

Outer Dowsing Offshore Wind

Consultation Report

Appendix 5.1.1 Consultation Compliance Statement

Date: March 2024

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Rev: 1.0

Company:	Outer Dowsing Offshore Wind		Asset:	Whole Asset		
Project:	Whole Wind Farm		Sub Project/Package:	Whole Asset		
Document Title or Description:	Compliance Checklist					
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1.0	March 2024	DCO Application	ODOW	S&W	ODOW	ODOW

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Acronyms & Definitions

Abbreviations / Acronyms

Abbreviation / Acronym	Description
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ETG	Expert Topic Group
ES	Environmental Statement
HRA	Habitats Regulation Assessment
IROPI	Imperative Reasons of Over-riding Public Interest
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
NPS	National Planning Statement
NSIP	Nationally Significant Infrastructure Projects
ODOW	Outer Dowsing Offshore Wind, trading name of GT R4 Limited
PEIR	Preliminary Environmental Information Report
RIAA	Report to Inform Appropriate Assessment
SoCC	Statement of Community Consultation

Terminology

Term	Definition
2008 Act	Planning Act 2008 as amended
APFP Regulations	Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009
The Applicant	GT RT Limited trading as Outer Dowsing Offshore Wind
Autumn Consultation	The Autumn Consultation relating to the Project carried out in October and November 2023
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Evidence Plan Process (EPP)	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and where possible agrees the detailed approach to the EIA and information to support HRA for those relevant topics included in the process, undertaken during the pre-application period.
GT R4 Ltd	The Applicant making the application for a DCO. The Applicant is GTR4 Limited (a joint venture between Corio Generation and, TotalEnergies and Gulf Energy Development), trading as Outer Dowsing Offshore Wind.

Term	Definition
Habitats Regulations Assessment (HRA)	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
Local Authority	The Local Authority is a body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and the Broads Authority, as set out in Section 43 of the Planning Act 2008.
Outer Dowsing Offshore Wind (ODOW)	The Project
PEIR	Preliminary Environmental Information Report. The PEIR is written in the style of a draft Environmental Statement (ES) and provides information to support and inform the statutory consultation process in the pre-application phase. Following that consultation, the PEIR documentation will be updated to produce the Project's ES that will accompany the application for the Development Consent Order (DCO).
Phase 1 Consultation	The Phase 1 Consultation relating to the Project carried out in November 2022
Phase 1A Consultation	The Phase 1A Consultation relating to the Project and the proposed alternative route option carried out in February 2023
Phase 2 Consultation	The Phase 2 Consultation relating to the Project carried out in June and July 2023
Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Scoping Opinion	The Scoping Opinion relating to the Project published by the Planning Inspectorate
Section 44 Consultees	Consultees identified in accordance with Section 42(1)(d) of the Planning Act 2008
Statement of Community Consultation	The Statement of Community Consultation (SoCC) published in accordance with section 47 of the Planning Act 2008
Statutory Consultee	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008. Not all prescribed bodies and interested parties will be statutory consultees.
Targeted Winter Consultation	The Targeted Winter Consultation relating to the Project carried out in December 2023 and January 2024

1. Introduction

1. This Compliance Checklist demonstrates how the Applicant has met the requirements of each of the consultation obligations imposed by sections 42, 43, 44, 45, 46, 47, 48 and 49 of the Planning Act 2008 (the 2008 Act) in addition to those outlined in statutory guidance about the pre-application procedure published under section 50 of the 2008 Act.
2. This Compliance Checklist also sets out how the Applicant has complied with the following regulations and guidance:
 - Infrastructure Planning (Application: Prescribed Form and Procedure) Regulation 2009 (APFP Regulations);
 - Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations);
 - Department for Communities and Local Government (DCLG) Planning Act 2008 guidance on the pre-application process (2015);
3. For completeness this Compliance Checklist also includes a summary of compliance with the following documents, in relation to any guidance relating to consultations:
 - The Planning Inspectorate Advice Note Three: EIA Consultation and Notification ('Advice Note 3') (PINS 2017);
 - The Planning Inspectorate Advice Note 7: Environmental Impact Assessment ('Advice Note 7') (PINS 2020).
 - The Planning Inspectorate Advice Note 14: Compiling the Consultation Report ('Advice Note 14') (PINS 2021); and
 - Defra 2021. Best practice guidance for developing compensatory measures in relation to Marine Protected Areas. Dated 22 July 2021. Version: For consultation.

2. Consultation Compliance Checklist

Ref	Requirement	Compliance
Planning Act 2008		
Section 42	(1) The applicant must consult the following about the proposed application:	
	(a) such persons as may be prescribed	<p>The Applicant has consulted all consultees notified to the Applicant by the Planning Inspectorate under Regulation 11(1)(c) of the EIA Regulations and all consultees prescribed under Schedule 1 of the APFP Regulations.</p> <p><i>Section 9.1.1 Section 42 Consultation</i> of the Consultation Report summarises the requirements for identifying section 42 consultees, a full list of which are included in <i>Appendix 5.1.3: Consultees consulted under section 42 of the Planning Act 2008</i>.</p> <p>A list of prescribed consultees as outlined in Schedule 1 of the APFP Regulations and the Applicant's compliance is detailed in <i>Table 9.1</i> and <i>Table 9.2</i> of the Consultation Report.</p> <p><i>Sections 9.5, 9.6</i> and <i>9.7</i> of the Consultation Report summarises how consultees were identified for each phase of consultation carried out under section 42 and how that phase of consultation was carried out.</p>
	(aa) the Marine Management Organisation (MMO)	<p>The Applicant has consulted the MMO throughout the consultation phases.</p> <p>In addition to consultation carried out under section 42 of the 2008 Act, the MMO had also been consulted as part of the Evidence Plan Process (EPP) undertaken pre-application as outlined in <i>Section 9</i> of the Consultation Report.</p> <p>A detailed summary of the EPP and outcomes is included as <i>Appendix 5.15</i>.</p>
	(b) Each local authority that is within section 43	The Applicant consulted each local authority that falls within section 43.

Ref	Requirement	Compliance																											
		<p><i>Section 7 and Table 7.1</i> of the Consultation Report sets out the local authorities that fall within the categories outlined in section 44. <i>Table 7.1</i> is replicated below for completeness.</p> <table border="1" data-bbox="850 472 1282 1528"> <tr><td>Category B</td></tr> <tr><td>East Lindsey District Council</td></tr> <tr><td>Boston Borough Council</td></tr> <tr><td>South Holland District Council</td></tr> <tr><td>Lincolnshire County Council</td></tr> <tr><td>Category A</td></tr> <tr><td>North East Lincolnshire Council</td></tr> <tr><td>West Lindsey District Council</td></tr> <tr><td>North Kesteven District Council</td></tr> <tr><td>South Kesteven District Council</td></tr> <tr><td>Peterborough City Council</td></tr> <tr><td>Fenland District Council</td></tr> <tr><td>King’s Lynn and West Norfolk Borough Council</td></tr> <tr><td>Cambridgeshire County Council</td></tr> <tr><td>Norfolk County Council</td></tr> <tr><td>Category C</td></tr> <tr><td>Lincolnshire County Council</td></tr> <tr><td>Category D</td></tr> <tr><td>North East Lincolnshire Council</td></tr> <tr><td>North Lincolnshire Council</td></tr> <tr><td>Nottinghamshire County Council</td></tr> <tr><td>Leicestershire County Council</td></tr> <tr><td>Rutland County Council</td></tr> <tr><td>North Northamptonshire Council</td></tr> <tr><td>Peterborough City Council</td></tr> <tr><td>Cambridgeshire County Council</td></tr> <tr><td>Norfolk County Council</td></tr> </table>	Category B	East Lindsey District Council	Boston Borough Council	South Holland District Council	Lincolnshire County Council	Category A	North East Lincolnshire Council	West Lindsey District Council	North Kesteven District Council	South Kesteven District Council	Peterborough City Council	Fenland District Council	King’s Lynn and West Norfolk Borough Council	Cambridgeshire County Council	Norfolk County Council	Category C	Lincolnshire County Council	Category D	North East Lincolnshire Council	North Lincolnshire Council	Nottinghamshire County Council	Leicestershire County Council	Rutland County Council	North Northamptonshire Council	Peterborough City Council	Cambridgeshire County Council	Norfolk County Council
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	(c) the Greater London Authority if the land is in Greater London; and	Not applicable.																											
	(d) each person who is within one or more of the categories set out in section 44	<p>The Applicant consulted all persons identified under section 44 being persons with a relevant interest in land affected by the Project.</p> <p><i>Section 9</i> of the Consultation Report outlines the pre-application consultation with land interests.</p>																											

