

Gate Burton Energy Park Environmental Statement

Volume 1, Chapter 4: Consultation
Document Reference: EN010131/APP/3.1
January 2023

APFP Regulation 5(2)(a)
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Prepared for:

Gate Burton Energy Park Limited

Prepared by:

AECOM Limited

© 2023 AECOM Limited. All Rights Reserved.

This document has been prepared by AECOM Limited ("AECOM") for sole use of our client (the "Client") in accordance with generally accepted consultancy principles, the budget for fees and the terms of reference agreed between AECOM and the Client. Any information provided by third parties and referred to herein has not been checked or verified by AECOM, unless otherwise expressly stated in the document. No third party may rely upon this document without the prior and express written agreement of AECOM.

Table of Contents

4.	Consultation.....	1
4.1	Overview.....	1
4.2	DCO Consultation Requirements	1
4.3	Pre-Application Consultation	2
4.4	Public Statutory Consultation	4
4.5	Targeted Statutory Consultation	5
4.6	Consultation Responses	5
4.7	References	7

4. Consultation

4.1 Overview

4.1.1 Consultation is integral to the preparation of Development Consent Order (DCO) applications and to the Environmental Impact Assessment (EIA) process. The views of consultation bodies and the local community serve to focus the environmental studies and to identify specific issues that require further investigation, as well as to inform aspects of the design of the Scheme. Consultation is an ongoing process, which enables mitigation measures to be identified and, where appropriate, incorporated into the project design thereby limiting adverse effects. Consultation also provides a platform for exploring and where possible incorporating environmental enhancements and benefits. The publication of the Preliminary Environmental Information (PEI) Report in June 2022 formed an important part of the consultation process on the proposed DCO application.

4.1.2 The Scheme has a wide range of stakeholders (including landowners, statutory consultees, local communities and specialist interest groups) with differing interests. Specific communication activities therefore need to be focused to meet the needs of particular individuals and groups. This requires an understanding of the stakeholders and their interests in the Scheme.

4.1.3 Stakeholder engagement for the Scheme is based on the following principles:

- Early and ongoing engagement to inform and influence the design process;
- Seeking an appropriate level of feedback in the iterative design process and ensuring that comments received are taken into consideration;
- Building long-term relationships with key stakeholders throughout the different stages of the Scheme to help better understand their views;
- Wherever possible, ensuring concerns are addressed; and
- Ensuring statutory consultation is undertaken in compliance with requirements of the Planning Act 2008 (Ref 4-1), associated regulations including the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) (Ref 4-3), plus associated guidance.

4.1.4 The Applicant carried out non-statutory consultation during January and February 2022, statutory consultation between June 2022 and August 2022 and further Targeted Statutory Consultation between November and December 2022.

4.2 DCO Consultation Requirements

4.2.1 The DCO process sets out a number of statutory requirements regarding consultation. The Planning Act 2008 (Ref 4-1) requires applicants for DCOs to

carry out formal (statutory) pre-application consultation on their proposals. There are several requirements as to how this consultation must be undertaken that are set out in the Planning Act 2008 (Ref 4-1) and related regulations:

- Section 42 requires the applicant to consult on the proposed application with ‘prescribed persons’, which includes certain consultation bodies such as the Environment Agency and Natural England, relevant statutory undertakers, relevant local authorities, those with an interest in the Site and persons who would or might be able to make a relevant claim for compensation;
- Section 47 requires the applicant to consult with the local community on the proposed application. Prior to this, the applicant must prepare a Statement of Community Consultation (SoCC) and consult on it with the relevant local host authorities and have regard to their responses. The SoCC must set out the proposed community consultation including (pursuant to the EIA Regulations) how the preliminary environmental information will be publicised and consulted on. Once finalised, a SoCC Notice must be published in local newspapers circulating within the vicinity of the land in question and the SoCC itself made available for inspection by the public. The formal pre-application community consultation must then be carried out in accordance with the final SoCC;
- Section 48 places a duty on the applicant to publicise the proposed application in the ‘prescribed manner’ in a national newspaper, The London Gazette, and local newspapers circulating within the vicinity of the land. In addition, the EIA Regulations and APFP Regulations require certain prescribed consultees to be sent a copy of the Section 48 notice; and
- Section 49 places a duty on the applicant to have regard to any relevant responses received to the consultation and publicity that is required by Sections 42, 47 and 48.

