document Reference 5.1) provide detailed responses to each consultation comment received and how the Applicant has had regard to those responses.
	(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.	The Environmental Statement (Document Reference 6.1) also sets out how consultation responses have been taken into account and have informed the Environmental Impact Assessment of the Proposed Development.
<b>Section 50</b>	<b>Guidance about pre-application procedure</b>	<b>See Section 2 of the Consultation Report.</b>
	(1) Guidance may be issued about how to comply with the requirements of this Chapter	Section 2 of the Consultation Report sets out the relevant guidance which the Applicant has had regard to in order to comply with the Requirements of Chapter 2 of the Planning Act 2008, and Annex 1 of the Consultation Report (this Annex) sets out how the Applicant has had regard to the DCLG (2015) Guidance on the pre-application process.
	(2) Guidance under this section may be issued by the Secretary of State	
	(3) The applicant must have regard to any guidance under this section	
<b>The Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009 (as amended)</b>		
<b>Reg 3</b>	<b>Prescribed consultees</b>	
	The persons prescribed for the purposes of section 42(1)(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	The Applicant consulted all those persons prescribed in column 1 of the table in Schedule 1 who were relevant to this application by the descriptions set out in column 2 of that table. The process that the Applicant adopted to identify all prescribed consultees is included in Section 6.3 and Appendix B.1.

Ref	Requirement	Compliance
<b>Reg 4</b>	<b>Publicising a proposed application</b>	
	(1) This regulation prescribes for the purpose of section 48(1) (duty to publicise), the manner in which an applicant must publicise a proposed application	The Applicant prepared and published a Section 48 Notice in the manner prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (which was then also issued under Regulation 13 of the EIA Regulations 2017). See Appendices F.2 – F.5 for copies of the published notice.
	(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application-	The Applicant published a notice which included all the matters set out in paragraph (3) of this regulation. Copies of the published notice are provided in Appendix F.2 – F.5.
	(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	The notice was published for two successive weeks in the Bexley News Shopper (on 13 <sup>th</sup> June 2018 and 20 <sup>th</sup> June 2018) (see Appendix F.2 and F.3).
	(b) once in a national newspaper;	The notice was published in the Guardian (on 13 <sup>th</sup> June 2018) (see Appendix F.4).
	(c) once in the London Gazette; and	The notice was published in the London Gazette (on 13 <sup>th</sup> June 2018) (see Appendix F.5).
	(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 proposed application does not relate to offshore development.
	(3) The matters which the notice must include are	The notice included all matters required by this regulation. References below refer to the specific

Ref	Requirement	Compliance
		paragraph of the notice where the information was provided. See Appendix F.1 for a copy of the notice.
	(a) the name and address of the applicant;	Paragraph 1 of the notice sets out the name and address of the Applicant (Cory Environmental Holdings Limited (trading as Cory Riverside Energy) ('the Applicant') of 2 Coldbath Square, London, EC1R 5HL (company number 05360864)).
	(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Paragraph 1 of the notice states that the Applicant intends to make an application to the Secretary of State under Section 37 of the Planning Act 2008 for a Development Consent Order.
	(c) a statement as to whether the application is EIA development;	Paragraph 7 of the notice states that the Proposed Development is 'EIA Development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
	(d) a summary of the main proposals, specifying the location or route of the Proposed Development;	<p>Paragraphs 2 and 3 of the notice summarise the Proposed Development and the primary components of REP, the development, including the location of the REP Site and the route of the Electrical Connection.</p> <p>Paragraph 2 of the notice states that the Proposed Development would comprise:</p> <ul style="list-style-type: none"> <li>• The Riverside Energy Park, located to the north of Belvedere off Norman Road;</li> <li>• The Electrical Connection running underground between the Riverside Energy Park site and the Electrical Connection Point at Littlebrook substation into an existing National Grid building in Dartford;</li> </ul>

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• The Main Temporary Construction Compounds located to the south of the Riverside Energy Park site and west of Norman Road; and</li> <li>• Other Cable Route Temporary Construction Compounds required to support the construction of the chosen Electrical Connection route.</li> </ul> <p>Paragraph 3 of the notice describes the primary components of the Riverside Energy Park, with a nominal rated electrical output of up to 96 MWe, comprise:</p> <ul style="list-style-type: none"> <li>• An Energy Recovery Facility (ERF);</li> <li>• An Anaerobic Digestion facility;</li> <li>• A Solar Photovoltaic Installation;</li> <li>• Battery Storage; and</li> <li>• Enabling Infrastructure for Combined Heat and Power to the site boundary to provide for potential future local district heating pipe connection.</li> </ul>
	<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice;</p>	<p>Paragraph 9 of the notice states that the consultation documents were available for inspection free of charge from 18<sup>th</sup> June to 30<sup>th</sup> July 2018 on the project website and at locations set out in the notice. Details of the locations and opening times of the venues were provided in the 'Document Inspection Locations' table set out in the notice. Each venue was in the vicinity of the Proposed Development.</p>

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	(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));	Paragraph 9 of the notice states that the consultation documents were available for inspection until 30 <sup>th</sup> July 2018.
	(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	Paragraph 11 of the notice states that electronic and/or hard copies of the consultation documents could be ordered. A copying charge may apply up to a maximum of £250 for the full set of documents and £10 for an electronic copy on CD or USB flash drive.
	(h) details of how to respond to the publicity; and	Details of how to respond to the publicity was included under Paragraph 12- 'Responding to the consultation' sub-section of the notice.
	(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.	Paragraph 16 of the notice included a deadline for receipt by the Applicant of responses to the publicity. The section 48 notice was published between 13 <sup>th</sup> June 2018 and 20 <sup>th</sup> June 2018. The deadline provided was 30 <sup>th</sup> July 2018, allowing more than the statutory minimum of 28 days following the date when the notice was last published.
<b>The Infrastructure Planning (Environment Impact Assessment) Regulations 2017 (as amended)</b>		
<b>Reg 8</b>	<b>Procedure for establishing whether environmental impact assessment is required</b>	
	(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  (a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or	The Applicant requested a Scoping Opinion from the Secretary of State on 27 <sup>th</sup> November 2018, and at the same time notified the Secretary of State under Regulation 8(1)(b) that the Applicant proposed to provide an environmental statement in respect of the Proposed Development (see Appendix E.1). The

Ref	Requirement	Compliance
	(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.	Secretary of State acknowledged in paragraph 1.1.4 of the Scoping Opinion that the Applicant had notified the Secretary of State under Regulation 8(1)(b) of the EIA Regulations. A copy of the Scoping Opinion is enclosed in Appendix A.1 of the Environmental Statement (Document Reference 6.3).
<b>Reg 12</b>	<b>Consultation statement requirements</b>	
	<p>(1) The consultation statement prepared under section 47 (duty to consult local community) must set out—</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	The Applicant included the following in the SoCC: <i>“REP is classified as ‘EIA development’ for the purpose of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (‘EIA Regulations 2017’)”</i> and the Applicant <i>“will publish a Preliminary Environmental Information Report (PEIR) as part of the pre-application consultation... The PEIR will present the preliminary environmental information collected to date and an initial assessment of the likely significant environmental effects of the proposals”</i> . The SoCC further described how the Applicant intended to publicise and consult on the PEIR. A copy of the SoCC is enclosed in Appendix H.3 of the Consultation Report (Document Reference 5.1).
<b>Reg 13</b>	<b>Pre-application publicity under section 48 (duty to publicise)</b>	
	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	The Applicant sent hard copies of the section 48 notice to all section 42(1)(a), (aa), (b), (c) and (d) consultees (therefore including the ‘consultation bodies’ for the purpose of Regulation 13 of the EIA Regulations 2017) at the time of notifying them of the start of section 42 consultation (18 <sup>th</sup> June 2018). This exceeds the

