

West Burton Solar Project

Consultation Report Appendix 5.2: Statement of Compliance

Prepared by: Counter Context
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APFP Regulation 5(2)(q)



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1 Applicant Statement of Compliance

Ref	Legislation/ Guidance/ Advice	Compliance Y/N	Response																		
Planning Act 2008																					
Section 42	<p>Duty to consult</p> <p>(1) The applicant must consult the following about the proposed application</p> <p>(a) Such persons as may be prescribed</p>	y	The Applicant consulted all persons listed as a prescribed consultee notified by the Planning Inspectorate under Regulation 11(1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') and hereafter referred to as the 's42 consultees'. See Appendix WB5.10 of the Consultation Report [EN010132/APP/WB5.10] .																		
	<p>(b) Each local authority that is within Section 43</p>	y	<p>The Applicant consulted each local authority that is within Section 43. These are listed below.</p> <table border="1"> <thead> <tr> <th>Local authority</th> <th>Classification under Section 43</th> </tr> </thead> <tbody> <tr> <td>West Lindsey District Council</td> <td>B</td> </tr> <tr> <td>Bassetlaw District Council</td> <td>B</td> </tr> <tr> <td>Lincolnshire County Council</td> <td>C</td> </tr> <tr> <td>Nottinghamshire County Council</td> <td>C</td> </tr> <tr> <td>North Kesteven District Council</td> <td>A</td> </tr> <tr> <td>Newark and Sherwood District Council</td> <td>A</td> </tr> <tr> <td>Mansfield District Council</td> <td>A</td> </tr> <tr> <td>Bolsover District Council</td> <td>A</td> </tr> </tbody> </table>	Local authority	Classification under Section 43	West Lindsey District Council	B	Bassetlaw District Council	B	Lincolnshire County Council	C	Nottinghamshire County Council	C	North Kesteven District Council	A	Newark and Sherwood District Council	A	Mansfield District Council	A	Bolsover District Council	A
Local authority	Classification under Section 43																				
West Lindsey District Council	B																				
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Newark and Sherwood District Council	A																				
Mansfield District Council	A																				
Bolsover District Council	A																				

			East Lindsey District Council	A
			Doncaster Metropolitan Borough Council	A
			Rotherham Metropolitan Borough Council	A
			City of Lincoln Council	A
			Rutland County Council	D
			North Northamptonshire Council	D
			Nottingham City Council	D
			North East Lincolnshire Council	D
			Peterborough City Council	D
			Cambridgeshire County Council	D
			Derbyshire County Council	D
			Norfolk County Council	D
			Leicestershire County Council	D
			North Lincolnshire Council	D
			All A and B authorities were notified of consultation and provided a response deadline exceeding 28 days.	
	(c) each person who is within one or more of	y	The Applicant consulted each person who is within one or more of the categories set out in Section 44. This is described in Chapters 9 and	

	the categories set out in Section 44.		12. A list of land interests consulted is provided in Appendix 5.10 [EN010132/APP/WB5.10].
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>	y	<p>Section 42 consultees were informed of the phase two (statutory) consultation deadline in a cover letter dated 15 June 2022 notifying them of the commencement of the Section 42 consultation. The deadline given was 27 July 2022. The consultation process therefore ran for a period of 6 weeks (which is longer than the statutory 28-day minimum as per Section 45(2)).</p> <p>During the phase two consultation, new results from further soil sampling became available (specific to the West Burton 4 site) and an extension was provided to accept feedback on this topic up to 23 August 2022. Section 42 consultees were notified of this information and the extended response deadline by letter dated 25 August, providing them with an additional 28 days to respond.</p> <p>A targeted consultation with Section 42 consultees on updated proposals for West Burton 3 was undertaken. A response period of 42 days was provided between 28 November 2022 and 08 January 2023. Section 42 consultees were notified of this by a cover letter dated 25 November 2022.</p> <p>These consultations ran in parallel to consultation under Section 47 of the 2008 Act.</p>
Section 45	<p>(3) In subsection (2) "the consultation documents" means the documents supplied to the person by the applicant for the</p>	y	<p>For the phase two (statutory) consultation, the consultation documents provided to all Section 42 consultees comprised of:</p> <ul style="list-style-type: none"> • A covering letter (see Appendix WB5.10); • A copy of the Development site plans including the proposed site boundary (See Appendix WB5.10);