Ref	Requirement	Compliance
		<p>The Book of Reference (document reference 4.1) sets out all the full list of persons with a relevant interest in land.</p>
Section 45	<p>Timetable for consultation under section 42</p> <p>(1) the applicant must, when consulting a person under section 42 notify the person of the deadline for the receipt by the applicant of the person's response to the consultation</p> <p>(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>See Sections 9.5, 9.6 and 9.7 of the Consultation Report</p> <p>The Applicant undertook three rounds of consultation under section 42.</p> <p>The Applicant notified all those consulted as part of the section 42 consultations of the respective deadlines for responding to the consultations in a cover letter notifying them of the commencement of the respective consultations.</p> <p>Copies of the cover letters issued under section 42 to consultees are attached as <i>Annex 5.1.9C, Annex 5.1.10C, Annex 5.1.10D, Annex 5.1.11A and Annex 5.1.11B</i></p> <p>All phases of section 42 consultation allowed for an extended consultation period going beyond the 28-day minimum.</p> <p>The first round of consultation undertaken by the Applicant under section 42 commenced on 7 June 2023 with a deadline for responses of the 21 July 2023, giving a total of 44 days.</p> <p>The Applicant undertook a subsequent round of consultation under section 42 (the 'Autumn Consultation') covering project updates and design refinements including the update from National Grid confirming the Weston Marsh connection area. The consultation commenced on 20 October 2023 and closed on 24 November 2023 giving a total of 35 days. After the commencement of the consultation the Applicant identified a number of additional parties who potentially fell within the classification of Category 3 land interests under section 44 of the 2008 Act. Due to the delay in identification the Autumn consultation was extended to 15 January 2024 to allow these consultees to be given the full time period to respond.</p>

Ref	Requirement	Compliance
		<p>A third round of targeted consultation under section 42 following refinement of the project through consideration of the responses to the Autumn Consultation. This consultation commenced on 18 December 2023 and closed on 19 January 2024 giving a total of 32 days.</p> <p>The list of consultees consulted is provided in <i>Appendix 5.1.3</i> of the Consultation Report: <i>Consultees Consulted under s42 of the Planning Act 2008</i></p>
	<p>(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>	<p>The consultation documents provided to all section 42 consultees comprised of:</p> <p>Phase 2 Consultation:</p> <ul style="list-style-type: none"> ▪ The PEIR including a Non Technical Summary ▪ Draft Report to Inform Appropriate Assessment ▪ Draft Development Consent Order including Deemed Marine Licences ▪ Draft Works Plans ▪ Reports, Statements and Outline Plans ▪ In person and online exhibition information panels <p>Autumn Consultation:</p> <ul style="list-style-type: none"> ▪ Environmental Update Report ▪ Onshore Substation Visualisations ▪ Associated Plans ▪ In person and online exhibition information panels <p>Targeted Winter Consultation:</p>

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> ■ Targeted Consultation Supporting Information ■ Targeted Consultation Refinements Plan ■ Targeted Consultation Onshore Order Limits Plan
Section 46	<p>Duty to notify Secretary of State of proposed application</p> <p>(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application</p> <p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>See <i>Section 9.1.3</i> of the Consultation Report</p> <p>The Applicant notified the Secretary of State (SoS) ahead of commencement of all phases of consultation under section 42 and provided copies of the consultation materials.</p> <p><i>Phase 2 PEIR Consultation</i> The Applicant notified the SoS on 5 June 2023, ahead of consultation commencing on 7 June 2023. The SoS confirmed receipt of the notification and documentation on 26 June 2023.</p> <p><i>Autumn Consultation</i> The Applicant notified the SoS on 18 October 2023 ahead of the consultation commencing on 20 October 2023.</p> <p><i>Targeted Winter Consultation</i> The Applicant notified the SoS on 13 December 2023 ahead of the consultation commencing on 18 December 2023. The SoS confirmed receipt of the notification and documentation on 15 December 2023.</p> <p>Copies of the notices are included as <i>Annex 5.1.6E</i>, <i>Annex 5.16G</i> and <i>Annex 5.1.6H</i> and of the acknowledgements as <i>Annex 5.1.6F</i> and <i>Annex 5.1.6I</i>. No acknowledgement was formally received in respect of the Autumn consultation.</p>
Section 47	<p>Duty to consult the local community</p> <p>(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</p>	<p>See <i>Section 8</i> and <i>Section 9.1.4</i> of the Consultation Report</p> <p>The Applicant prepared a Statement of Community Consultation (SoCC) which set out how the Applicant proposed to consult the community.</p>

Ref	Requirement	Compliance																				
		<p>The Applicant also prepared an Updated SoCC to introduce an alternative cable route option and an additional phase of consultation.</p> <p>Copies of the draft and final versions of the SoCC and Updated SoCC are included within <i>Appendix 5.1.5</i> as <i>Annex 5.1.5A(i) and (ii)</i>, <i>Annex 5.1.5C</i>, <i>Annex 5.1.5D</i> and <i>Annex 5.1.5E</i>.</p> <p>Details on how the Applicant has prepared the SoCC are outlined in <i>Section 8</i> of the Consultation Report.</p>																				
	<p>(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p>	<p>Before preparing the SoCC the Applicant consulted each local authority that falls within section 43 (1) of the 2008 Act.</p> <p><i>Section 7</i> and <i>Table 7.1</i> of the Consultation Report sets out which local authorities were identified under the categories set out in section 43.</p> <p><i>Table 7.1</i> is replicated below for completeness.</p> <table border="1" data-bbox="850 1119 1284 1904"> <tbody> <tr><td>Category B</td></tr> <tr><td>East Lindsey District Council</td></tr> <tr><td>Boston Borough Council</td></tr> <tr><td>South Holland District Council</td></tr> <tr><td>Lincolnshire County Council</td></tr> <tr><td>Category A</td></tr> <tr><td>North East Lincolnshire Council</td></tr> <tr><td>West Lindsey District Council</td></tr> <tr><td>North Kesteven District Council</td></tr> <tr><td>South Kesteven District Council</td></tr> <tr><td>Peterborough City Council</td></tr> <tr><td>Fenland District Council</td></tr> <tr><td>King's Lynn and West Norfolk Borough Council</td></tr> <tr><td>Cambridgeshire County Council</td></tr> <tr><td>Norfolk County Council</td></tr> <tr><td>Category C</td></tr> <tr><td>Lincolnshire County Council</td></tr> <tr><td>Category D</td></tr> <tr><td>North East Lincolnshire Council</td></tr> <tr><td>North Lincolnshire Council</td></tr> </tbody> </table>	Category B	East Lindsey District Council	Boston Borough Council	South Holland District Council	Lincolnshire County Council	Category A	North East Lincolnshire Council	West Lindsey District Council	North Kesteven District Council	South Kesteven District Council	Peterborough City Council	Fenland District Council	King's Lynn and West Norfolk Borough Council	Cambridgeshire County Council	Norfolk County Council	Category C	Lincolnshire County Council	Category D	North East Lincolnshire Council	North Lincolnshire Council
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	<p data-bbox="386 779 829 1037">(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p data-bbox="849 779 1359 972">The Applicant undertook three rounds of consultation on the SoCC and Updated SoCC with the local authorities, MMO and Planning Inspectorate, all of which were compliant with the statutory minimum of 28 days for responses.</p> <p data-bbox="849 1012 1359 1140">The draft SoCC was received by local authorities on 12 August 2022 with the deadline for responses being 9 September 2022 totalling 28 days.</p> <p data-bbox="849 1180 1359 1308">A further draft SoCC was received by local authorities on 14 September 2022 with the deadline for responses being 13 October 2022 totalling 29 days.</p> <p data-bbox="849 1348 1359 1476">The local authorities received the draft Updated SoCC on 13 December 2022 with the deadline for the responses being 10 January 2023 totalling 28 days.</p>							
	<p data-bbox="386 1516 829 1671">(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)</p>	<p data-bbox="849 1516 1359 1577">The consultation documents supplied by the Applicant are included as <i>Appendix 5.1.5</i></p>							
	<p data-bbox="386 1684 829 1877">(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).</p>	<p data-bbox="849 1684 1359 1812">The Applicant had regard to all relevant comments received on the draft SoCC. No comments were received on the updated SoCC.</p> <p data-bbox="849 1852 1359 1911">Details of the responses received and how the Applicant has responded or incorporated</p>							