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	and to any person notified to the applicant in accordance with regulation 11(1)(c).	<p>requirement in the EIA regulations to provide a copy of the section 48 notice to the “consultation bodies”, defined in regulation 3 by reference to Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The notice was published under section 48 of the Planning Act 2008 on 13<sup>th</sup> June 2018 and 20<sup>th</sup> June 2018 (see above in respect of section 48 of the Planning Act 2008).</p> <p>The Regulation 11 list included the Royal National Lifeboat Institution (RNLI) as a non-prescribed body. The RNLI did not respond to the Secretary of State’s scoping opinion. The Applicant consulted the RNLI as a non-prescribed consultee and supplied a copy of the section 48 notice on 18<sup>th</sup> June 2018, via email.</p> <p>The Applicant was not notified of any persons under regulation 11(1)(c) in the Regulation 11 list. See paragraph 6.7.3 – 6.7.4 of the Consultation Report (Document Reference 5.1).</p>
<b>DCLG (2015) PA 2008 Guidance on the Pre-Application Process</b>		
<b>The pre-application consultation process</b>		
23	<p>In brief, during the pre-application stage applicants are required to:</p> <ul style="list-style-type: none"> <li>Notify the Secretary of State of the proposed application</li> </ul>	<p>The Applicant notified the Secretary of State (via the Planning Inspectorate) of the proposed application under section 46 of the Planning Act 2008. A copy of</p>

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	<ul style="list-style-type: none"> <li>Identify whether the project requires an environmental impact assessment, where it does, confirm that they will be submitting an environmental statement along with the application, or that they will be seeking a screening opinion ahead of submitting the application</li> </ul>	<p>the notification letter is provided in Appendix G.3 of the Consultation Report (Document Reference 5.1).</p> <p>The Proposed Development is considered to fall within Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. As such, the Applicant requested a Scoping Opinion from the Secretary of State on 27<sup>th</sup> November 2018, which also outlined that the Applicant intended to submit an Environmental Statement in respect of the Proposed Development (see Appendix E.1 of the Consultation Report).</p>
	<ul style="list-style-type: none"> <li>Produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities, which describes how the applicant proposes to consult the local community about their project and then carry out consultation in accordance with that Statement</li> </ul>	<p>In accordance with section 47 of the Planning Act 2008, the Applicant prepared a SoCC which explained how the Applicant intended to consult with the local community about the proposed application and then carried out pre-application consultation in accordance with the final published SoCC.</p> <p>In preparing the SoCC, the Applicant undertook two stages of consultation on the content and format of the SoCC:</p> <ul style="list-style-type: none"> <li>In March 2018, the Applicant undertook early non-statutory engagement with LBB, DBC and KCC (being the relevant host authorities) in accordance with section 43(1) PA 2008) on the content and format of an earlier version of the draft SoCC (see Table 7.1 and Paragraphs 7.3.9-7.3.13 of the Consultation Report and Appendix H.5 for further details).</li> </ul>



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		<ul style="list-style-type: none"> <li>• In April 2018 the Applicant then issued an updated draft SoCC to LBB, DBC and KCC for statutory consultation. The Applicant also discussed the community consultation strategy with section 43(1) local authorities at project update meetings in February and April 2018 and provided a SoCC Explanatory Statement to aid the local authorities' understanding of the proposed non-statutory and statutory consultation (see Table 7.1 and paragraphs 7.3.14 – 7.3.23 of the Consultation Report and Appendix H.5).</li> <li>• In addition to this, the Applicant gave non-section 43(1) Local Authorities (i.e. the neighbouring authorities) the opportunity to comment on the content and format of the draft SoCC (see paragraphs 7.3.19 – 7.3.22 of the Consultation Report and Appendix H.7 for further details.)</li> </ul> <p>The Applicant published the SoCC on 6<sup>th</sup> June 2018 ahead of the statutory consultation process (see Appendix H.3).</p>
	<ul style="list-style-type: none"> <li>• Make the Statement of Community Consultation available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by section 47 of the Planning Act and Regulations</li> </ul>	<p>The SoCC was published on the Riverside Energy Park website (<a href="http://www.riversideenergypark.com">www.riversideenergypark.com</a>) on 6<sup>th</sup> June 2018 and paper copies were available for public inspection at the following venues throughout the statutory consultation period (18<sup>th</sup> June to 31<sup>st</sup> July 2018):</p> <ul style="list-style-type: none"> <li>• Upper Belvedere Community Library;</li> <li>• London Borough of Bexley Civic Offices; and</li> </ul>

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• Dartford Library.</li> </ul> <p>The venues were considered reasonably convenient for people living in the vicinity of the land where the Proposed Development is proposed.</p> <p>Paper copies of the published SoCC were also available to inspect at the statutory public exhibitions held between 6<sup>th</sup> July – 12<sup>th</sup> July 2018.</p>
	<ul style="list-style-type: none"> <li>• Identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations</li> </ul>	<p>Under section 42(1) of the Planning Act 2008, the Applicant undertook consultation with bodies prescribed under section 42 and by Schedule 1 of the APFP Regulations. A full list of consultees identified in accordance with section 42(1)(a), (aa), (b) and (c) is included in Appendix B.2 and a list of those parties consulted under section 42(1)(d) is enclosed in Appendices B.2 – B.5.</p>
	<ul style="list-style-type: none"> <li>• Publicise the proposed application in accordance with Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009</li> </ul>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (which was then also issued to the consultation bodies under Regulation 13 of the EIA Regulations 2017). See Appendix F.1 for copies of the published notice.</p> <p>The Section 48 Notice included a deadline for receipt by the Applicant of responses to the publicity. The deadline was 30<sup>th</sup> July 2018.</p>

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	<ul style="list-style-type: none"> <li>Set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication</li> </ul>	<p>The statutory consultation period commenced on 18<sup>th</sup> June 2018 and closed on 30<sup>th</sup> July 2018, providing more than the 28 day statutory minimum from the day after the last publication. As set out in paragraphs 6.6.7 – 6.6.14 of the Consultation Report (Document Reference 5.1), 18 additional land interests were identified as a result of ongoing diligent inquiries after 12<sup>th</sup> June 2018. Each additional land interest was given a separate consultation period which allowed at least the statutory minimum of 28 days. Appendix B.1 provides further details on the consultation window provided to prescribed bodies. Appendices B.2, B.3, B.4 and B.5 contain anonymised lists of all land interests that were consulted and provide details of the consultation window provided for each land interest for the Statutory Consultation.</p> <p>The deadline for each consultation period was clearly provided in each cover letter. A copy of all cover letters is provided in Appendix G.1 of the Consultation Report (Document Reference 5.1).</p> <p>Further, as outlined in Section 8 of the Consultation Report (Document Reference 5.1), additional section 42(1)(d) consultees were identified as a result of minor refinements to the Indicative Application Boundary. The Applicant’s minor refinements consultation commenced on 31<sup>st</sup> July 2018 and concluded on 7<sup>th</sup> September 2018; allowing more than the statutory minimum of 28 days.</p>