	<p>purpose of consulting the person.</p>		<ul style="list-style-type: none"> • A web link to page containing the full Preliminary Environmental Information Report (PEIR) including a Non-Technical Summary ('PEIR NTS'). An offer for a USB stick was made; and • A hard copy of the notice publicised in accordance with s48 of the 2008 Act (including details of the public consultation events and the locations where the consultation documents could be inspected free of charge) (see Appendix WB5.11). <p>For the phase two (statutory) consultation extension, the consultation documents provided to all Section 42 consultees comprised of:</p> <ul style="list-style-type: none"> • A covering letter (see Appendix WB5.10); • A web link to an addendum to the PEIR, presenting updated soil sampling data; and • A copy of the notice publicising the application under Section 48 of the 2008 Act (see Appendix WB5.11). <p>For the targeted consultation on updated proposals for West Burton 3, the consultation documents provided to all Section 42 consultees comprised of:</p> <ul style="list-style-type: none"> • A covering letter, explaining why the consultee had been contacted, stating the deadline for responses, and including a link to the consultation materials on the Scheme website and an offer to provide materials free-of-charge on USB by request (see Appendix WB5.9)]; • A plan showing an illustrative site layout for this area of the Scheme (see Appendix WB5.9); and • An Information Change Note to explain the updated proposals, including any variations from information previously presented in the PEIR (see Appendix WB5.9).
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<p>Section 46</p>	<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>y</p>	<p>The Applicant notified the Planning Inspectorate in writing under Section 46 of the 2008 Act on 10 June 2022 that it was intending to commence consultation under s42 of the 2008 Act on the PEIR commencing on 15 June and closing on 27 July 2022.</p> <p>Consultation documents included in this package:</p> <ul style="list-style-type: none"> • A covering letter (see Appendix WB5.10) • Example covering letter to statutory consultees under section 42 of the 2008 Act and Regulation 13 of the 2017 Regulations; (See Appendix WB5.10) • A hard copy of the notice publicised in accordance with s48 of the 2008 Act (including details of the public consultation events and the locations where the consultation documents could be inspected free of charge) (see Appendix WB5.11) • Example covering letter to land interests under section 44 of the 2008 Act; (appendix WB5.10)
	<p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>		
<p>Section 47</p>	<p>Duty to consult local community</p> <p>(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.</p>	<p>y</p>	<p>The Applicant prepared a Statement of Community Consultation (SoCC). An explanation of how the SoCC was developed including consultation with the local authorities within s43(1) is provided in Chapter 7 of the Consultation Report. The final SoCC can be found in Appendix WB5.6.</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>y</p>	<p>Before preparing the statement, the Applicant consulted each local authority that is within Section 43(1), being: West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council and Nottinghamshire County Council on the content of the statement.</p>
	<p>(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>y</p>	<p>Consultation on a draft SoCC commenced on 19 April 2022 and ended on 18 May 2022 (allowing a 28-day response period from the day after the day on which the document was received). Local authorities were emailed on 19 April 2022 notifying them of the commencements of the draft SoCC consultation.</p> <p>A detailed overview of how the Applicant responded to the comments provided is shown in Chapter 7 of the Consultation Report.</p>
	<p>(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>y</p>	<p>The consultation documents supplied by the Applicant included:</p> <ul style="list-style-type: none"> - an explanatory cover email - the draft SoCC.

	<p>(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>y</p>	<p>The Applicant had regard to all relevant comments received on the draft SoCC. Details of the comments received and how the Applicant responded are provided in Chapter 7 of the Consultation Report.</p>
	<p>(6) Once the applicant has prepared the statement, the applicant must make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,</p> <p>(a) 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>(b) publish the statement in such manner as</p>	<p>y</p>	<p>The SoCC was publicised across the consultation area as detailed in Chapter 7, Table 7.3. Notices publicising the SoCC in accordance with Section 47(6) were placed in the Lincolnshire Echo and Retford Times on 09/06/22.</p> <p>Copies of the SoCC advert as published in the local newspapers are provided Appendix WB5.6.</p> <p>The Applicant also made the statement available for inspection by the public on the Scheme website from 9 June 2022 and in hard copy format at agreed Community Access Points (CAP sites).</p>

	may be prescribed.		
	(7) The applicant must carry out consultation in accordance with the proposals set out in the statement	y	The Applicant undertook consultation under Section 47 of the 2008 Act in accordance with the SoCC. See Chapter 7 of the Consultation Report for a summary of the actions undertaken by the Applicant to meet the obligations outlined in the SoCC.
Section 48	Duty to publicise (1) The applicant must publicise the proposed application in the prescribed manner.	y	The Applicant publicised the application in the prescribed manner set out in regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) in accordance with s48 of the 2008 Act on: <ul style="list-style-type: none"> • 9 and 16 June 2022 in the Lincolnshire Echo • 9 and 16 June 2022 in the Retford Times • 6 June 2022 London Gazette • 7 June 2022 The Guardian Consultation under Section 48 of the 2008 Act ran in parallel with statutory consultation on the PEIR between 15 June – 27 July 2022. The published notices can be found in Appendix WB5.11.
	(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.	y	The Section 48 notice included a deadline of 27 July 2018 for receipt of responses to the publicity, meaning a total of 42 days and therefore exceeding the 28 days statutory minimum response time.