4.3 Pre-Application Consultation

- 4.3.1 A two-stage approach to pre-application consultation on the Scheme was adopted. An informal, non-statutory consultation was carried out during January and February 2022, and statutory consultation was undertaken from June to August 2022. A targeted consultation event was undertaken from November to December 2022. The **Consultation Report [EN010131/APP/4.1]** submitted as part of the Application, documents the pre-application and statutory consultation undertaken.
- 4.3.2 The issues that have been raised through consultation and how these have been considered and addressed within the design evolution of the Scheme and the EIA are set out in this ES and the **Consultation Report [EN010131/APP/4.1]**.
- 4.3.3 A number of meetings with statutory consultees took place to provide an introduction to the proposals, with further engagement undertaken alongside the development of the design, including with:

- The Planning Inspectorate;
- Lincolnshire County Council;
- Nottinghamshire County Council;
- Bassetlaw District Council;
- West Lindsey District Council;
- Environment Agency;
- Historic England;
- Natural England; and
- Parish Councils.

4.3.4 A project website has been set up to provide up to date information on the project: www.gateburtonenergypark.co.uk/.

Scoping Consultation

4.3.5 The EIA Scoping Report was submitted to the Planning Inspectorate on 12 November 2021. The Planning Inspectorate reviewed and consulted on the EIA Scoping Report and adopted (on behalf of the Secretary of State) a Scoping Opinion on 20 December 2021 (the Scoping Opinion) which included the formal comments received by the Planning Inspectorate from consultees. These Scoping Opinion comments from consultees are documented in **ES Volume 3: Appendix 1-C [EN010131/APP/3.3]** along with responses identifying how these comments have been responded to within the Application. Following the adoption of the Scoping Opinion, consultation has continued with relevant statutory consultees via statutory and non-statutory consultation.

4.3.6 The pre-application consultation undertaken is documented within the ES Chapters and associated Appendices and is summarised in the Consultation Report submitted with the DCO application.

Non-statutory consultation

4.3.7 An initial round of non-statutory public consultation was held between 11 January and 18 February 2022. Through the non-statutory consultation, feedback was sought on early proposals for the Scheme, the approach to EIA, and the Applicant's approach to consultation.

4.3.8 The consultation took place both online and through in-person events. It included a range of techniques to assist the dissemination of information whilst giving the opportunity for members of the public to provide feedback.

4.3.9 In total, 77 responses were received to the non-statutory consultation (68 from the local community and nine from prescribed stakeholders). This included responses from a range of statutory consultees and stakeholder groups, including:

- Parish Councils (Marton & Gate Burton Parish Council, Willingham by Stow Parish Council, Knaith Parish Council);

- Members of Parliament; and
 - Councillors.
- 4.3.10 The Applicant has had due regard to all of the comments raised through the non-statutory consultation in preparing proposals for statutory consultation, and more generally in developing the Scheme.
- 4.3.11 Comments from the non-statutory consultation influenced the ongoing evolution of the Scheme design. The iterative process of designing the Scheme, including the way that consultation feedback and EIA informed design, is set out in detail in **Chapter 3: Alternatives and Design Evolution** of this ES [EN010131/APP/3.1], and the **Planning, Design and Access Statement** [EN010131/APP/2.2].

4.4 Public Statutory Consultation

- 4.4.1 In accordance with section 47(1) of the Planning Act 2008 (Ref 4-1) for an NSIP, a SoCC was prepared in consultation with West Lindsey District Council, Lincolnshire County Council, Bassetlaw District Council and Nottinghamshire County Council, hereafter referred to as ‘the Host Authorities’ (see Section 4.2 above). This outlined how the Applicant would consult with the local community, including, in accordance with Regulation 12 of the EIA Regulations (Ref 4-3), how it intended to publicise and consult on the PEI.
- 4.4.2 The PEI Report was published in June 2022 prior to statutory consultation and included a description of the Scheme, a concept layout plan and conclusions on likely effects based on the assessment work undertaken at the time.
- 4.4.3 The approach to public consultation set out in the SoCC included:
- Issuing a project consultation postcard/leaflet to all addresses within a core consultation zone;
 - A project information booklet made available on the project website;
 - A project feedback form and frequently asked questions (FAQ) in hard copy and on the project website;
 - Hosting a number of in person events within Lincolnshire and Nottinghamshire, close to the Site;
 - Holding online consultation events to offer the opportunity to ask questions about the proposals;
 - Making digital copies of consultation documents available on the project website (<https://www.gateburtonenergypark.co.uk/>) and physical copies available at Deposit Inspection Locations; and
 - Publicising the consultation through the media, online and through liaison with stakeholders.
- 4.4.4 Statutory consultation took place from June 2022 until August 2022.
- 4.4.5 The purpose of the consultation was to seek the views of statutory consultees and the public on the Scheme; the potential short and long-term impacts of the Scheme during construction, operations, and decommissioning; the

contribution the Scheme could make to the local community; and the PEI Report.