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		<p>Appendices B.3, B.4 and B.5 contain anonymised lists of all s42(1)(d) land interests that were consulted on the minor refinements and provide details of the consultation window provided for each land interest.</p> <p>The deadline for each consultation period was clearly provided in each cover letter. A copy of all cover letters is provided in Appendix G.1 of the Consultation Report (Document Reference 5.1).</p>
	<ul style="list-style-type: none"> <li>• Have regard to relevant responses to publicity and consultation; and</li> </ul>	<p>Section 9 of the Consultation Report (Document Reference 5.1) provides a summary of the main issues raised in the consultation responses and how the Applicant has had regard to the responses received. The following paragraphs in the Consultation Report and associated appendices summarise the responses received during consultation:</p> <ul style="list-style-type: none"> <li>• Section 42 consultation – paragraphs 9.5.3-9.5.19 and Appendices J.2 and J.3;</li> <li>• Section 47 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4; and</li> <li>• Section 48 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4.</li> </ul>
	<ul style="list-style-type: none"> <li>• Prepare a consultation report and submit it to the Secretary of State.</li> </ul>	<p>The Applicant has prepared a Consultation Report (Document Reference 5.1) (this Report) to accompany the Development Consent Order (DCO) application. In preparing the Consultation Report the Applicant has had regard to the DCLG Guidance, and Advice Note 14:</p>

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		Compiling the consultation report (PINS, Version 2: April 2012) ('PINS Advice Note 14').
24	...Instead, applicants, who are best placed to understand the detail of their specific project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.	The Applicant and LBB, DBC and KCC (being the relevant host authorities in accordance with section 43(1) PA 2008) have worked together closely on the approach to consultation with the local community, and the host authorities were provided an early opportunity to comment on a draft SoCC, ahead of the statutory consultation on the SoCC under section 47(2) of the Planning Act 2008. The consultation was representative of the scale and nature of the Proposed Development and where potential impacts will be experienced. See Section 7 of the Consultation Report (Document Reference 5.1).
25	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 should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated	<p>The Applicant consulted thoroughly on the application by means of non-statutory engagement, non-statutory consultation, statutory consultation and minor refinements consultation. This process proved to be an effective way to gather and incorporate stakeholder feedback from an early stage and throughout the pre-application stage. In light of the comments received, it is considered that the consultation has been demonstrated to be thorough, effective and proportionate to the nature and scale of the Proposed Development.</p> <p>All statutory consultation periods under sections 42, 47 and 48 of the Planning Act 2008 allowed the consultees at least the statutory minimum of 28 days to respond. In</p>

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	that they would prefer to be consulted via email only, this should be accommodated as far as possible.	<p>addition, the Applicant made best endeavours to give prior notice of statutory consultation periods.</p> <p>The Applicant also accommodated all stakeholder requests regarding communication methods, sending out information by post or email as appropriate. See Sections 6, 7 and 8 of the Consultation Report.</p>
<b>Who should be consulted?</b>		
26	<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. Section 47 in the Planning Act sets out the applicant’s statutory duty to 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.</p>	<p>The Applicant consulted all prescribed bodies under sections 42 – 44 of the Planning Act 2008 and relevant regulations including local authorities, the Marine Management Organisation, other statutory bodies, and persons with an interest in the land to be developed. See Section 6 of the Consultation Report.</p> <p>The Applicant also consulted the local community in accordance with section 47 of the Planning Act 2008. See Section 7 of the Consultation Report.</p> <p>In addition to this, the Applicant also consulted a number of additional non-statutory consultees who might be affected by the Proposed Development. See Appendix B.1 of the Consultation Report.</p>
<b>Statutory bodies and other relevant groups</b>		
27	<p>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,</p>	<p>The Applicant has consulted a variety of statutory consultees and prescribed people during the pre-application process. The Applicant notes that the inclusion of some provisions within the draft DCO</p>

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	<p>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 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>(Document Reference 3.1) negate the requirement for non-planning consents to be sought from some statutory bodies. The Applicant has engaged with and consulted bodies affected by the Proposed Development in this way and, where appropriate, have commenced communications regarding the inclusion of appropriate Protective Provisions.</p>
28	<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 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>The Applicant was able to comply with statutory requirements and consulted with all relevant prescribed bodies identified under section 42(1)(a). Where the Applicant was required to consult bodies which now cease to exist, the Applicant identified successor bodies and consulted with them accordingly. Examples include: Homes England (successor to The Homes and Communities Agency) and Energy Assets Networks (successor to Utility Distribution Networks Limited).</p> <p>The bodies consulted with are set out in Appendix B.1 of the Consultation Report (Document Reference 5.1).</p>

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29	<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 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. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	<p>The Applicant carried out non-statutory early engagement on the technical elements of the Proposed Development with consultees including the Port of London Authority, the relevant planning authorities, Transport for London, the Environment Agency, Natural England and the MMO. See Sections 3 and 10 of the Consultation Report and Tables 6.2, 7.9, 8.2, 9.2, 10.2, 11.2, 12.2, 13.2 and 14.2 in the Environmental Statement (Document Reference 6.1) for further details on the non-statutory engagement with consultees on the environmental elements of the Proposed Development.</p> <p>The Applicant also discussed the consultation programme with many of the technical consultees and gave advance notice of the statutory consultation period. The Applicant also assisted select consultees with setting out the expectations for required technical inputs or feedback.</p>
<b>Consultation with Local Authorities on the Statement of Community Consultation</b>		
35	<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 with each local authority in whose area the proposed development 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</p>	<p>Before preparing the SoCC, the Applicant consulted with each local authority that is within section 43(1) on the content of the statement (see Paragraphs 7.3.5-7.3.18 of the Consultation Report and Appendix H.5). The Applicant also gave non-section 43(1) local authorities the opportunity to comment on the content and format of the draft SoCC (see Paragraphs 7.3.19-7.3.22 of the Consultation Report).</p>



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	<p>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>	
36	<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 Statement of Community Consultation.</p>	<p>The consultation zone established and used for the purpose of section 47 consultation considered the likely environmental effects from the Proposed Development, as explained in Paragraphs 7.3.24 – 7.3.28 of the Consultation Report and presented in Figure 2.2 of the Consultation Report. The SoCC (Appendix H.3 of the Consultation Report) further stated that the Applicant <i>“will inform local communities beyond the consultation zone about the REP proposals and consultation through local newspaper advertisements, social media and the Riverside Energy Park website updates”</i>.</p>
37	<p>... However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or 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>The Applicant consulted section 43(1) local authorities on the content of the SoCC over the period March-May 2018, providing an opportunity to submit comments on an early draft of the SoCC ahead of the statutory consultation on an updated draft. The Applicant also engaged with non-section 43(1) local authorities to invite comments on the consultation strategy set out in the SoCC.</p> <p>Full details of section 43(1) local authorities' comments and how the Applicant has considered them within the final SoCC are enclosed in Appendix H.5.</p>