<p>Section 49</p>	<p>Duty to take account of responses to consultation and publicity</p> <p>(1) Subsection (2) applies where the applicant—</p> <p>(a) has complied with sections 42, 47 and 48, and</p> <p>(b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).</p>		<p>The Applicant has had regard to all relevant responses in accordance with Section 49 and has acted upon them where possible.</p> <p>Compliance with Section 49 (2) is demonstrated in Chapters 11 and 12 of the Consultation Report for Sections 47, 42 and 48 respectively. Responses received to all feedback received to the Development is set out in the following appendices:</p> <ul style="list-style-type: none"> - Appendix WB5.12: Section 47 Applicant Response - Appendix WB5.13: Section 42 Applicant Response - No responses were identified as being received under Section 48 <p>All responses received and recorded in Appendices WB5.12 and WB5.13 of this Consultation Report have been prepared following guidance set out in Planning Inspectorate Advice Note 14: Compiling the Consultation Report.</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>y</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</p>		

	<p>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>Section 50</p>	<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>(2) Guidance under this section may be issued by the Secretary of State.</p> <p>(3) The applicant must have regard to any guidance under this section.</p>	<p>y</p>	<p>The Applicant has had regard to the Department for Communities and Local Government (DCLG, 2015), Planning Act 2008: guidance on the pre-application process (as set out in this Appendix).</p> <p>The Applicant has also had regard to Advice Notes prepared by the Planning Inspectorate (as set out in this Appendix).</p>

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009																		
<p>Reg 3</p>	<p>Prescribed consultees</p> <p>The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.</p>	<p>y</p>	<p>The Applicant consulted all persons prescribed in the EIA Regulations who were deemed relevant to this Application. In addition, a number of groups were scoped in by the Applicant for the purposes of formally consulting with.</p> <p>They are referred to in the Consultation Report as the 'Section 42 consultees'. See Appendix WB5.10 of the Consultation Report for a list.</p>															
<p>Reg 4</p>	<p>Publicising a proposed application</p> <p>(1) This regulation prescribes for the purpose of section 48(1) (duty to publicise), the manner in which an applicant must publicise a proposed application.</p>	<p>y</p>	<p>The Applicant published a notice which included all the matters set out in paragraph (3). A copy of the Section 48 notice is provided in Appendix WB5.11 to the Consultation Report.</p> <p>The Section 48 notice was publicised as follows:</p> <table border="1" data-bbox="868 1176 1528 1541"> <thead> <tr> <th>Publication</th> <th>1st Insertion</th> <th>2nd Insertion</th> </tr> </thead> <tbody> <tr> <td>Lincolnshire Echo</td> <td>9 June 2022</td> <td>16 June 2022</td> </tr> <tr> <td>Retford Times</td> <td>9 June 2022</td> <td>16 June 2022</td> </tr> <tr> <td>The Guardian</td> <td>7 June 2022</td> <td></td> </tr> <tr> <td>London Gazette</td> <td>6 June 2022</td> <td></td> </tr> </tbody> </table>	Publication	1 st Insertion	2 nd Insertion	Lincolnshire Echo	9 June 2022	16 June 2022	Retford Times	9 June 2022	16 June 2022	The Guardian	7 June 2022		London Gazette	6 June 2022	
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	<p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this</p>																	

	<p>regulation, of the proposed application—</p> <ul style="list-style-type: none"> (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; (b) once in a national newspaper; (c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and (d) where the proposed application relates to offshore development— <ul style="list-style-type: none"> (i) once in Lloyd’s List; and (ii) once in an appropriate fishing trade journal. 		
	<p>(3) The matters which the notice must include are—</p>	<p>y</p>	<p>The Section 48 notice included all of the elements listed under Regulation 4(3) including stipulation of a deadline for responses being 27 July 2022.</p>

	<p>(a) the name and address of the applicant;</p> <p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p> <p>(c) a statement as to whether the application is EIA development;</p> <p>(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 (i));</p> <p>(g) whether a charge will be made for copies of any of the</p>		<p>The published Section 48 Notices are included in Appendix WB5.11</p>
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	<p>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 date when the notice is last published.</p>		
Infrastructure Planning (Environmental Impact Assessment) Regulations 2017			
<p>Reg 8</p>	<p>Procedure for establishing whether environmental impact assessment is required</p> <p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either—</p> <p>(a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to</p>	<p>y</p>	<p>The Applicant submitted a scoping report to the Planning Inspectorate on 20 January 2022, confirming that it intended to provide an Environmental Statement in respect of West Burton Solar Project pursuant to Regulation 8(1)(b) and requested a scoping opinion, pursuant to Regulation 10(1).</p>

	provide an environmental statement in respect of that development.		
	<p>(3) A request or notification under paragraph (1)(a) must be accompanied by—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a description of the development including in particular—</p> <p>(i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;</p> <p>(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</p>	y	<p>A plan sufficient to identify the land was provided as an appendix to Chapter 3 of the scoping report as figures 3.1 to 3.9 .</p> <p>A Scoping Report was produced and issued to Secretary of State, which provided a description of the nature and purpose of the Development and an explanation of the possible effects of the Development identified at that stage.</p>
	(3A) A person notifying the Secretary of State under paragraph (1)(b) must provide, at the same time as giving notification, the	y	This was complied with in complying with regulation 8(3) above.