Ref	Requirement	Compliance
	<p>(6) Once the Applicant has prepared the statement, the applicant must —</p> <p>(a) 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>(b) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p> <p>(c) publish the statement in such manner as may be prescribed.</p>	<p>these is outlined in <i>Section 8.1.</i> of the Consultation Report.</p> <hr/> <p>The Applicant made the SoCC available for inspection by the public on the ODOW website and in hard copy format at the Community Access Points on the dates outlined in <i>Table 8.2</i> of the Consultation Report</p> <p>A notice publicising the SOCC in accordance with section 47(6)(b) of the 2008 Act appeared in the following publications on the dates set out in <i>Table 8.3</i> of the Consultation Report</p> <ul style="list-style-type: none"> ■ Louth Leader publications ■ Boston Target ■ Spalding Guardian ■ Spalding Voice ■ Spalding Today ■ Lincolnshire Echo ■ Lincolnshire Free Press ■ Lincolnshire Live ■ Lincolnshire World ■ Fishing News <p>The below radio stations were also contacted with news of the SoCC being published:</p> <ul style="list-style-type: none"> ■ BBC Radio Lincolnshire ■ Lincs 102.7 FM ■ BBC Look North ■ ITV News Calendar <p>Scanned copies of the section 47 notices as published in the local newspapers are included in <i>Appendix 5.1.5.</i></p> <p>The Applicant made the Updated SoCC available for inspection by the public on the ODOW website and in hard copy format at</p>

Ref	Requirement	Compliance
		<p>the Community Access Points on the dates outlined in <i>Table 8.2</i> of the Consultation Report</p> <p>A notice publicising the Updated SOCC in accordance with section 47(6)(b) of the 2008 Act appeared in the following publications on the dates set out in <i>Table 8.3</i> of the Consultation Report</p> <ul style="list-style-type: none"> ■ Louth Leader publications ■ Boston Target ■ Spalding Guardian ■ Spalding Voice ■ Spalding Today ■ Lincolnshire Echo ■ Lincolnshire Free Press ■ Lincolnshire Live ■ Lincolnshire World ■ Fishing News <p>The below radio stations were also contacted with news of the Updated SoCC being published:</p> <ul style="list-style-type: none"> ■ BBC Radio Lincolnshire ■ Lincs 102.7 FM ■ BBC Look North ■ ITV News Calendar <p>Scanned copies of the section 47 notices as published in the local newspapers are included in <i>Appendix 5.1.5</i>.</p>
	<p>(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>The Applicant undertook the consultations carried out under section 47 of the 2008 Act in accordance with the SoCC and Updated SoCC.</p> <p><i>Sections 8.4 and 8.5</i> of the Consultation Report sets out how the Applicant has complied with the SoCC and Updated SoCC.</p>

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Section 48	<p>Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner</p>	<p>See <i>Section 9.1.5</i> of the Consultation Report</p> <p>The Applicant prepared and publicised the application in the prescribed manner set out in regulation 4 of the APFP Regulations by publishing section 48 notices (please see <i>Annexes 5.1.6C and 5.1.6D</i>) in the publications and on the dates listed in the undernoted tables.</p> <p>The Applicant published the first section 48 notice prior to the Phase 2 Consultation ('the June Notice'), and publicity under section 48 ran in parallel with the Phase 2 Consultation.</p> <table border="1"> <thead> <tr> <th>Publication</th> <th>Phase 2 First Publication</th> <th>Phase 2 Second Publication</th> </tr> </thead> <tbody> <tr> <td>Boston Standard</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Boston Target</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Lincolnshire Free Press</td> <td>6 June 2023</td> <td>13 June 2023</td> </tr> <tr> <td>Lincolnshire Echo</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>Louth Leader publications</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Spalding Guardian</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>Spalding Voice</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>The Times</td> <td colspan="2">7 June 2023</td> </tr> <tr> <td>London Gazette</td> <td colspan="2">8 June 2023</td> </tr> <tr> <td>Lloyds List</td> <td colspan="2">7 June 2023</td> </tr> <tr> <td>Fishing News</td> <td colspan="2">8 June 2023</td> </tr> </tbody> </table> <p>Following Project refinements, as set out in <i>Section 9</i> of the Consultation Report, the Applicant publicised a further section 48 notice prior to the Autumn Consultation ('the October Notice'), and publicity under section 48 ran in parallel with the Autumn Consultation</p>	Publication	Phase 2 First Publication	Phase 2 Second Publication	Boston Standard	7 June 2023	14 June 2023	Boston Target	7 June 2023	14 June 2023	Lincolnshire Free Press	6 June 2023	13 June 2023	Lincolnshire Echo	8 June 2023	15 June 2023	Louth Leader publications	7 June 2023	14 June 2023	Spalding Guardian	8 June 2023	15 June 2023	Spalding Voice	8 June 2023	15 June 2023	The Times	7 June 2023		London Gazette	8 June 2023		Lloyds List	7 June 2023		Fishing News	8 June 2023	
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		Dated newspaper copies are included as <i>and Annexes 5.1.6J-5.1.6AS</i> .		
	(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.	<p>Deadlines for the respective phases of consultation have been included within the section 48 notices.</p> <p>In respect of the first round of consultation under section 48 this was 21 July 2023. The final notice was published on 15 June 2023, providing a total of 36 days for responses, therefore exceeding the 28 days statutory minimum.</p> <p>In respect of the Autumn Consultation the deadline given was the 24 November 2023.</p>		

Ref	Requirement	Compliance
		The final notice was published on 19 October 2023, providing a total of 36 days for responses, therefore exceeding the 28 days statutory minimum.
Section 49	<p>Duty to take account of responses to consultation and publicity</p> <p>(1) Subsection (2) applies where the Applicant (a) has complied with Sections 42, 47 and 48, and (b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).</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>(b) a response to consultation under Section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under Section 47, or</p> <p>(c) a response to publicity under Section 48 that is received by the applicant before the deadline imposed in accordance with Section 48(2) in relation to that publicity</p>	<p><i>See Appendix 5.1.4</i></p> <p>The Applicant has had regard to all relevant responses made pursuant to section 42, section 47 and section 48 in accordance with section 49.</p> <p>A summary of relevant responses received and how the Applicant has considered these is provided in the Consultation Report, specifically in <i>Appendix 5.1.4</i></p>
Section 50	<p>Guidance about pre-application procedure</p> <p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p>	<p><i>See Section 5</i> of the Consultation Report</p> <p>The Applicant has had regard to the Department for Communities and Local Government (DCLG, 2015): Planning Act</p>