Ref	Requirement	Compliance
38	<p>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</p>	<p>The Applicant consulted with each local authority that is within section 43(1) in the preparation of the SoCC, in order to give the local authorities an opportunity to provide feedback on the content of the SoCC and consultation strategy as explained in Section 7.3 of the Consultation Report. Initial engagement with local authorities within section 43(1) on the content of the draft SoCC for informal comment took place in March 2018 and statutory consultation with local authorities within section 43(1) on the content of the draft SoCC took place in April 2018. Furthermore, the Applicant engaged with non-section 43(1) local authorities on the content of the draft SoCC for informal comment took place in April 2018.</p> <p>The Applicant has had regard to the Local Authorities comments on the appropriateness of the proposed consultation techniques and methods contained in draft SoCC. For example, DBC commented on the draft SoCC issued for early non-statutory consultation stating that the SoCC should include an additional document inspection location in Dartford Town Centre. The Applicant updated the draft SoCC issued for statutory consultation to include an additional document inspection location at Dartford Library in Dartford Town Centre (see Appendix H.5 for further details). Full details of section 43(1) local authorities' comments and how the Applicant has considered them within the final SoCC are enclosed in Appendix H.5</p>

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39	<p>Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> <li>• the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area);</li> <li>• the appropriateness of various consultation techniques, including electronic-based ones;</li> <li>• the design and format of consultation materials;</li> <li>• issues which could be covered in consultation materials;</li> <li>• suggestions for places/timings of public events as part of the consultation;</li> <li>• local bodies and representative groups who should be consulted; and</li> <li>• timescales for consultation.</li> </ul>	<p>The Applicant consulted with section 43(1) local authorities in the preparation of the SoCC and also gave non-section 43(1) Local Authorities the opportunity to comment on the content and format of the draft SoCC. Feedback received related to publicity of the non-statutory and statutory public exhibitions, access to documents (documents should also be available online), local interest/amenity groups and the timing of the non-statutory and statutory exhibitions. See paragraphs 7.3.14 to 7.3.23 of the Consultation Report (Document Reference 5.1) and Appendix H.5 for further details on comments received and how the Applicant has considered them within the final SoCC.</p>
41	<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 Applicant had regard to all local authority comments on the content of and approach to the SoCC and, where appropriate, made updates to the final SoCC. See Paragraphs 7.3.14 to 7.3.23 of the Consultation Report (Document Reference 5.1) and Appendix H.5 for further details on comments received and how the Applicant has considered them within the final SoCC.</p>
42	<p>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,</p>	<p>LBB, DBC and KCC (being the relevant section 43(1) local authorities) all responded to the consultation request on the SoCC during the statutory consultation phase. Medway Council, Gravesham Borough Council and Surrey County Council also responded to the</p>

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	<p>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 endeavors to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.</p>	<p>invitation for non-statutory comments on the draft SoCC.</p> <p>Since the relevant section 43(1) local authorities all engaged with the Applicant and provided comments on the draft SoCC, the Applicant was satisfied that its consultation plan adequately outlined a strategy for public involvement in the pre-application process for the Proposed Development. Appendix H.5 summarises the comments received and how the Applicant has considered them within the final SoCC.</p>
<b>Local authorities as statutory consultees</b>		
43	<p>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.</p>	<p>The Applicant engaged with section 43(1) local authorities and non-section 43(1) local authorities from an early stage in the development process. Letters introducing the Proposed Development were issued to an early list of consultees in December 2017, see Section 3.2 of the Consultation Report (Document Reference 5.1). Throughout the pre-application process of the Proposed Development the Applicant has sought advice from technical officers within relevant section 43(1) local authorities and non-section 43(1) local authorities where appropriate.</p>
44	<p>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 Consent Order. These may include the</p>	<p>Local authorities have been consulted from an early stage of the project development on a range of technical planning and EIA matters.</p>

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	<p>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 Development Consent Order are raised at the earliest opportunity.</p>	<p>Statutory and non-statutory feedback from the local authorities and their technical officers have informed the preparation of the DCO application documents including the draft DCO (Document Reference 3.1).</p> <p>The Applicant is continuing to engage with section 43(1) local authorities (LBB, DBC and KCC) on a range of matters, including the drafting of the draft DCO, with a view to agreeing a Statement of Common Ground (SoCG) on these matters (see Section 10 of the Consultation Report).</p>
<b>Persons with an interest in land</b>		
49	<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. This will give such parties early notice of projects, and an opportunity to express their views regarding them.</p>	<p>As required in accordance with the PA 2008, the Applicant undertook diligent inquiry through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the PA 2008. A description of the process undertaken to identify the land interests is set out in Section 6.6 and 8.3 and Appendix G.5 of the Consultation Report (Document Reference 5.1). These include owners, lessees, tenants and occupiers of the land within the Order Limits (Category 1), parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits (Category 2), and, if the order sought by the proposed application were to be made and fully implemented, parties who would or might be entitled to make a relevant claim (Category 3). Those parties identified were consulted in accordance with section 42 of the PA 2008, and as part of ongoing</p>

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		non-statutory consultation throughout the pre-application process. Further details are provided in the Statement of Reasons (Document Reference 4.1).
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.	Appropriate due diligence has been undertaken in identifying all land interests and in preparation of the Book of Reference (Document Reference 4.3). A description of the process undertaken to identify the land interests is set out in Section 6.6 and 8.3, and Appendix G.5 of the Consultation Report (Document Reference 5.1). Further detail is provided below.
51	However, it is understood that land interests change over time and that 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>The Applicant reviewed and updated its list of section 42(1)(d) parties as necessary when new interests were identified through ongoing diligent inquiry (Appendix B.3 of the Consultation Report (Document Reference 5.1)). Where new land interests were identified the Applicant provided those interests with the consultation materials, and an opportunity to provide comments on the Proposed Development allowing a minimum of the statutory 28 days in accordance with section 42 of the PA 2008. See Paragraphs 6.7.5 – 6.7.7 of the Consultation Report (Document Reference 5.1) and Appendix B.5 for further details.</p> <p>Six land interests identified following the statutory consultation did not receive the consultation materials in time for their views to be received, however, in these instances the Applicant issued those persons with a letter (see Appendix G.1) enclosing the consultation documents, notifying them of them of the forthcoming</p>

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		<p>application and providing information about how they could participate in the examination, should the application be accepted (see Paragraphs 6.6.12 – 6.6.14 of the Consultation Report). The addresses for these two interests were within the consultation zone for the consultation undertaken in accordance with section 47 of the PA 2008 (see Section 7 of the Consultation Report) and therefore the Applicant does not consider that they have been prejudiced in respect of consultation on the Proposed Development. The Applicant has explained in its covering letter to these interests (Appendix G.1 of the Consultation Report) that they will be consulted as part of statutory consultation under section 56 of the PA 2008 if the DCO application is accepted.</p>
52	<p>Applicants should explain in the consultation report how they have 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>The Applicant reviewed and updated its list of section 42(1)(d) parties as necessary when new interests were identified through ongoing diligent inquiry (Appendix B.5 of the Consultation Report (Document Reference 5.1)) Where new land interests were identified through ongoing diligent inquiry the Applicant provided those interests with the consultation materials, and an opportunity to provide comments on the Proposed Development. All land interests were provided at least a minimum of the statutory 28 days in accordance with section 42 of the PA 2008 except for two land interests which did not receive the consultation materials in time for their views to be received and four land interests</p>