- 4.4.6 All responses received during consultation have been carefully considered and given due regard in the development of the Scheme in accordance with Section 49 of the Planning Act 2008 (Ref 4-1). Details of responses received during consultation and the regard had to those responses is included in the **Consultation Report [EN010131/APP/4.1]**.
- 4.4.7 In addition to consultation with the local community, consultation has also been undertaken with prescribed consultation bodies, as well as affected landowners, in accordance with Sections 42 and 48 of the Planning Act 2008 (Ref 4-1) and Regulation 13 of the EIA Regulations (Ref 4-3).

4.5 Targeted Statutory Consultation

- 4.5.1 Following the statutory consultation set out in section 4.4, a number of changes were made to the Order limits having regard to feedback from the consultation, and in light of further work on the Scheme's design and environmental impacts.
- 4.5.2 In some cases, these changes added land required for parts of the proposal, into the Order limits. During design development work, it was established that this land should be included to the Scheme boundary as they were necessary for the development of the Scheme. These included areas of land to facilitate access to both the Solar and Energy Storage Park and the Grid Connection Corridor, along with an area of land alongside the A156 which would allow a connection to be made to the existing water main.
- 4.5.3 These changes did not affect the outcome of the environmental impact assessment, as set out in the PEI Report published during the statutory consultation.
- 4.5.4 The Applicant wrote to affected consultees under Section 42(1)(a), (b) and (d) of the Planning Act 2008 (Ref 4-1) to notify them of changes and invite comment for a minimum 28-day period between 3rd November and 13th December 2022.

4.6 Consultation Responses

- 4.6.1 All responses received during consultation have been carefully considered and due regard has been had with to them in the development of the Scheme in accordance with Section 49 of the Planning Act (Ref 4-1). Details of any responses received during consultation and the regard had to those responses are included in the **Consultation Report [EN010131/APP/4.1]**.
- 4.6.2 The matters raised by the consultees relevant to the EIA included:
- Loss of agricultural land and local food production, soil quality and erosion;
 - Pollution concerns from cleaning and potential noise nuisance;
 - Landscape and visual impacts including cumulative impact when considered alongside other nearby solar projects, impact on the

landscape generally and loss of views, particularly for nearby properties, the scale of the project;

- Traffic and access (potential loss of footpaths and byways, vehicle access, rights of way, safety on local roads, the condition of local roads and suitability for construction traffic, the impact on walkers and horse riders and the impact of increasing visitors to the site);
- Cultural heritage and archaeology (local sensitive sites including a Roman Causeway at Littleborough);
- Location of the site (proximity to residential properties, cumulative impact, the density of the project, a local network of underground fuel pipes, impact on local livestock from flooding and the potential impact on the Red Arrows);
- Cable route preference to be buried rather than overhead;
- Fire safety concerns; and
- Waste and recycling concerns.

4.6.3 In addition to this, the Application is accompanied by a **Statement of Need [EN010131/APP/2.1]** that sets out the justification for a Scheme of this scale at this location.

4.6.4 The **Consultation Report [EN010131/APP/4.1]** demonstrates how the Applicant has complied with the consultation requirements of the Planning Act 2009 (Ref 4-1) and EIA Regulations (Ref 4-3) and the regard had to the consultation responses, and will be considered by the Secretary of State (SoS) when determining whether to accept the application, and then in examining the application.

4.7 References

- Ref 4-1 HMSO (2008) The Planning Act 2008, Available at:
https://www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga_20080029_en.pdf.
- Ref 4-2 Planning Inspectorate (2012) Advice Note 14: Compiling the consultation reports. Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-14v2.pdf>.
- Ref 4-3 Her Majesty's Stationery Office (HMSO) (2011) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended by The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018). Available at: http://www.legislation.gov.uk/uksi/2017/572/pdfs/uksi_20170572_en.pdf and http://www.legislation.gov.uk/uksi/2018/695/pdfs/uksi_20180695_en.pdf