	information listed in paragraph (3)(a) and (b).		
Reg 12	<p>Consultation statement requirements</p> <p>(1) The consultation statement prepared under section 47 (duty to consult local community) must set out —</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	y	<p>The Applicant stated in the SoCC that the proposed application is EIA development and that a PEIR would be available on the project website and as hard copies at the consultation events and at Community Access Points (CAP sites) specified in the contact information.</p> <p>The published SoCC can be found in Appendix WB5.6.</p>
Reg 13	<p>Pre-application publicity under section 48 (duty to publicise)</p> <p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that</p>	y	<p>The consultation documents provided to all Section 42 consultees comprised of:</p> <ul style="list-style-type: none"> • A covering letter (see Appendix WB5.10) • A copy of the Cottam Solar Park site plans including the proposed site boundary (See Appendix WB5.10) • A web link containing the full PEIR including a PEIR NTS. A USB was offered if web link was inaccessible. • A hard copy of the notice publicised in accordance with s48 of the 2008 Act (including details of the public consultation events and the locations where the consultation documents could be inspected free of charge) (see Appendix WB5.11)

	<p>notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>		
<p>Advice Note 16: The developer's pre-application duties (No longer in force but referred to as best practice)</p>			
	<p>Notification of proposed application</p> <p>The Planning Inspectorate encourages developers to notify it as soon as feasible as it assists the Planning Inspectorate in its processing both by allocating staff to particular projects and by storing and managing information received relating to a definite proposed project.</p>	<p>y</p>	<p>The Applicant has held frequent meetings with the Planning Inspectorate since its inception and has kept the Planning Inspectorate updated as requested. Meetings in the form of conference calls or face to face meetings have been held on the following dates:</p> <p>The Applicant has met with PINS regularly throughout the pre-application phase, with the first meeting on 5th October 2021.</p> <p>The Applicant notified the Secretary of State, via the Planning Inspectorate, in writing under Section 46 of the 2008 Act on 10 June 2022 that it was intending to commence consultation under Section 42 of the 2008 Act on the PEIR commencing on 15 June 2022 and closing on 27 July 2022.</p> <p>The Applicant included the following consultation documents with this notification:</p> <ul style="list-style-type: none"> • a covering letter, including a link to the consultation materials and an offer to provide materials free-of-charge on USB on request; • example copies of the Section 42 covering letters (one letter type being for prescribed consultees and the other one to landowners); • A site plan showing the location of the Scheme; and • A copy of the notice publicising the application under Section 48 of the 2008 Act (including details of the public consultation events and the locations

			<p>where the consultation documents could be inspected free of charge).</p>
	<p>Section 42 Consultation</p> <p>This can be carried out first and changes to the scheme can be made as a result – for example to take account of fundamental environmental issues such as flooding – before the community consultation is carried out.</p> <p>A balance needs to be achieved between providing well-developed details which may only be possible after extensive project development work and a less precise definition which can be amended in the light of consultation.</p> <p>The Planning Inspectorate will expect the balance between these issues to be carefully considered, and it may be that an approach to the local authority under s47 prior to publishing the SOCC could seek the local authority's advice on whether an early community consultation would be advisable in the circumstances of</p>	<p>y</p>	<p>The Applicant has carried out extensive pre-application consultation with Section 42 consultees. The Applicant also commenced a non-statutory community consultation in November 2021.</p> <p>In parallel to non-statutory community consultation, and leading up to the publication of the PEIR, the Applicant undertook engagement activities with Section 42 consultees.</p> <p>The non-statutory consultation informed changes to the Development as presented in the PEIR. The Applicant commenced Section 42 consultation with Section 42 consultees on 15 June 2022 in parallel with the phase two community consultation. The Applicant consulted on PEIR as part of the Section 42 consultation. The PEIR showed a candidate design for the Scheme and demonstrated changes to Scheme design elements in response to the previous ongoing consultation.</p> <p>A statutory consultation period for Section 42 and Section 47 responses was given as 15 June – 27 July 2022.</p> <p>An extension period of 28 days to comment on updated ALC information between 25 July and 23 August 2022 was provided.</p> <p>A response period of 42 days was provided to comment on updated proposals for West Burton 3 between 28 November 2022 and 08 January 2023.</p> <p>The Applicant purposely ran the Section 42 consultation and Section 47 in parallel to enable consultation on the PEIR with Section 42 consultees and the community. A consultation period of 42 days was provided for responses to the PEIR.</p> <p>The Applicant has had regard to all relevant responses in accordance with Section 49 and</p>