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	<p>(2) Guidance under this section may be issued by the Planning Inspectorate or the Secretary of State.</p> <p>(3) The Applicant must have regard to any guidance under this section.</p>	<p>2008: guidance on the pre-application process as set out below.</p> <p>The Applicant has also had regard to Advice Notes prepared by the Planning Inspectorate as outlined later in this checklist.</p>																																	
The Infrastructure Planning (Application: Prescribed Form and Procedure) Regulations 2009																																			
Regulation 3	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 person in column 2 of that table	<p>The Applicant has consulted all persons prescribed in column 1 of the table in Schedule 1 of the APFP Regulations who were deemed relevant to this application by the description set out in column 2 of the table. Details are set out within <i>Section 9.1.1</i> and <i>Tables 9.1 and 9.2</i> of the Consultation Report.</p> <p>A full list of consultees consulted is outlined in <i>Appendix 5.1.3</i> of the Consultation Report.</p>																																	
Regulation 4	<p>Publicising a proposed application</p> <p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –</p> <p>(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;</p> <p>(b) a national newspaper;</p> <p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyd’s List; and</p> <p>(ii) once in an appropriate fishing trade journal.</p>	<p>See <i>Section 9.1.4</i> of the Consultation Report</p> <p>The Applicant published a section 48 notice the June Notice which included the matters set out in paragraph (3).</p> <p>The section 48 notice was published as follows:</p> <table border="1" data-bbox="847 1087 1328 1892"> <thead> <tr> <th>Publication</th> <th>Phase 2 First Publication</th> <th>Phase 2 Second Publication</th> </tr> </thead> <tbody> <tr> <td>Boston Standard</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Boston Target</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Lincolnshire Free Press</td> <td>6 June 2023</td> <td>13 June 2023</td> </tr> <tr> <td>Lincolnshire Echo</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>Louth Leader publications</td> <td>7 June 2023</td> <td>14 June 2023</td> </tr> <tr> <td>Spalding Guardian</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>Spalding Voice</td> <td>8 June 2023</td> <td>15 June 2023</td> </tr> <tr> <td>The Times</td> <td colspan="2">7 June 2023</td> </tr> <tr> <td>London Gazette</td> <td colspan="2">7 June 2023</td> </tr> <tr> <td>Lloyds List</td> <td colspan="2">7 June 2023</td> </tr> </tbody> </table>	Publication	Phase 2 First Publication	Phase 2 Second Publication	Boston Standard	7 June 2023	14 June 2023	Boston Target	7 June 2023	14 June 2023	Lincolnshire Free Press	6 June 2023	13 June 2023	Lincolnshire Echo	8 June 2023	15 June 2023	Louth Leader publications	7 June 2023	14 June 2023	Spalding Guardian	8 June 2023	15 June 2023	Spalding Voice	8 June 2023	15 June 2023	The Times	7 June 2023		London Gazette	7 June 2023		Lloyds List	7 June 2023	
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		<p>Following Project refinements as set out in <i>Section 9</i> of the Consultation Report , the Applicant published the October Notice which included the matters set out in paragraph (3).</p> <p>The section 48 notice was published as follows:</p> <table border="1" data-bbox="849 648 1330 1751"> <thead> <tr> <th>Publication</th> <th>Autumn First Publication</th> <th>Autumn Second Publication</th> </tr> </thead> <tbody> <tr> <td>Boston Standard</td> <td>11 October 2023</td> <td>18 October 2023</td> </tr> <tr> <td>Boston Target</td> <td>11 October 2023</td> <td>18 October 2023</td> </tr> <tr> <td>Lincolnshire Free Press</td> <td>10 October 2023</td> <td>17 October 2023</td> </tr> <tr> <td>Lincolnshire Echo</td> <td>12 October 2023</td> <td>19 October 2023</td> </tr> <tr> <td>Louth Leader publications</td> <td>11 October 2023</td> <td>18 October 2023</td> </tr> <tr> <td>Spalding Guardian</td> <td>12 October 2023</td> <td>19 October 2023</td> </tr> <tr> <td>Spalding Voice</td> <td>12 October 2023</td> <td>19 October 2023</td> </tr> <tr> <td>The Times</td> <td colspan="2">12 October 2023</td> </tr> <tr> <td>London Gazette</td> <td colspan="2">13 October 2023</td> </tr> <tr> <td>Lloyds List</td> <td colspan="2">12 October 2023</td> </tr> <tr> <td>Fishing News</td> <td colspan="2">27 October 2023</td> </tr> </tbody> </table> <p>Dated newspaper copies are included as <i>Annex 5.1.6J- 5.1.6AS</i>.</p>		Publication	Autumn First Publication	Autumn Second Publication	Boston Standard	11 October 2023	18 October 2023	Boston Target	11 October 2023	18 October 2023	Lincolnshire Free Press	10 October 2023	17 October 2023	Lincolnshire Echo	12 October 2023	19 October 2023	Louth Leader publications	11 October 2023	18 October 2023	Spalding Guardian	12 October 2023	19 October 2023	Spalding Voice	12 October 2023	19 October 2023	The Times	12 October 2023		London Gazette	13 October 2023		Lloyds List	12 October 2023		Fishing News	27 October 2023	
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	<p>(3) The matters which the notice must include are:</p> <p>(a) the name and address of the applicant;</p> <p>(b) a statement that the applicant intends to make an application for development consent to the Commission;</p> <p>(c) a statement as to whether the application is EIA development;</p> <p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p> <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>(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 subparagraph);</p> <p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p> <p>(h) details of how to respond to the publicity; and</p> <p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the dates when the notice is last published.</p>	<p>A copy of the section 48 notices published are attached as <i>Annex 5.1.6C Section 48 Public Notice (June 2023)</i> ('the June Notice') and <i>Annex 5.1.6D Section 48 Public Notice (October 2023)</i> ('the October Notice')</p> <p>In respect of (a) and (b) these details are provided in paragraph 1 of the June Notice and the October Notice.</p> <p>In respect of (c) this is set out in paragraph 3 of the June Notice and paragraph 6 of the October Notice.</p> <p>In respect of (d) these are summarised in paragraph 2 of the June Notice and paragraph 5 of the October Notice.</p> <p>In respect of (e) and (f) details of where the documents can be accessed and the respective dates is summarised in paragraph 3 and the corresponding table in the June Notice and paragraph 6 and the corresponding table in the October Notice.</p> <p>In respect of (g) details of whether a charge would be made for any requested hard copies of the plans and documents is set out in paragraph 6 of the June Notice and paragraph 9 of the October Notice.</p> <p>In respect of (h) and (i) details of how to respond and deadlines for responses are outlined in paragraph 8 of the June Notice and paragraph 10 of the October Notice. Each notice provided a total of 36 days for responses following the date when the last notice was published, therefore exceeding the 28 days statutory minimum.</p>
Infrastructure Planning (Environmental Impact Assessment) Regulations 2017		
Regulation 8	Procedure for establishing whether environmental impact assessment is required	
	<p>(1) A person who proposes to make an application for an order granting</p>	<p>The Applicant submitted a letter to the Planning Inspectorate on 17 June 2022</p>

Ref	Requirement	Compliance
	development consent must, before carrying out consultation under Section 42 (duty to consult) either — (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or (b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.	confirming that it intended to provide an Environmental Statement in respect of the Project pursuant to Regulation 8(1)(b) and request a scoping opinion pursuant to Regulation 10(1). A copy of this letter is included in <i>Annex 5.1.2C</i> .
Regulation 12	Consultation statement requirements	See <i>Section 8 and Appendix 5.1.5 of the Consultation Report</i>
	(1) The consultation statement prepared under section 47 (duty to consult local community) must set out— (a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and (b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information	The SoCC and Updated SoCC state that ODOW is an EIA development in Section 5: Environmental Impact Assessment (EIA) Process and Information and sets out how the Applicant intends to publicise and consult on the PEIR in Section 7 (Who will be Consulted) and Section 9 (Consultation Methods) of both the SoCC and the updated SoCC. See <i>Appendix 5.1.5</i> of the Consultation Report.
Regulation 13	Pre application publicity under section 48 (duty to publicise)	See <i>Section 9.1.5</i> of the Consultation Report
	Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).	The Applicant provided a copy of the notices publicised in accordance with section 48 of the 2008 Act under Phase 2 and the Autumn Consultation to each person consulted under section 42 of the 2008 Act (<i>see Appendix 5.1.3</i>)
Department for Communities and Local Government (DCLG) Planning Act 2008 guidance on the pre-application process		
17	“When circulating consultation documents developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for the purposes of consultation.”	The Applicant has ensured that the status on any documents prepared to inform the consultation was clear throughout. For example, the PEIR was clearly marked ‘preliminary’ and this was reiterated in public documents

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18	<p>“Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties...”</p>	<p>The Applicant engaged with local authorities and statutory consultees early in the development process through consultation on the draft SoCC (<i>See Section 8 of the Consultation Report</i>) and other statutory bodies through the Evidence Plan process and a series of Expert Topic Group meetings see <i>Section 9.9 of the Consultation Report and Appendix 5.1.15.</i></p> <p>The Applicant commenced section 47 consultation following the publication of the SoCC, with the first phase of consultation taking place at an early stage (1 November – 29 November 2022) in order to enable an iterative evolution of the Project’s design in response to consultation.</p>
20	<p>Experience suggests that, to be of most value, consultation should be</p> <ul style="list-style-type: none"> ▪ Based on accurate information that gives consultees a clear view of what is proposed including any options ▪ Shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and ▪ Engaging and accessible in style, encouraging consultees to react and offer their views.” 	<p>The Applicant’s approach to pre-application consultation is summarised in <i>Section 9</i> of the Consultation Report.</p> <p>The Applicant sought to commence early engagement with communities and prescribed consultees by holding two early rounds of section 47 community consultation (Phase 1 Consultation (1 November – 29 November 2022) and Phase 1A consultation (21 February – 21 March 2023)), as outlined in <i>Section 9.3 and 9.4</i> of the Consultation Report) to enable iterative development of the Project in response to community consultee feedback.</p> <p>The Applicant held three further rounds of consultation under section 42 (Phase 2 Consultation (7 June – 21 July 2023), Autumn Consultation (20 October- 24 November 2023) and Targeted Winter Consultation (18 December 2023- 19 January 2024) to facilitate ongoing engagement with the development of the Project’s proposals.</p> <p>The approach ensured that consultees had adequate opportunities to influence the proposals at an early stage whilst ensuring that sufficient information was provided to inform their response.</p> <p>Outside of the statutory consultation process the Applicant consulted technical consultees</p>