Ref	Requirement	Compliance
		<p>which were identified shortly before the submission of the application.</p> <p>The process of dealing with any new interests in the land which emerged after the initial statutory consultation is explained in Sections 6.6 of the Consultation Report.</p>
<b>Local communities</b>		
53	<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 appropriate; or what other opportunities might exist for meeting the project's objectives.</p>	<p>The Applicant undertook non-statutory consultation with the local community ahead of the statutory consultation period enabling them to develop an understanding of the Proposed Development and to provide feedback from an early stage. The Applicant has the benefit of operating an existing facility (the Riverside Resource Recovery Facility (RRRF)) within the local community and therefore considered that it had an appreciation of matters likely to be of interest or concern with local people already. The non-statutory consultation consolidated what the matters of interest or concern are among the local community, which influenced the information consulted on at statutory consultation stage.</p>



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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 engaged early with the local authorities on the SoCC in order to ensure the consultation strategy was inclusive of all members of their communities and sought to confirm whether there were any particular measures needed for hard to reach groups. The Applicant employed a range of consultation methods including; online articles and social media, posters, an information leaflet, newspaper articles, interactive 3D models and presentations at local community events (see Table 7.4 of the Consultation Report).</p>
55	<p>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 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>During the section 47 consultation, key consultation questions were set out on the consultation information panels, consultation leaflet and feedback form, making it clear what the Applicant was seeking views on.</p> <p>The consultation leaflet was delivered to approximately 23,000 households, businesses and institutions in the consultation zone and included information on:</p> <ul style="list-style-type: none"> <li>• Who the Applicant is;</li> <li>• The Proposed Development;</li> <li>• The existing RRRF;</li> <li>• The use of the River Thames;</li> <li>• The need for the Proposed Development;</li> <li>• Electrical Cable route options;</li> <li>• Generating energy from waste;</li> <li>• Turning food waste into energy and the proposed anaerobic digestion plant;</li> <li>• Harvesting renewable energy from the sun;</li> </ul>

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		<ul style="list-style-type: none"> <li>• Feedback on popular topics from the non-statutory consultation;</li> <li>• The local environment and the PEIR;</li> <li>• Preferred building form and the stepped roof design;</li> <li>• Planning process; and</li> <li>• Next steps including key project milestones.</li> </ul> <p>The consultation leaflet, PEIR NTS and exhibition panels were clear and included non-technical language (see Appendices I.1, G.2 and I.4, respectively).</p>
56	Applicants are required to set out in 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>Section 1.8 of the SoCC describes how the Applicant consulted those living within the vicinity of the land. Methods included; public exhibitions, leaflets, Riverside Energy Park website updates, social media updates, posters and document inspection locations.</p> <p>Section 1.9 of the SoCC also explained how the Applicant aimed to inform those living beyond the consultation zone. Methods included; newspaper advertisements, social media and Riverside Energy Park website updates.</p> <p>Paragraphs 7.3.24 – 7.3.28 of the Consultation Report provides details on the consultation zone selected for the section 47 consultation.</p>
57	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	The SoCC listed details of the consultation events (section 1.7 of the SoCC) and where consultation documents could be inspected (section 1.8 of the

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	<p>will be published. The Statement of Community Consultation 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>SoCC). Section 7.3 of the Consultation Report provides details on the SoCC.</p> <p>The SoCC was made available on the Riverside Energy Park website, at the public exhibitions and in the local venues as set out in the SoCC and the SoCC Notice. The SoCC venues were:</p> <ul style="list-style-type: none"> <li>• Upper Belvedere Community Library;</li> <li>• London Borough of Bexley Civic Offices; and</li> <li>• Dartford Library.</li> </ul> <p>The published SoCC is enclosed in Appendix H.3 of the Consultation Report and the SoCC Notice is enclosed in Appendix H.2.</p>
58	<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 a multi-stage consultation is intended.</p>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed by the APFP Regulations (which was then also issued to the consultation bodies under Regulation 13 of the EIA Regulations 2017) in the local and national press. See Appendix H.2 of the Consultation Report for copies of the published notice.</p> <p>The notice was publicised on 13<sup>th</sup> June 2018 and 20<sup>th</sup> June 2018 as follows to coincide with the start of the statutory consultation on 18<sup>th</sup> June 2018:</p> <ul style="list-style-type: none"> <li>• Bexley News Shopper (13<sup>th</sup> June 2018 and 20<sup>th</sup> June 2018);</li> <li>• London Gazette (13<sup>th</sup> June 2018); and</li> <li>• Guardian (13<sup>th</sup> June 2018).</li> </ul>

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		Section 5 of the Consultation Report sets out the details which were included in the section 48 notice pursuant to the relevant regulations.
<b>When should consultation take place and how much is enough?</b>		
68	To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.	The Applicant sought to inform and engage with a range of stakeholders about the Proposed Development from an early stage through non-statutory consultation and engagement, as well as during statutory consultation.
69	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 consultees to understand the nature of the project properly.	The Applicant considered it important to undertake non-statutory engagement with a range of consultees from early in the process, however the Applicant ensured that the proposals were far enough advanced before undertaking more formalised non-statutory consultation (May/June 2018), to provide consultees with sufficient detail to allow consultees to understand the nature of the project.
70	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	<p>The Applicant undertook a staged approach to consultation as recommended in paragraph 70 of the Guidance. The Applicant had regard to the feedback received during both non-statutory engagement and non-statutory consultation, and provided further information during the statutory consultation.</p> <p>Section 2.7 of the Consultation Report explains the staged approach to consultation taken.</p>

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	applicant in establishing a preferred option on which to undertake statutory consultation.	
71	Where an iterative consultation is intended, it may be advisable for 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>Non-statutory consultation was undertaken in May 2018 to provide stakeholders with an early opportunity to contribute to the refinement of the Proposed Development and the consultation process. The non-statutory consultation was designed to inform and support the effectiveness of the statutory consultation in July 2018. The non-statutory consultation was effective in supporting this aim and resulted in refinement to the statutory public exhibitions in July 2018, alongside incorporation of Preliminary Environmental Information. The feedback received from the non-statutory consultation confirmed that the proposals were sufficiently worked up to enable effective consultation with a range of stakeholders, including affected land interests, during the statutory consultation phase.</p> <p>However, following the statutory consultation, as outlined in Section 6 of the Consultation Report (Document Reference 5.1), additional section 42(1)(d) consultees were identified as a result of minor refinements to the Indicative Application Boundary. The Applicant therefore consulted these additional section 42(1)(d) consultees during the minor refinements consultation which commenced on 31st July 2018 and concluded on 7th September 2018 (see Section 8.3 of the Consultation Report).</p>

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72	<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 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>The Applicant considers that the size, complexity and range and scale of the impacts of the Proposed Development are such that the statutory minimum 28-day period to respond to statutory consultation is appropriate. However, the Applicant has endeavoured to afford a longer period to respond where permitted by the programme for the Proposed Development.</p> <p>The Applicant allowed more than the statutory 28 days for responses to statutory consultation periods. Sections 6, 7 and 8 of the Consultation Report set out the separate statutory consultation periods for consultees.</p> <p>The statutory consultation period ran from 18<sup>th</sup> June 2018 to 30<sup>th</sup> July 2018 (allowing 43 days). However, the Applicant had regard to Paragraph 72 and considered that the statutory minimum requirement was considered sufficient given the size and complexity of the Proposed Development.</p> <p>The minor refinements consultation period ran from 31<sup>st</sup> July 2018 to 7<sup>th</sup> September 2018 (allowing 38 days). The Applicant did not consider that the changes to the Proposed Development had changed “<i>to such a large degree that the proposals could be considered a new application</i>” or that it “<i>materially change[d] the application or materially changes [changed] its impacts</i>”. As such the Applicant considered that the statutory minimum requirement was sufficient given the size and</p>