	<p>the case.</p> <p>There is nothing laid down in the 2008 Act or relevant Regulations that requires preliminary environmental information to be provided at the s42 consultation stage. If very little information on the project is provided to local authorities, statutory consultees, landowners and others at the s42 stage, the ability to demonstrate that comments have been taken into account in developing the proposal could be hampered.</p> <p>It is therefore possible to comply with the statutory requirements under s46 and s42 of the 2008 Act with less than full information on the application, but unless there is a clear iterative consultation process followed and further documentation provided to consultees during the process the developer will risk being unable to demonstrate that the scheme was carefully considered in the light of consultation responses received.</p>		<p>has acted upon them where possible as detailed in full in Appendix WB5.13.</p> <p>Compliance with Section 49 (2) is demonstrated in Chapters 11 and 12 of the Consultation Report for sections 48, 47 and 42 of the 2008 Act respectively.</p> <p>The Consultation Report together with this Appendix detail how the Applicant has complied with the provisions of the 2008 Act and other relevant legislation and guidance.</p> <p>This Consultation Report has been prepared in accordance with s37(7)(c) of the 2008 Act and details the consultation as either ongoing non-statutory consultation or consultation under sections 47, 42 or 48 of the 2008 Act and how consultation responses have been responded to by the Applicant.</p> <p>Following the Updated Agricultural Land Classification Report regarding the West Burton 4 Site, the Applicant provided an additional consultation period between 27 July and 23 August 2022 to provide S42 consultees additional time to provide feedback to this update. The Applicant provided documents to support this consultation phase, including a letter to inform S42 consultees of the change as well as feedback methods available to them.</p> <p>Following the removal of the West Burton 4 Site, the Applicant proposed changes to the West Burton 3 Site to accommodate electrical substation capacity and energy storage infrastructure. the Applicant provided an additional targeted consultation period between Monday 28 November 2022 and up to and including Sunday 08 January 2023 to provide S42 consultees additional time to provide feedback to this update. The Applicant provided documents to support this consultation phase, including an illustrative layout of the prosed changes, an Information Change Note and an accompanying letter.</p>
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	<p>The consultation report to be submitted with the application is where the applicant will set out how in its view it has complied with its duties (see Advice Note 14: Compiling the consultation report).</p>		
	<p>Section 47 Consultation</p> <p>There is a duty on the developer to first consult the local authority in respect of the content of the SOCC (s47(2)). Their knowledge is key.</p> <p>For example, socio-economic, cultural, historical and other characteristics may influence decisions on the geographical extent of consultation and the methods that will be most effective in the particular local circumstances.</p> <p>Local authorities will also hold valuable information on umbrella community groups in the local area which could complement responses from the population generally.</p>	<p>y</p>	<p>The Applicant consulted the relevant local authorities with regards to the SoCC as detailed in Chapter 7 of the Consultation Report. As detailed in this chapter, the Applicant responded to all comments made.</p>

	<p>Section 47</p> <p>The SOCC needs to state whether the proposal is EIA development and how the preliminary environmental information is to be consulted upon (Reg 10 of the EIA Regulations), and so when a developer consults a local authority on the SOCC the local authority will need to have the preliminary environmental information so that its response can be an informed one.</p> <p>The consultation with local authorities under s42 and contact with local authorities on the SOCC under s47 can occur in parallel.</p>	y	<p>The SoCC stated that the Development is EIA development and noted how the Applicant will consult on the PEIR.</p> <p>The Applicant purposely ran the Section 42 consultation and phase two community (Section 47) consultation in parallel to enable consultation on the PEIR with s42 consultees and the community. A consultation period of 42 days from 15 June – 27 July 2022 was provided for responses to the PEIR.</p> <p>Targeted consultation on updated proposals for West Burton 3 was also held in parallel under Section 42 and Section 47.</p>
	<p>Section 47</p> <p>The appropriate area for consultation must include “people living in the vicinity of the land” (s47(1)).</p> <p>There is a statutory duty on the potential applicant to carry out the consultation as proposed in the SOCC (s47(7)) and therefore the content of that document is important so that the community understands on what</p>	y	<p>Core Consultation Zone</p> <p>A core consultation zone was agreed as outlined in the SoCC and detailed in Chapter 7 of the consultation report. This zone centres on the proposed development site and extends outwards to include the nearest villages within 2KM of the site. Properties in the core consultation zone directly received consultation materials such as leaflets and newsletters through their letter boxes. The core consultation zone comprised of over 9,000 properties and local businesses.</p> <p>Wider Consultation Area</p> <p>The Applicant recognised that there may be some interested individuals or parties that do not live within the agreed core consultation</p>