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		<p>through the Evidence Plan Process (EPP) details of which are outlined in Section 9 of the Consultation Report.</p> <p>Information on the application and consultation was provided in different formats to make it more engaging and encourage participation from a range of difference audiences. This included:</p> <ul style="list-style-type: none"> ▪ Public Information Days ▪ Webinars ▪ Panels for PID exhibitions (also available on the online exhibition) ▪ Leaflets ▪ Social Media ▪ Online exhibitions ▪ Production of the PEIR ▪ Preparation of a non technical summary of the PEIR ▪ Newsletters summarising consultation phases ▪ Bespoke website with a document library containing all consultation materials ▪ Community Liaison Groups
23	<p>In brief, during the pre- application stage applicants are required to:</p> <ul style="list-style-type: none"> ▪ notify the Secretary of State of the proposed application; 	<p>As set out in this document as well as detailed in the Consultation Report the Applicant has complied with the requirements listed.</p>

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> <li data-bbox="500 247 829 789">▪ 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 data-bbox="500 814 829 1392">▪ 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; 	

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	<ul style="list-style-type: none"> <li data-bbox="500 247 829 825">■ 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 data-bbox="500 848 829 1058">■ identify and consult statutory consultees as required by Section 42 of the Planning Act and Regulations; <li data-bbox="500 1081 829 1262">■ publicise the proposed application in accordance with Regulations; <li data-bbox="500 1285 829 1535">■ set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication; <li data-bbox="500 1558 829 1703">■ have regard to relevant responses to publicity and consultation; and <li data-bbox="500 1726 829 1860">■ prepare a consultation report and submit it to the Secretary of State. 	

Ref	Requirement	Compliance
24	<p>The requirements of the Planning Act and associated Regulations form the framework for the pre-application consultation process. The Government recognises that major infrastructure projects and the communities and environment in which they are located will vary considerably. A ‘one-size-fits-all’ approach is not, therefore, appropriate. 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</p>	<p>The Applicant consulted on a draft SoCC and Updated SoCC that set out an approach to consultation that is appropriate for the scale and type of development that the Project consists of.</p> <p>All comments received from local authorities were considered and the SoCC was updated, as detailed in <i>Section 8.1</i> and <i>Table 8.1</i> of the Consultation Report. This included agreeing to hold public information events outside normal working hours and on non-working days to facilitate wider engagement with the local community, addition of further access points where documentation could be accessed and additional news outlets that notices were then published in.</p>
25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.”</p>	<p>The Applicant has carried out the pre-application consultation with the community in accordance with the SoCC as agreed with host local authorities.</p> <p>The consultation phases are outlined in <i>Sections 9.3, 9.4, 9.5, 9.6</i> and <i>9.7</i>. An outline of non-statutory consultation undertaken is presented in <i>Section 9.10</i>.</p> <p>To assist consultees, in addition to the technical PEIR, the Applicant provided a non-technical summary (NTS) and an online exhibition with further summarised information. To assist consultees, in addition to the technical PEIR, the Applicant provided a non-technical summary (NTS) and held a number of public information days at which the PEIR was discussed with attendees and any questions addressed as well as an online exhibition with further summarised information which was accessible throughout the Phase 2 consultation period. ETG meetings were also held to discuss the PEIR with technical stakeholders.</p>

Ref	Requirement	Compliance
		<p>At each stage of the public consultation the Applicant provided feedback forms for respondents, this included an invitation to comment on whether the level and detail of information provided by the Applicant had been sufficient. The vast majority of the feedback received across the various phases of public consultation indicated that the level and detail of information provided to allow the consultees to engage with the proposals was more than satisfactory.</p> <p>Technical consultation was undertaken through the EPP and bilateral engagement with stakeholders to facilitate ongoing engagement with the Project and inform further refinements. Details on the EPP is set out in section 9.</p>
26	<p>“The Planning Act requires certain bodies and groups of people to be consulted at the preapplication stage but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. [...] 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>In addition to statutory consultees identified under section 42 of the 2008 Act the Applicant sought to identify and consult with other bodies and individuals who may have an interest in the application.</p> <p>A full list of all non-prescribed consultees identified by the Applicant and consulted under section 42 is provided in <i>Appendix 5.1.3 Consultees consulted under section 42 of the Planning Act 2008</i></p>
27	<p>“Applicants are therefore encouraged to consult widely on project proposals.”</p>	<p>The Applicant also sought to raise awareness of the application more widely. This included press releases, providing details of the application to local radio stations, providing a bulletin to talking newspapers, a social media campaign, further details of which are outlined in the Social Media Report included as <i>Appendix 5.1.13</i> of the Consultation Report.</p> <p>The Applicant made documents available at Community Access Points as outlined in <i>Table 8.2</i></p>
28	<p>“From time to time a body may cease to exist but, for legislative timetabling</p>	<p>The Applicant reviewed the consultee list on a regular basis to ensure that the contact</p>

Ref	Requirement	Compliance
	<p>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>details were up to date and any successor body was consulted with.</p> <p>See <i>Appendix 5.1.3: Consultees Consulted under Section 42 of the Planning Act 2008.</i></p> <p>The Applicant has also had regard to any change in contact details that it has been notified of.</p>
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 preapplication requirements. [...] Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.”</p>	<p>The Applicant has engaged with both statutory and non-statutory consultees throughout the project’s development. These meetings have been facilitated through the Evidence Plan Process or topic specific meetings. See <i>Section 9.9 and 9.10</i> of the Consultation Report.</p> <p>For example, the Applicant has carried out extensive pre-application consultation in relation to its derogation case and compensatory measures with the relevant Expert Topic Groups. Details of the EPP including agreement logs are set out in Appendix 5.1.15 and Principal Areas of Disagreement Statements as developed under the Early Adopters Programme are included in Appendix 5.1.16.</p>
34	<p>“Local authorities have considerable expertise in consulting local people. They will be able to draw on this expertise to provide advice to applicants on the makeup of the community and on how consultation might best be undertaken. In addition, many authorities will already have a register of local interest groups, and should be able to readily provide applicants with an appropriate list of such groups for the purposes of consultation.”</p>	<p>The Applicant consulted each local authority that is within section 43 (1) on the content of the draft SoCC and as detailed in <i>Section 8</i> of the Consultation Report.</p> <p>Details of the local authorities included within the Applicant’s consultations are outlined in <i>Section 7</i> and <i>Table 7.1</i> of the Consultation Report.</p> <p>During consultation on the SoCC the local authorities provided recommendations of local groups/organisations, this is included within <i>Annex 5.1.5B</i>. The Applicant continued</p>

Ref	Requirement	Compliance
		to engage with local planning authorities on what known organisations fell into the categories of seldom held voices, minority groups and those with protected characteristics.
35	“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.”	<p>The Applicant prepared a SoCC at the start of the consultation process and consulted on a draft version with local authorities prior to publishing it in accordance with section 47(6) of the 2008 Act.</p> <p>The Applicant also prepared an Updated SoCC to introduce an alternative cable route option and an additional phase of consultation.</p> <p>The proposal crossed three local authority boundaries and one upper-tier county council boundary who, together with the neighbouring local authorities, were consulted on the SoCC and the Updated SoCC.</p>
36	“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>Further details of this are outlined in <i>Section 8</i> of the Consultation Report.</p> <p>Details of how Consultation Zones were established are outlined in <i>Section 9</i> of the Consultation Report.</p>
37	“...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.”	The Applicant engaged with the local authorities prior to issuing the draft SoCC to notify them of the intended approach to consultation and to seek their feedback. All responses to the draft SoCC and Updated SoCC and how the Applicant had regard to them in the final version of the SoCC are detailed in <i>Section 8.1</i> and <i>Table 8.1</i> of the Consultation Report.
38	“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	The Applicant developed its approach to consultation collaboratively with the local authorities. The Applicant considered feedback and suggestions from the local authorities captured during informal

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	<p>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 discussion 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>meetings and formally in response to the draft SoCC regarding its approach to consultation.</p> <p>Changes made in response to the SoCC are outlined in <i>Section 8.1</i> and <i>Table 8.1</i> of the Consultation Report.</p> <p>These included ensuring that the consultation included events scheduled out with normal working hours.</p>
39	<p>"Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> ▪ The size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area); ▪ The appropriateness of various consultation techniques, including electronic based ones; ▪ The design and format of consultation materials; ▪ Issues which could be covered in consultation materials; ▪ Suggestions for places/timings of public events as part of the consultation; ▪ Local bodies and representative groups who should be consulted; and ▪ Timescales for consultation. 	