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		<p>complexity of minor refinements to the Proposed Development considering paragraph 72.</p> <p>Any land interests identified through ongoing diligent inquiries were also given more than the statutory 28 days for responses to statutory consultation periods, save for those new land interests, identified shortly before the submission of the application, which are discussed further above in respect of paragraph 51 of the Guidance.</p>
73	<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 the local community and the level of public interest as guiding factors.</p>	<p>Through ongoing engineering review and development of the project proposals, minor modifications were made to the Indicative Application Boundary that was consulted on between 18<sup>th</sup> June and 30<sup>th</sup> July 2018.</p> <p>A Supplementary Information to the PEIR (SIP) report was prepared to identify if the works in the new areas would be likely to give rise to any new or different environmental effects. The report considered all of the changes proposed and concluded that none of the minor refinements, individually or collectively, would result in any material change. Therefore, in the context of the PA 2008 and DCLG pre-application guidance, the Applicant concluded that the project remained the same project as was consulted upon during the earlier statutory consultation (see Section 8.2 of the Consultation Report).</p>
74	<p>Where a proposed application changes to such a large degree that the proposals could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient</p>	



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	information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents), and allow at least 28 days for consultees to respond.	As a result of this, the Applicant determined that consultation under sections 42 and 47 of the PA 2008 was not necessary, but instead identified the land interests potentially affected by the changes (who were subsequently consulted under section 42(1)(d) of the PA 2008 (see Section 8.3 of the Consultation Report)) and consulted with them on a statutory basis. The Applicant also adopted a strategy to consult previously consulted prescribed and non-prescribed bodies and the local community on a non-statutory basis (see Section 8.4 of the Consultation Report).
75	If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.	Table 8.1 of the Consultation Report sets out the changes required and the consideration which was given to the degree of change, the effect on the local community and the level of public interest. See Section 8 of the Consultation Report for further details.
76	In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.	
77	Consultation should also be fair and reasonable for applicants as well as communities. To ensure that	The Applicant has carried out a comprehensive pre-application consultation process as described in the



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	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.	Consultation Report (Document Reference 5.1) and considers that this has been proportionate to the impacts of the Proposed Development, takes account of the views of the relevant local authorities and the anticipated level of local interest.
<b>The consultation report and responding to consultees</b>		
<b>80</b>	... the consultation report should:	
	<ul style="list-style-type: none"> <li>• Provide a general description of the consultation process undertaken;</li> </ul>	See Section 2 of the Consultation Report.
	<ul style="list-style-type: none"> <li>• 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</li> </ul>	See Section 2 of the Consultation Report and this Annex.
	<ul style="list-style-type: none"> <li>• Set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation</li> </ul>	See Section 7 of the Consultation Report.  Full details of the local authorities' comments and how the Applicant has considered them within the final SoCC are enclosed in Appendix H.5.
	<ul style="list-style-type: none"> <li>• Set out a summary of relevant responses to consultation (but not a complete list of responses);</li> </ul>	See Section 8 of the Consultation Report and Appendices J1 – J5.
	<ul style="list-style-type: none"> <li>• 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;</li> </ul>	See Section 8 of the Consultation Report and Appendices J1 – J5.

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	<ul style="list-style-type: none"> <li>Provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;</li> <li>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</li> <li>Be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.</li> </ul>	<p>See Section 8 of the Consultation Report and Appendices J1 – J5.</p> <p>The Applicant has aimed to follow all advice of the local authority, DCLG guidance and relevant advice notes issued by the Planning Inspectorate as evidenced in the Consultation Report.</p> <p>The Applicant has sought to produce the Consultation Report in terms sufficient to allow the Secretary of State, consultees and the local community to fully understand the consultation process.</p>
81	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>A summary of feedback received during statutory consultation and the regard the Applicant has had to relevant responses is included at Appendix J of the Consultation Report, submitted with the DCO application. These appendices have been split into separate appendices as follows, and as explained the paragraphs of the Consultation Report referred to below:</p> <ul style="list-style-type: none"> <li>Section 42 consultation – paragraphs 9.5.3-9.5.19 and Appendices J.2 and J.3;</li> <li>Section 47 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4; and</li> <li>Section 48 consultation – paragraphs 9.5.20-9.5.54 and Appendix J.4.</li> </ul>
82	As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with highly technical interests may seek more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed.	

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83	<p>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.</p>	<p>The more detailed responses received as part of the section 42(1)(a) consultation, have therefore been presented separately to those received by the local community under s.47, to reflect the differing interests of consultees as proposed in the Guidance.</p> <p>The Applicant also met with or responded in writing to individual consultee responses following the consultation period, as summarised in Section 10.1 of the Consultation Report.</p> <p>The Applicant notes the guidance on providing a summary note in plain English for the local community setting out headline findings. If accepted, the Applicant will publish its DCO application documents on the Riverside Energy Park website (<a href="http://www.riversideenergypark.com">www.riversideenergypark.com</a>) along with a plain English summary of the findings from the pre-application consultation.</p>
84	<p>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 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>The Applicant notes the response provided above.</p> <p>The Applicant continues to engage with several technical consultees (see Tables 6.2, 7.9, 8.2, 9.2, 10.2, 11.2, 12.2, 13.2, 14.2 in the Environmental Statement (<b>Document Reference 6.1</b>) for further details on the non-statutory engagement with consultees on the environmental issues of the Proposed Development). Statements of Common Ground have also been initiated with key stakeholders prior to the submission of</p>

Ref	Requirement	Compliance
		the DCO Application (see Section 10 of the Consultation Report).
<b>Environmental Impact Assessment</b>		
92	To ensure consultation is meaningful, the pre-application consultation process for major infrastructure projects encourages applicants to give consultees as much information as possible on the characteristics of the proposed project. However, it may not be possible for applicants to share their environmental statements during the consultation process. It may also not be the most appropriate way to present the potential environmental impacts and mitigation steps.	The Applicant provided a Preliminary Environmental Information Report (PEIR) for the purposes of statutory consultation (Appendix G.2 of the Consultation Report provides a copy of the PEIR NTS). The PEIR was also available on the Riverside Energy Park website ( <a href="https://riversideenergypark.com/consultation/materials">https://riversideenergypark.com/consultation/materials</a> ). The PEIR was produced in the same format as the ES and provided as much baseline information and preliminary findings of assessments as were available at the time, in order to ensure a meaningful pre-application consultation and detailed responses could be formulated by consultees.
93	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 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	Furthermore, through ongoing engineering review and development of the project proposals several minor refinements were made to the Indicative Application Boundary that was consulted on between 18 <sup>th</sup> June and 30 <sup>th</sup> July 2018. Therefore, a Supplementary Information to the PEIR (SIP) Report was prepared to identify if the works in the new areas would be likely to give rise to any new or different environmental effects (see Appendix K.4). The report concluded that the minor refinements would not result in any material change. The SIP report was provided to the land interests potentially affected by the changes (who were consulted under section 42(1)(d) of the PA 2008) on a