	and how it will be consulted.		zone. We are committed to ensuring that these people are still aware of the Solar Park proposals and their opportunities to get involved. Means such as media advertising were used to notify residents within the wider local area the pre-application consultation. Informative consultation materials will also be available to view and collect from community access points outside of our core consultation zone.
	<p>Additional guidance on the content of the SoCC</p> <p>To ensure the local community appreciates the context within which they are being consulted, the SOCC should include a succinct summary of the Planning Inspectorate’s role as examining authority, and draw attention to the status of National Policy Statements (NPSs). If a relevant NPS is in place, it is important to provide a realistic steer to the local community on the appropriate scope of any subsequent feedback. It should also highlight the importance of the preapplication consultation in relation to the examination process.</p>	y	<p>Section 9 of the SoCC (see copy of the SoCC in Appendix WB5.6) sets out the role of the Planning Inspectorate.</p> <p>The importance of pre-application consultation in relation to the examination process after an application is accepted by the Planning Inspectorate was presented in the SoCC in Section 9.</p>
	<p>Additional guidance on the content of the SoCC</p>	y	A Development description and anticipated scale of the Development are described in Section 3 of the SoCC (Appendix WB5.6)

	<p>The SOCC should provide sufficient detail of the project, referring to both positive benefits to the local community that would result from the development and to the issues which could be considered negative elements of the NSIP so as to encourage participation in the process. The scale of the proposal should be described. The SOCC should also indicate what information will be provided during the consultation process on the scope for any associated land restoration, landscaping, other mitigation or compensatory measures for natural habitats impact.</p>		<p>together with a description of the benefits of the Development. Section 5 of the SoCC (Appendix WB5.6) outlines what will be consulted on including the short term and long-term impacts of the Development and benefits.</p> <p>During consultation the community were able to comment on preferred mitigation for the Scheme.</p>
	<p>Additional guidance on the content of the SoCC</p> <p>The developer should consider whether the most appropriate consultation will involve multiple stages, and whether there is a role for building knowledge at early stages which could help communities understand either technical or other</p>	<p>y</p>	<p>In keeping with the iterative multi-stage consultation process the Applicant undertook two phases of Scheme-wide community consultation to enable the design of the Scheme to evolve in response to feedback through consultation. The first non-statutory community consultation ran between 3 November and 15 December 2021 and the second phase ran between 15 June and 27 July 2022.</p> <p>A further targeted consultation on updated proposals for West Burton 3 was held between 28 November 2022 and 08 January 2023.</p>

	<p>elements of the proposal. It is more likely that the quality of response and the sense of satisfaction felt in the community that views have been taken seriously will be enhanced by enabling members of the public to give valuable, informed local insights. If the developer decides such methods are appropriate to the scheme, the details should be included in the SOCC.</p>		
	<p>Additional guidance on the content of the SoCC</p> <p>If relevant, the SOCC should also take account of any other major consultation exercises being undertaken in the area, for example in relation to planning applications or development plans proceeding under different legislation.</p> <p>The aim should be to achieve a programme that minimises confusion and possible “consultation fatigue”.</p>	<p>y</p>	<p>At the time of publication and through consultation with the local authorities, the Applicant was made aware of another major consultation exercised being undertaken in the area.</p> <p>Within the SoCC, the Applicant explained the separate proposals made by Low Carbon for the Gate Burton Energy Park and how to engage with each project.</p> <p>By setting out a clear consultation programme in section 11 of the SoCC and the pre-application process, the Applicant communicated the stages of consultation that the community should expect for the Development.</p> <p>Given the close geographical proximity of the Scheme to Cottam Solar Project, and due to the fact that the promoter for Cottam Solar Project is also part of Island Green Power, the proposals for both schemes have been developed in parallel, including the coordination of consultation activities across both projects. This involved:</p>

			<ul style="list-style-type: none"> • Joint consultation periods for both projects being held in parallel; • A shared core consultation zone receiving information and hosting events with information relevant to both projects; and • Combined feedback mechanisms allowing respondents to confirm whether they consider their feedback relevant to both projects or whether they would like to comment on one project (or site) specifically.
	<p>SOCC publicity</p> <p>Once finalised, the SOCC must be publicised and made available for inspection by the public in accordance with section 47.</p>	y	<p>Details of the SoCC publication are presented in Chapter 7 of the Consultation Report and explained in this Appendix.</p>
	<p>s48 publicity</p> <p>It is important to be aware of the matters to be publicised about the application under s48 and Regulation 4 of the APFP Regulations. It would be helpful if the published deadlines for receipt of views on the application are as close as possible to deadlines given to landowners and local authorities etc. in the s42 consultation. If the</p>	y	<p>The Applicant fulfilled the requirements listed under Section 48 and Regulation 4 of the APFP Regulations, as noted above. The Applicant also complied with Regulation 13 of the 2017 EIA Regulations (which is the equivalent of Regulation 11 in the 2009 regulations). A parallel consultation process took place between Section 42, Section 47 and Section 48, commencing on 15 June 2022 and closing on 27 July 2022.</p>