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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 addressed all comments raised following consultation on the Draft Statement of Community Consultation. Details of these responses and the amendment the Applicant made in response are included in <i>Section 8.1</i> of the Consultation Report.</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, 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.”</p>	<p>All relevant local authorities provided a response to the draft SoCC and Updated SoCC as outlined in <i>Section 8.1</i> of the Consultation Report and <i>Annex 5.1.5B</i>. No further comments were received in respect of the Updated SoCC.</p>
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 has consulted the local authorities through the pre-application stage and through the various stages of the consultation. Details of the consultation with local authorities is set out in <i>Sections 7</i> and <i>8</i> of the Consultation Report.</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 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</p>	<p>Engagement with local authorities has been undertaken since the ODOW project launch with a continuous programme of meetings tailored to ensure the project benefits from valuable local input and agreement.</p> <p>The draft Development Consent Order (DCO) was part of the suite of documentation submitted for formal consultation as part of the Phase 2 Consultation under sections 42 of the Planning Act 2008, providing stakeholders the opportunity to provide comments and suggestions. East Lindsey District Council, South Holland District Council, Boston Borough Council and Lincolnshire County Council each responded with comments on</p>

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	Development Consent Order are raised at the earliest opportunity.”	<p>the draft DCO. The Applicant responded to these comments and, where appropriate, has made amendments to the draft DCO to address points raised.</p> <p>In respect of the detailed design phase, these aspects of the project will be developed and approved post-consent with local authorities</p>
48	“Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. [...] The statement of common ground can also set out matters where agreement has not been reached.”	At the point of submitting the application there are no Statements of Common Ground. However, the Applicant is in ongoing dialogue with local authorities and will progress formal Statements of Common Ground as appropriate during the examination period.
49	“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>The Applicant has consulted with those who own, occupy or have an interest in the land. Details of the consultation with Landowners is provided in <i>Section 9</i> of the Consultation Report.</p> <p>By engaging with land interests early in the process, the Applicant has been able to take on board a significant number of the comments received and allow, through participation in the Landowners Interests Group (LIG) the opportunity for landowners to review and comment on documents including the Outline Code of Construction Practice (CoCP) and the Outline Soil Management Plan (SMP).</p>
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 categorising those land interests) is up to date at the time of submission.”	The Applicant has made diligent enquiries to ensure that the Book of Reference (document reference: 4.1) is up to date at the time of submission.
51	“However, it is understood that land interests change over time and that new or additional interests may	The Applicant considers that it has observed its duty to carry out diligent inquiry to inform and support the application. The Applicant

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	<p>emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the Applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination.”</p>	<p>continues to ensure that the information received to date is kept under review and updated at appropriate milestones.</p> <p>Searches obtained through His Majesty’s Land Registry (HMLR) to identify all registered titles have been periodically updated.</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>Any changes made in the HMLR searches have been adapted to throughout the pre-application process. Details on the Applicant’s consultation with land interests is outlined in <i>Section 9</i> of the Consultation Report.</p>
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...”</p>	<p>The Applicant published the SoCC in both October 2022 and following the updates made after consultation, in January 2023 which set out how the Applicant intended to consult with the community. This was publicised as set out in <i>Table 8.3</i> of the Consultation Report.</p> <p>The Applicant chose to undertake a multistage and iterative consultation process with the community to ensure feedback from the consultation could influence the design of the Project. Details on each phase of consultation are set out in <i>Section 9</i> of the Consultation Report. Copies of the documents used in each phase of the consultation are included within <i>Appendices 5.1.7, 5.1.8, 5.1.9 and 5.1.10</i></p>

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		Details of how the Applicant’s onshore proposals developed throughout the consultation phase are shown in <i>Table 1.2</i> and <i>Plate 1.1</i> of the Consultation Report.
54	“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.”	<p>A range of consultation methods were presented in the draft SoCC and Updated SoCC which was consulted on with the local authorities. These included online and offline communication methods to engage wide range of people in the consultation process.</p> <p>An outline of consultation methods utilised throughout the consultation is set out in <i>Section 8.4.1</i> of the Consultation Report.</p>
55	“Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual...but it is not the policy of the Government to encourage documents to be translated into non-native languages.”	<p>Section 8 of the SoCC and the Updated SoCC (see <i>Appendix 5.1.5</i>) clearly sets out what the Applicant will consult the local community on, including:</p> <ul style="list-style-type: none"> ■ Environmental effects ■ Economic effects ■ Social impacts ■ Site selection for the onshore substation and refinement of the onshore cable corridors ■ Short term and temporary construction impacts ■ Long term operational considerations <p>The Applicant kept local communities informed of updates and Project progress throughout the pre-application phase through a variety of methods including social media, as committed to in the SoCC. This included newsletters following consultation phases (<i>Annex 5.1.7F, Annex 5.1.8F</i>) and the Project Update on the National Grid confirmation of connection option location (<i>Annex 5.1.9H</i>),</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	The SoCC and Updated SoCC sets out how the Applicant intended to consult the local community and those in a wider area. Within the SoCC and updated SoCC the Applicant encouraged participation in the consultation

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	<p>think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).”</p>	<p>by any group or person interested in the proposed Project.</p> <p>A core consultation zone was identified for the Phase 1 Consultation as shown in <i>Plate 9.4</i> of the Consultation Report comprising a minimum of 500m either side of the onshore search zone extending to 1,000m around the onshore substation search zones. For the Phase 1A Consultation a core consultation zone was identified following the same methodology of a minimum of 500m from the new alternative route option search area, this zone was extended to include all of those consulted in Phase 1 on the original section of this route as shown in <i>Plate 9.6</i> of the Consultation Report.</p> <p>For Phase 2 a core consultation zone was identified of 1,000m around the search zones for the proposed cable route options and the onshore substation search zones as shown in <i>Plate 9.10</i> of the Consultation Report. This consultation zone was maintained for the Autumn Consultation.</p> <p>Due to the targeted nature of the Targeted Winter Consultation no consultation zone was identified. Details of how the consultees for the Targeted Winter Consultation were identified is set out in <i>Section 9.7.2</i> of the Consultation Report.</p>
57	<p>The Statement of Community Consultation should act as a framework for the community consultation generally, for example setting out where details and dates of any events will be published. The Statement of Community Consultation 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 send to local community groups as appropriate.”</p>	<p>Section 2 of the SoCC and the Updated SoCC sets out the timeline for the phases of consultation.</p> <p>Section 9 of the SoCC and Updated SoCC confirmed that public information days would be advertised through local media.</p> <p>Hard copies of the SoCC and Updated SoCC were deposited at the Community Access Points as outlined in <i>Table 8.2</i> of the Consultation Report.</p> <p>The document was also made available via the Project’s website.</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</p>	<p>The Applicant publicised the proposed application in accordance with section 48. Details of the publications and publications</p>

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	<p>what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first 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>dates are set out in <i>Table 9.5</i> of the Consultation Report.</p> <p>The first notice published in accordance with section 48 coincided with the commencement of the Phase Two section 42 and section 47 consultation. The second notice published in accordance with section 48 coincided with the commencement of the Autum section 42 and section 47 consultation.</p>
61	<p>Applicants have a statutory duty to consult any local authority in whose land a project it sited. So, where an offshore project also features land-based development, the applicant should treat the local authority where the land-based development is located as the main consultee for the Statement of Community Consultation. The applicant is also advised to consider seeking views on the Statement of Community Consultation from local authorities whose communities may be affected by the project, for example visually or through construction traffic, even if the project is in fact some distance from the area in question. In addition, applicants may find it beneficial to discuss their Statement of Community Consultation with any local authority in the vicinity of where there could be an effect on harbour facilities.”</p>	<p>Details of how the Applicant complied with their statutory duties under section 47 of the 2008 Act are set out in <i>Section 9.1.4</i> of the Consultation Report.</p> <p><i>Section 7</i> and <i>Table 7.1</i> of the Consultation Report further sets out details of how the Project assessed which local authorities should be consulted based on the criteria set out in section 43 of the 2008 Act.</p>
63	<p>“Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.</p>	<p>The Applicant has undertaken an EIA for ODOW. The assessments are presented in the Environmental Statement which is submitted as part of the application.</p>
64	<p>Where the location of a proposed offshore project is such that the impacts on communities are likely to be very small or negligible, applicants are still expected to inform relevant coastal authorities and communities of</p>	<p>The Applicant consulted widely with neighbouring authorities and other parties that could have an interest in the proposals, including local harbours, business and community groups, commercial fisheries and</p>