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	<p>applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.</p>	<p>statutory basis, as well as previously consulted prescribed and non-prescribed bodies and the local community on a non-statutory basis. The SIP was also available on the Riverside Energy Park website (<a href="https://riversideenergypark.com/consultation/materials">https://riversideenergypark.com/consultation/materials</a>).</p> <p>Section 1.5 in the published SoCC also outlined how the Applicant intended to consult upon the PEIR (a copy of the SoCC is provided in Appendix H.3 of the Consultation Report).</p>
<b>Draft Development Consent Order</b>		
98	<p>Applicants may find it helpful to undertake early discussion with a range of parties on the content of the draft Order. Where felt necessary, local authorities may suggest appropriate requirements to be included in the draft Order. These may be similar to conditions attached to a grant of planning permission. They could include the later approval (after the granting of an Order) by the local authority of detailed project designs or schemes to mitigate adverse impacts.</p>	<p>The Applicant issued the draft Order to the Planning Inspectorate for review on 24<sup>th</sup> August 2018. Where possible or appropriate, the Applicant has sought to take on board any comments in the documents submitted.</p> <p>It has not been possible to issue the draft Order for comment with the local authorities at this stage. However, the Applicant intends to do so following submission of the Application so that these discussions can be progressed during the pre-Examination period. A call has been arranged with the London Borough of Bexley to commence consultation on the draft Order for 19 November 2018, and engagement will continue throughout the pre-Examination period with local authorities, so that detailed comments can be taken into account by the Applicant before the Examination commences.</p>

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		The Applicant is also pursuing Statements of Common Ground with the host authorities as set out in Section 10.3 of the Consultation Report.
<b>The Planning Inspectorate – Advice Note Fourteen: Compiling the Consultation Report (April 2012) (Version 2)</b>		
<b>Introduction</b>		
	<p>An application must be accompanied by the applicant’s consultation report prepared under section 37 of the 2008 Act. That report should draw together:</p> <p>a. an account of the statutory consultation, publicity, deadline set and community consultation activities undertaken by the applicant at the pre-application stage under s42, s47 and s48</p>	Sections 5, 6 and 7 of the Consultation Report provide an account of the statutory consultation undertaken under section 42, section 47 and section 48 of the PA 2008.
	b. A summary of the relevant responses to the separate strands of consultation; and	A summary of the responses received is included in Sections 8.5, 9.2 – 9.5 of the Consultation Report. Further details are provided in Appendices J.2-J.4.
	c. The account taken of responses in developing the application from proposed to final form, as required by s49(2).	A summary of the account taken of responses received is included in Section 9.6 of the Consultation Report. Further details are provided in Appendices J.2-J.4
	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	Appendices J.2-J.4 include responses from the Applicant in respect of statutory consultees' responses. The responses explain how the Applicant has had regard to the comments raised in compliance with its duty under s.49 PA2008 and explained what changes, if

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	expressed. The consultation itself should be carried out in a way that allows the submission of a robust and detailed report at application stage.	appropriate, have been made to the Proposed Development. There is also a specific column which demonstrates whether the consultee's response has resulted in a change to the Proposed Development.
	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>Sections 3 and 10 of the Consultation Report outline the non-statutory engagement and non-statutory consultation that has taken place. Specifically, Section 3.2 of the Consultation Report describes the non-statutory engagement prior to and during the statutory consultation phase (November 2017 – July 2018), Section 3.3 describes the non-statutory consultation undertaken in May 2018 and Section 10 describes the continued non-statutory engagement following the statutory consultation phase (August 2018-October 2018).</p> <p>Sections 9.1 and 9.2 provide a summary of the responses received during non-statutory engagement (November 2017-July 2018) and non-statutory consultation. The responses received during the non-statutory consultation in May 2018 and how the Applicant has had regard to these responses is provided in Appendix J.1.</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.	As evidenced in this checklist (Annex 1), the Applicant has complied with DCLG Guidance and relevant Advice Notes in carrying out the consultation on the Proposed Development and in the preparation of the Consultation Report.

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<b>Format and Content of the Report</b>		
<b>Explanatory text</b>	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.	Section 2.7 of the Consultation Report provides an overview of the overall approach to the pre-application consultation.
	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.	Figure 2.1 and Table 2.1 provides a reference guide summarising all engagement and consultation that has been undertaken in chronological order.
	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 such cases, it may be useful to set out this wider historical context. 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.	This advice is not applicable to the Proposed Development as there have been no previous incarnations or historic consultation activities which have led to the REP DCO application. Section 2 of the Consultation Report provides an overview of the consultation activities to date.
<b>Consultation with the prescribed consultees (s42)</b>	The applicant should include a full list of the prescribed consultees as part of the consultation report.	Appendices B.1 to B.5 list the prescribed consultees that have been consulted.
	If the prescribed consultees have been consulted on multiple occasions, perhaps at different phases of the consultation, then this should be explained.	Appendices B.1 to B.5 clearly identify if a consultee has been consulted multiple times.



Ref	Requirement	Compliance
	<p>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.</p>	<p>Any variations between the Applicant's section 42(1)(a) list and Schedule 1 of the APFP Regulations are clearly set out in Appendix B.1.</p>
	<p>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.</p>	<p>Appendix B.1 lists the prescribed consultees in the same order as Schedule 1 of the APFP Regulations.</p>
	<p>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 relevant local authorities.</p>	<p>The application of section 43 of the PA 2008 and the authorities contacted during statutory consultation is outlined in Section 6.4 of the Consultation Report. The administrative boundaries of the local authorities who were consulted are also shown in the plan enclosed in Appendix A.5.</p>
	<p>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.</p>	<p>Appendices B.2 – B.5 provides a list of parties under section 44 of the PA 2008 that were consulted under section 42(1)(d) of the PA 2008.</p>
	<p>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.</p>	<p>Appendices B.2 – B.5 provides a list of those with an interest in the land and who are listed in the Book of Reference.</p>
<p><b>Statement of Community Consultation (SoCC)</b></p>	<p>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 the consultation was undertaken.</p>	<p>Section 7.3 of the Consultation Report provides a summary of the rationale behind the SoCC.</p>

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<b>Process (s47)</b>	<p>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>	<p>Section 7.3 of the Consultation Report describes how each local authority, including local authorities under section 43(1) of the PA 2008 and non-section 43(1) authorities, were consulted on the draft SoCC. Section 7.3 also includes additional information on the timescales of non-statutory engagement and statutory consultation of the draft SoCC. Appendix H.5 provides details on how the Applicant took into account the consultees comments.</p>
	<p>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.</p>	<p>A SoCC notice was published in the Bexley News Shopper on 6th June 2018 (see paragraphs 7.3.29 – 7.3.32). A copy of the SoCC notice is enclosed in Appendix H.2.</p>
	<p>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.</p>	<p>All consultation activities included in the published SoCC (see Appendix H.3) were carried out. The Applicant also hosted a 'stakeholder preview exhibition' under section 47 of the PA 2008 on 5<sup>th</sup> July 2018 that was not included in the published SoCC. Section 7.4 of the Consultation Report provides further details.</p>
	<p>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.</p>	<p>Paragraphs 7.3.5 – 7.3.23 of the Consultation Report and Appendix H.5 demonstrate how comments on the SoCC were dealt with.</p>
<b>Statutory Publicity (s48)</b>	<p>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.</p>	<p>Table 5.1 in Section 5 of the Consultation Report describes where the section 48 notice was published and provides confirmation of the deadline for consultation responses.</p>