	development is EIA development, applicants should also ensure that they comply with Regulation 11 of the EIA Regulations when the notice is published.		
	<p>s49 duty to take account of responses</p> <p>Under s49 there is a duty on the developer to take account of responses to the consultation under s42 and s47 and publicity under s48. The developer is of course encouraged to carry out on-going consultation with statutory consultees before formally submitting its application; this will assist the developer to comply with its s49 duty.</p>	y	<p>Compliance with s49 (2) is demonstrated in Chapters 11 and 12 of the Consultation Report for Sections 48, 47 and 42 respectively. Development responses to all feedback received to the Development is set out in the following appendices:</p> <ul style="list-style-type: none"> - Appendix WB5.12: Section 47 Applicant Response - Appendix C5.13: Section 42 Applicant Response - There were no responses identified as being received under s48
DCLG: Guidance on the pre-application process (March 2015)			
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 purposes of consultation.	y	The Applicant strived to ensure that the status on any documents prepared to inform the consultation was clear throughout.
18.	Early involvement of local communities, local authorities and statutory consultees	y	The Applicant engaged with local authorities and statutory technical consultees early in the development process for the Scheme and maintained ongoing non-statutory consultation

	can bring about significant benefits for all parties.		as outlined in Chapter 5 of the Consultation Report. The Applicant commenced the non-statutory consultation in November 2021 at an early stage in the Scheme in order to enable the evolution of the Scheme's design in response to consultation.
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. 	y	<p>The Applicant commenced the initial non-statutory consultation on 03 November 2021 at an early stage in the Scheme in order to enable the evolution of the Scheme design in response to consultation.</p> <p>Consultation Summary Reports were published following each round of community consultation to demonstrate the feedback received and explain how this was influencing the development of the Scheme. These reports were mailed out as leaflets to the consultation area and made available on the Scheme website.</p> <p>In response to the initial non-statutory consultation, 992 pieces of feedback were received. The statutory consultation in June and July of 2022 saw 694 pieces of feedback received. The Applicant considered all feedback received and where possible changed the Development design in response to both phases of consultation as set out in Chapters 5, 11 and 12 of the Consultation Report.</p>
23.	In brief, during the pre-application stage	y	As set out in this Appendix as well as detailed in the Consultation Report, the Applicant has

	<p>applicants are required to:</p> <ul style="list-style-type: none"> • notify the Secretary of State of the proposed application; • 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; • 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 		<p>complied with all requirements listed under point 23 of the DCLG Guidance (2015).</p>
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	<p>consultation in accordance with that Statement;</p> <ul style="list-style-type: none"> • 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; • identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations; • publicise the proposed application in accordance with Regulations; • set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication; 		
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	<ul style="list-style-type: none"> • have regard to relevant responses to publicity and consultation; and • prepare a consultation report and submit it to the Secretary of State. 		
<p>24.</p>	<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</p>	<p>y</p>	<p>The Applicant consulted on a draft SoCC that set out an approach to consultation for the scale and type of Development that the Cottam Solar Project is. All comments received from the local authorities were acknowledged and considered prior to publishing the final SoCC as detailed in Chapter 7 of the Consultation Report.</p> <p>All stages of the pre-application consultation process were successful in engaging a large number of community members. The initial non-statutory consultation received over 990 pieces of feedback and welcomed over 360 people to the community consultation events. Our phase two statutory consultation was also received well, generating 694 pieces of feedback and welcoming 278 people to community consultation events.</p>

	<p>and nature of the project and where its impacts will be experienced.</p>		
<p>25.</p>	<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</p>	<p>y</p>	<p>The Applicant carried out the pre-application consultation in accordance with the SoCC, as agreed with the local authorities. Owing to the scale of the Development and volume of technical information in consultation documents including the PEIR, the Applicant allowed a 6-week consultation period for the Section 47 and Section 42 consultation. The Applicant facilitated an ongoing Section 47 engagement with the community to enable a continuous dialogue with the community and especially near neighbours on the Development plans and mitigation.</p> <p>The dedicated Scheme website, email address, Freepost and Freephone information lines were open and publicised ahead of the phase one community consultation, and remained open throughout the pre-application period.</p>

	<p>would prefer to be consulted via email only, this should be accommodated as far as possible.</p>		
<p>26.</p>	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations¹¹ set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed.¹²</p> <p>Section 47 in the Planning Act sets out the applicant’s statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>y</p>	<p>Appendix WB5.10 lists the Section 42 prescribed consultees for the Development which includes those listed in the EIA Regulations as well as those scoped in by the Applicant.</p> <p>Chapter 8 of the Consultation Report as well as the Appendix in the above, details the methodology behind the community consultation area.</p>

<p>27.</p>	<p>The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution</p>	<p>y</p>	<p>Appendix WB5.10 lists the Section 42 prescribed consultees for the Scheme which includes those listed in the EIA Regulations as well as those scoped in by the Applicant.</p> <p>Chapter 8 of the Consultation Report as well as the Appendix in the above, details the methodology behind the consultation area.</p>
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	during consultation. Applicants are therefore encouraged to consult widely on project proposals.		
28.	From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the inspectorate, who may be able to identify an appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.	y	Noted.
29.	Applicants will often need detailed technical input from expert bodies to assist with identifying and	y	Early and ongoing consultation was undertaken with a range of technical consultees as outlined in Chapter 5 of the Consultation Report.