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	<p>the proposed project and give them a chance to take part in any consultation. When deciding who to consult in these situations, applicants are encouraged to think laterally, by, for example identifying nearby local authorities with busy harbours, active fishing or sailing. water-sports communities or key local environmental groups.”</p>	<p>local environmental groups. Details of section 42 consultees are set out in <i>Appendix 5.1.3</i>.</p>
65	<p>Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. It may be that there are impacts which are not immediately obvious but which a consultation can identify. Equally, local communities may have concerns, for example, about environmental impacts, and open engagement with the applicant will allow them the chance to express their concerns and to understand how these concerns are being addressed. The level of interest shown by local authorities and communities will dictate the degree and depth of consultation required. [...]”</p>	<p>The Applicant has consulted openly with the local communities throughout the pre-application consultation period and adapted its approach based on local feedback. Where more information has been requested, the Applicant has endeavoured to make this available through the various information channels, including the website and newsletters. During the pre-application stage, the Applicant has provided feedback to consultees in terms of how their comments have influenced the proposal, through Consultation Summary Reports, and newsletters.</p> <p>A summary of responses from both the local community and stakeholders and how they have been considered in the final application is provided in <i>Appendix 5.1.4</i> of the Consultation Report.</p> <p>Copies of the newsletters are attached as <i>Annex 5.1.7F</i> and <i>5.1.8F</i>.</p>
66	<p>“Ultimately, applicants for offshore projects should take a pragmatic approach, consulting in proportion to the impacts on communities and the size of the project, whilst ensuring that relevant local communities are kept informed about the proposals and offered the chance to participate in shaping them. Applicants should use this as a guiding principle for consultation together with the statutory requirements as set out in the Planning Act. Provided they do this, and fully explain their approach in the consultation report which accompanies their application, the expectation is that their application</p>	<p>The Applicant has taken a pragmatic approach to consultation. Proportionate consultation has been undertaken with local communities affected by onshore elements, including regularly updated information on offshore elements of the application. By adopting an iterative approach to consultation, the Applicant has been able to ensure that the consultation was robust, proportionate and ultimately effective.</p>

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	will not be rejected on the grounds of insufficient public consultation.”	
67	<p>“...prospective applicants for development consent for certain types of projects are required to consult and engage with the Marine Management Organisation. They will also be able to advise on what, and with whom, additional consultation might be appropriate.</p> <p>Additional guidance is available from the Inspectorate on transboundary consultations.</p>	<p>The Applicant has consulted and continues to engage with the MMO through the EPP process, details of which are set out in <i>Section 9</i> of the Consultation Report and <i>Appendix 5.1.15</i>. Additionally, the Applicant consulted the MMO on the draft and Updated SoCCs.</p> <p>The Applicant’s approach to transboundary consultation is detailed in <i>Section 4.6</i> of the Consultation Report</p>
68	<p>“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.”</p>	<p>The Applicant undertook consultation early in the development process with statutory consultees, landowners and members of the local community. Early on it was stated that more information would be made available as the project developed.</p> <p>Consultation on early-stage proposals was undertaken during phase one consultation. This allowed for consultees a real opportunity to influence proposals, including the development and consideration of the alternative route to minimise impact on agricultural land. Evidence of how the Applicant has had regard to comments received during consultation undertaken under section 47 is set out in <i>Appendix 5.1.4</i>.</p>
69	<p>“Applicants will often require detailed technical advice from consultees, and it is likely that their input will be of the greatest value if they are consulted when the 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.”</p>	<p>Throughout the pre-application consultation period, the Applicant consulted with stakeholders informally to seek their feedback on the proposals.</p> <p>Expert Topic Groups were established early on in pre-application as part of the Evidence Plan Process, to agree the evidence and approaches that have underpinned the technical assessments and to discuss topic specific issues with the relevant stakeholders. Further details on this are outlined in <i>Section 9</i> of the Consultation Report and <i>Appendix 5.1.15</i>.</p>
70	<p>“To manage the tension between consultation early, but also having project proposals that are firm enough to enable consultees to comment,</p>	<p>As detailed in <i>Section 9</i> of the Consultation Report the Applicant adopted an iterative phased approach consisting of five phases of</p>

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	<p>applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for larger projects with long development periods. For example, the applicant might wish to consider undertaking non-statutory early consultation at a stage where options still being considered. This will be helpful in informing the proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.”</p>	<p>consultation. These phases are summarised below:</p> <ul style="list-style-type: none"> ■ Phase 1 ■ Phase 1A ■ Phase 2 ■ Autumn Consultation: consultation following the determination of the National Grid substation. ■ Targeted Winter Consultation: targeted consultation following refinements to the cable corridor.
71	<p>“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>	<p>The Applicant has carried out extensive consultation with persons who have an interest in the land including the fifth phase of consultation which was targeted at those with interests in land affected by refinements to the cable corridor.</p> <p>The Applicant engaged with persons with interests in the land prior to consultation carried out under section 42 of the Planning Act by way of issuing letters, landowner questionnaires, project leaflets and project FAQs. The Applicant has further engaged with persons with interests in land by conducting site visits and providing the opportunity for direct informal landowner feedback to the Applicant.</p>
72	<p>“...The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt on the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set</p>	<p>All phases of the Applicant’s consultation complied with the 28-day statutory requirement, whether these were being conducted on a statutory basis or not, as outlined in <i>Table 1.1</i>. and the Plates included within <i>Section 9</i> of the Consultation Report.</p>

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	<p>consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.”</p>	
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. Then 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>The Applicant undertook two further rounds of consultation under section 42 of the 2008 Act in order to allow effective consultation on refinements to the Applicant’s proposals.</p> <p>Details on the Autumn Consultation and the Targeted Winter Consultation are set out in <i>Section 9</i> of the Consultation Report.</p>
74	<p>“Where a proposed application changes to such a large degree that the proposal could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further reconsultation on the new proposals, and should supply consultees with sufficient 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.”</p>	
75	<p>If the application only changes to a small degree [...] the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.”</p>	

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76	In circumstances where a particular issue has arisen during the pre-application 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. [...]"	
78	Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act."	A Consultation Report has been produced and submitted by the Applicant.
80	<p>"Therefore, the consultation report should:</p> <ul style="list-style-type: none"> • provide a general description of the consultation process undertaken, which can helpfully include a timeline; • 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; • set out how the applicant has taken account of any responses to consultation with local authorities on what should be in the applicant's statement of community consultation; • set out a summary of relevant responses to consultation (but not a complete list of responses); • provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed; • provide an explanation as to why responses advising on major changes to the project were not followed, including advice from statutory consultees on impacts; 	<p>The consultation report addresses the requirements in the following sections:</p> <ul style="list-style-type: none"> ■ A general description of the consultation process is provided in <i>Section 1</i> (Executive Summary) with a timeline included as <i>Plate 9.1</i> ■ This is noted throughout the Consultation Report and detailed in full in this Compliance Checklist (<i>Appendix 5.1.1</i>) ■ <i>Section 8.1</i> illustrates responses to the consultation on the SoCC and Updated SoCC and amendments made to the SoCC and Updated SoCC following consultation with local authorities. ■ A summary of responses received is detailed within <i>Appendix 5.1.4</i> including how the Applicant has had regard to them. ■ Information on how the consultation responses have influenced the Project are included within <i>Section 9</i> but summarised in detail in <i>Appendix 5.1.4</i>.