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	<p>Applicants should also provide confirmation that the s48 notice was sent to the prescribed consultees at the same time as the notice was published.</p>	<p>A copy of the section 48 notice as it appeared in the local and national newspapers is included in Appendices F.2-F.5.</p> <p>The Applicant prepared and published a section 48 notice (See Sections 5.3 of the Consultation Report in the following newspapers: Bexley News Shopper for two successive weeks (13th June 2018 and 20th June 2018); Guardian (13th June 2018); and London Gazette (13th June 2018).</p> <p>The section 48 notice was published under section 48 of the Planning Act 2008 on 13th June 2018 and 20th June 2018 (see above in respect of section 48 of the Planning Act 2008) (See Sections 5.3 of the Consultation Report).</p> <p>The Applicant sent copies of the section 48 notice to all section 42(1)(a), (aa), (b), (c) and (d) consultees at the time of notifying them of the start of section 42 consultation (18th June 2018) as described in paragraphs 6.7.2 – 6.7.5 of the Consultation Report).</p>
	<p>A description of the consultation material used and how the prescribed consultees were able to access it would also be useful.</p>	<p>The section 48 notice provided a description of the consultation documents made available during the statutory consultation (the PEIR together with plans, maps and the NTS) and where these documents would be available for inspection (including a link to the Riverside Energy Park website, the locations and times of document inspection venues and how to request copies of any of the consultation documents and any</p>

Ref	Requirement	Compliance
		potential charges). See Appendices F.2 - F.5 for further details.
<b>Non-statutory 'informal' comments</b>	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.	<p>Section 3.2 of the Consultation Report describes the non-statutory engagement prior to and during the statutory consultation phase (November 2017 – July 2018), Section 3.3 describes the non-statutory consultation undertaken in May 2018 and Section 10 describes the continued non-statutory engagement following the statutory consultation phase (August 2018-October 2018).</p> <p>Sections 9.2 and 9.3 provide a summary of the responses received during non-statutory engagement (November 2017-July 2018) and non-statutory consultation. The responses received during the non-statutory consultation in May 2018 and how the Applicant has had regard to these responses is provided in Appendix J.1.</p> <p>Section 8.4 of the Consultation Report, provides a summary of the non-statutory minor refinements consultation undertaken with all prescribed bodies previously consulted under section 42(1)(a), (aa), (b) and (c) of the PA 2008 and any non-prescribed bodies previously consulted.</p> <p>The non-statutory responses received during the minor refinements consultation and how the Applicant has had regard to these responses is provided in Appendix J.3.</p>

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<b>EIA Regulations Consultation</b>	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 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.	Section 4 of the Consultation Report describes the consultation undertaken pursuant to the EIA Regulations 2017.
<b>Dealing with statutory consultation responses</b>		
<b>Issues led approach</b>	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. 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 ensure that the responses were grouped appropriately.	<p>The Applicant has presented the relevant responses received to the section 42 statutory consultation as received in Appendix J.2 and J.5 (see Section 9.1 of the Consultation Report).</p> <p>The Applicant has grouped the responses received to the section 47 statutory consultation (and section 48 publicity) according to a series of themes as described in paragraphs 9.1.9 – 9.1.12 (see Appendix J.4).</p> <p>The Applicant has grouped non-statutory consultation responses under the questions responses were received in relation to on the comments form (see Appendices D.4 and J.1).</p> <p>The Applicant has presented the relevant responses received to the Minor Refinements Consultation as received in Appendix J.3.</p> <p>Section 9.1 of the Consultation Report provides an overview of the responses and an explanation of how</p>

Ref	Requirement	Compliance
		<p>the Applicant has, where appropriate, grouped responses. Appendices J.1-J.5 outline the responses received during non-statutory consultation, statutory consultation and minor refinements consultation and how the Applicant has had regard to these responses.</p>
<p><b>Summary of responses</b></p>	<p>A list of the individual responses received should be provided and categorised in an appropriate way.</p>	<p>Appendices J.1 – J.5 provide detailed lists of responses received along with comments on how the Applicant has had regard to those relevant responses.</p>
	<p>We advise that applicants group responses under the three strands of consultation as follows:</p> <ul style="list-style-type: none"> <li>• S42 prescribed consultees (including s43 and s44)</li> <li>• S47 community consultees</li> <li>• S48 responses to statutory publicity.</li> </ul> <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>Consideration of responses received by consultees is set out in Appendices J.1-J.5. These appendices clearly identify under which strand of consultation the responses were received and whether or not the Applicant changed the Proposed Development as a result of the comments.</p> <p>Sections 9.2 and 9.3 of the Consultation Report provide an analysis of the feedback received during the non-statutory engagement and non-statutory consultation undertaken prior to the statutory consultation. Appendix J.1 outlines the responses received during non-statutory consultation and how the Applicant has had regard to the responses received.</p> <p>Paragraphs 9.5.3 – 9.5.19 of the Consultation Report analyses the feedback received during the section 42 statutory consultation, which was undertaken in June-July 2018. Appendix J.2 and J.5 outline the responses received and how the Applicant has had regard to the responses received.</p>

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		<p>Sections 9.5.20 – 9.5.54 of the Consultation Report analyses the feedback received during the section 47 statutory consultation and section 48 publicity. Appendix J.4 sets out relevant responses received during section 47 and section 48 consultation and how the Applicant has had regard to the responses. Note that the Applicant did not receive any consultation responses that identified themselves as responding to section 47 consultation or section 48 publicity, therefore Sections 9.5.20 – 9.5.54 and Appendix J.4 discuss the relevant responses from non-section 42 consultees which includes both section 47 and section 48 respondents collectively.</p> <p>Sections 8.5 of the Consultation Report provides an analysis of the feedback received during the Minor Refinements Consultation undertaken after the statutory consultation. Appendix J.3 outlines the responses received during non-statutory consultation and how the Applicant has had regard to the responses received.</p> <p>Section 9.6 of the Consultation Report provides a summary of how the Applicant has had regard to consultation responses in accordance with section 49 of the PA 2008, and describes the evolution of the Proposed Development in response to consultation feedback.</p>

Ref	Requirement	Compliance
	<p>A summary of responses by appropriate category together with a clear explanation of the reason why responses have led to no change should also be included, including where responses have been received after deadlines set by the applicant.</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.</p>	<p>Appendix J.2-J.5 include the relevant responses and key themes raised during the statutory consultation phase and identify whether the comments have, or haven't, led to a change to the Proposed Development.</p> <p>Appendices J.2-J.5 of the Consultation Report and Tables 6.2, 7.9, 8.2, 9.2, 10.2, 11.2, 12.2, 13.2 and 14.2 in the Environmental Statement (Document Reference 6.1) describe where any matters raised in consultation or engagement with consultees have been further discussed or resolved. The Applicant is continuing to engage with prescribed consultees on a range of matters, including the drafting of the draft DCO, with a view to agreeing a Statement of Common Ground (SoCG) on certain matters as described in see Section 10 of the Consultation Report.</p>
<b>Data Protection</b>	<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. Applicants should ensure that the consultation report has been fully redacted and is fit for public consumption before submitting it.</p>	<p>All details of private individuals have been redacted in the Consultation Report and the associated appendices. For section 42(1)(d) consultees a code has been used in the Consultation Report and Appendices B.2, B.3, B.4, B.5, B.6 and B.7 in place of the consultee's name in the interest of confidentiality.</p>