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	<p>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</p> <ul style="list-style-type: none"> • 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.” 	
81	<p>It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.”</p>	<p>The Applicant has provided updates to those who have participated in the consultation by way of regular newsletters issued throughout the consultation phases. (See <i>Annex 5.1.7F</i> and <i>Annex 5.1.8F</i>)</p> <p>If the application is accepted, the Applicant intends to notify all parties that have contributed to the consultation of the results.</p>
82	<p>As with the consultation itself, it is likely that different audiences will require different level 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.”</p>	<p>A non-technical summary has been prepared and submitted alongside the Environmental Statement (document reference 6.1.1).</p> <p>A non-technical summary was also provided as part of the PEIR documentation consulted on during Phase 2 of the consultation.</p> <p>ETG meetings post each round of consultation were undertaken to feedback on consultation outcomes. Additionally, the Applicant held CLG meetings to feedback on consultation events to local parish councillors.</p>
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</p>	<p>The Project has issued a number of newsletters in order to succinctly summarise the outcomes of each consultation phase in a more accessible format. ((See <i>Annex 5.1.7F</i>, and <i>Annex 5.1.8F</i>)</p>

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	be supplemented by events in the local area.”	
84	A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The Applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are 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>The Applicant has continued to engage with points raised by technical consultees throughout the consultation process, as evidenced in <i>Appendix 5.1.4</i> which sets out how the Applicant has had regard to the comments raised.</p> <p>Additionally ongoing engagement has been facilitated through the EPP, details of which and the agreement logs for which have been included in <i>Appendix 5.1.15</i>.</p> <p>Where Principal Areas of Disagreement statements have been provided these are included in <i>Appendix 5.1.16</i> together with a note of the Applicant’s responses and position.</p>
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 preliminary environmental information is not expected to replicate or be a draft of the environmental statement. [...] The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant’s Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.”	<p>During the Phase 2 consultation the Applicant issued the PEIR to all consultees to enable them to develop an informed view of the Project. The PEIR was published on the Applicant’s project website and was distributed to the Community Access Points as outlined in table 8.3 of the Consultation Report).</p> <p>The PEIR took the form of a draft environmental statement. This included a Non-Technical Summary.</p> <p>The SoCC and the Updated SoCC include statements on how the Applicant intended to consult on preliminary environmental information.</p>
95	When considering whether a project has the potential to significantly affect the integrity of certain European protected wildlife sites, the applicant must provide a report which should include the site(s) that may be affected, together with sufficient information to enable the Secretary of State, as decision maker, to conclude	The Applicant has prepared the Environmental Statement, and the Report to Inform Appropriate Assessment (RIAA) under the Habitats Regulations, both of which have been included in the Applicant’s application.

Ref	Requirement	Compliance
	whether an appropriate assessment is required, and, if so, to undertake such an assessment.”	
96	“It is the applicant’s responsibility to consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulations Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an applicant to agree an evidence plan.	The Applicant has consulted Natural England, the Joint Nature Conservation Committee (JNCC), the Environment Agency and other relevant stakeholders throughout the consultation process, both under the section 42 consultation phases and through the EPP and participation in Expert Topic Group (ETGs)
The Planning Inspectorate Advice Note Three: EIA Consultation and Notification 2017		
1.1	<p>Consultation bodies are defined under Regulation 3(1) of the EIA Regulations as:</p> <ul style="list-style-type: none"> • a body prescribed under s42(1)(a) of the 2008 Act (duty to consult) and listed in column 1 of the table set out at Schedule 1 to the APFP Regulations where the circumstances set out in column 2 are satisfied in respect of that body (referred to as ‘prescribed consultees’ within this Advice Note’); • each authority that is within s43 of the 2008 Act (local authorities for purposes of s42(1)(b)) (referred to as ‘s43 local authorities’ within this Advice Note’).” 	<p>The Applicant has consulted all prescribed bodies under section 42(1)(a) and section 43 of the 2008 Act as set out in <i>Section 9.1.1, Tables 9.1 and 9.2</i> of the Consultation Report.</p> <p>See <i>Appendix 5.1.3: List of Consultees consulted under section 42</i></p>
2.1	Regulation 11(1)(c) of the EIA Regulations relates to particular person(s) whom the Planning Inspectorate considers “to be, or to be likely to be, affected by, or to have an interest in” a Proposed Development and who are “unlikely to become aware of the proposed development by means of the measures taken in compliance with Part 5 (applications for orders granting development consent) of the Act”.	The Applicant consulted all consultees listed by the Planning Inspectorate under Regulation 11(1)(c) of the EIA Regulations and cross referring to the list of s42 consultees
2.2	Applicants will need to have regard to the requirements imposed under the EIA Regulations with regard to	

Ref	Requirement	Compliance
	notifying and consulting Regulation 11(1)(c) persons. (EIA Regulations 13, 16, 19, 20, 22 and 24 also refer to notification requirements with regard to Regulation 11(1)(c) persons.)	
4.1	The Applicant for a Proposed Development is required under Regulation 8 of the EIA Regulations to either notify the Planning Inspectorate in writing that they propose to provide an ES in respect of the Proposed Development (a 'Regulation 8 notification') or request a screening opinion from the Planning Inspectorate, before carrying out preapplication consultation under s42 of the 2008 Act (Regulation 8(1) of the EIA Regulations).	<p>The Applicant submitted a Scoping Report to the Planning Inspectorate on 1 August 2022 confirming that it intended to provide an Environmental Statement pursuant to Regulation 8(1)(b) and requested a scoping opinion pursuant to Regulation 10(1).</p> <p>Prior to adopting the Scoping Opinion, the Planning Inspectorate consulted the consultation bodies required under Regulation 10(6) of the EIA Regulations.</p> <p>A copy of the Scoping Opinion and Scoping Report are included within <i>Appendix 5.1.2</i>.</p>
5.1	<p>Regulation 10 of the EIA Regulations enables a person to seek an opinion from the Planning Inspectorate acting on behalf of the SoS on the information to be included in an ES (a 'scoping opinion').</p> <p>Before adopting a scoping opinion the Planning Inspectorate must, under Regulation 10(6) of the EIA Regulations, consult the consultation bodies.</p>	
The Planning Inspectorate: Advice Note 7: Environmental Impact Assessment 2020		
8.1	As part of their pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development, in accordance with section 47 of the 2008 Act The SoCC must state whether the Proposed Development is EIA development and, if it is, how the Applicant intends to publicise and consult on PEIR (Regulation 12 of the EIA Regulations 2017)."	The Applicant prepared a SoCC and an Updated SoCC (<i>Appendix 5.1.5</i>). The SoCC and Updated SoCC set out that an EIA would be carried out and that a PEIR would be published and consulted on.
The Planning Inspectorate Advice Note 14: Compiling the Consultation Report 2021		
1.1	An application for a Development Consent Order (DCO) must include a Consultation Report, which describes	A Consultation Report has been compiled and submitted as part of the Applicant's application.

Ref	Requirement	Compliance
	<p>the consultation process carried out by the Applicant prior to submission of the application. It should demonstrate how the Applicant's preapplication duties set down in the Planning Act 2008 (the 2008 Act) have been complied with. The Consultation Report should include information and evidence about:</p> <ul style="list-style-type: none"> • Who was consulted and how the consultation was carried out; • how, and when, the project was publicised; and • how the responses were taken into account. 	<ul style="list-style-type: none"> • <i>Section 9</i> of the Consultation Report sets out who was consulted and the phases of consultation that were carried out. • <i>Section 9.1.5</i> and <i>Table 9.5</i> sets out how and when the project was publicised. • <i>Appendix 5.1.4</i> sets out responses received during the consultation and the Project's responses. <i>Section 1</i> of the Consultation Report summarises the high-level changes made throughout the consultation process.
<p>Defra: Best practice guidance for developing compensatory measures in relation to Marine Protected Areas (2021)</p>		
35	<p>Applicants should recognise the possible need for compensation early on in the process and should discuss all potential compensatory measures with the responsible authority at an early stage of development. These discussions will be exploratory in nature to assist the Applicant in demonstrating the potential efficacy and feasibility of compensatory measures to regulators. It is not the responsibility of the responsible authority to provide options for potential compensatory measures, but it can provide guidance on which activities may be considered to be sufficient in terms of compensation."</p>	<p>The Applicant has recognised the potential need for consultation and carried out extensive consultation with relevant stakeholders and authorities at regular intervals both informally, through the section 42 consultation phases and through the Evidence Plan Process.</p> <p>Feedback from the consultation has been used to shape the development of the compensatory measures.</p>