	<p>mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>		<p>The Applicant undertook regular engagement with local authorities including Lincolnshire County Council, West Lindsey District Council, Bassetlaw District Council and Nottinghamshire County Council to ensure they have the detailed technical input required.</p>
<p>34.</p>	<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</p>	<p>y</p>	<p>The Applicant consulted with the local authorities on a draft SoCC as described in Chapter 7 of the Consultation Report.</p>

	<p>should be able to readily provide applicants with an appropriate list of such groups for the purposes of consultation.</p>		
<p>35.</p>	<p>The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.</p>	<p>y</p>	<p>The Applicant consulted with the local authorities on a draft SoCC as described in Chapter 7 of the Consultation Report.</p>

<p>36.</p>	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.</p>	<p>y</p>	<p>Section 6 of the SoCC details who will be consulted. As stated above, a wider consultation area was included as the Applicant recognised that there may be some interested individuals or parties that do not live within the agreed core consultation zone.</p> <p>Media advertising was used to notify residents within the wider local area of the consultation.</p> <p>Informative consultation materials were also made available to view and collect from Community Access Points and the Scheme website.</p>
<p>37.</p>	<p>In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits</p>	<p>y</p>	<p>The Applicant consulted on the draft SoCC from 19 April 2022 to 18 May 2022 (allowing a 28-day response period from the day after the day on which the document was received). The following Local authorities were sent hard copy letters and were contacted on 19 April 2022 notifying them of the commencements of the draft SoCC consultation:</p> <ul style="list-style-type: none"> • West Lindsey District Council • Lincolnshire County Council • Nottinghamshire County Council • Bassetlaw District Council

	<p>of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of Community Consultation within 28 days of receipt of the request.</p> <p>However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>		<p>A detailed overview of how the Applicant responded to the comments provided is shown in Chapter 7 of the Consultation Report.</p>
<p>38.</p>	<p>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as</p>	<p>y</p>	<p>As part of the Applicant's early engagement ahead of the initial non-statutory consultation local authorities were met and introduced to the proposals and plan for consultation.</p> <p>Following the phase one non-statutory consultation, the Applicant consulted on the draft SoCC to receive comments and suggestions from the local authorities about how to most effectively consult and engage with the community for the Scheme. The Applicant took all comments into</p>

	<p>difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</p>		<p>consideration. This is detailed in Chapter 7 of the Consultation Report. The final SoCC is listed as Appendix WB5.6.</p>
<p>39.</p>	<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 	<p>y</p>	<p>Such topics for consideration were included in the draft SoCC that the Applicant consulted the local authorities on (see final SoCC in Appendix WB5.6).</p>

	<p>techniques, including electronic-based ones;</p> <ul style="list-style-type: none"> • 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. 		
<p>40.</p>	<p>It is expected that in most cases applicants and local authorities will be able to work closely together and agree on the local consultation process. Where significant differences of opinion persist between the applicant and local authority (or authorities) on how the consultation should take place, the Inspectorate may be able to offer further advice or guidance to</p>	<p>y</p>	<p>Noted. No such areas of disagreement occurred.</p>

	<p>either party. However, such advice will be without prejudice to any later decision on whether to accept or reject an application for examination.</p>		
41.	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	y	<p>Chapter 7 of the Consultation Report details how the Applicant has responded to all comments received from the local authorities. All comments were incorporated into the final SoCC.</p>
42.	<p>Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, 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</p>	y	<p>The relevant local authorities provided constructive feedback which the Applicant acknowledged and implemented where appropriate.</p>

	<p>appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.</p>		
43.	<p>Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area.</p> <p>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>	y	<p>As part of the Applicant's early engagement ahead of the initial non-statutory consultation, local authorities were met and introduced to the proposals and plan for consultation. Details regarding the Scheme's potential impact on the local area were discussed and comments and suggestions made by the local authorities were acknowledged and considered.</p>
44.	<p>Local authorities will be able to provide an informed opinion on a wide number of matters, including how</p>	y	<p>Discussions with Lincolnshire County Council, West Lindsey District Council, Nottinghamshire County Council and Bassetlaw District Council have been ongoing throughout the pre-application process.</p>

	<p>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 Development Consent Order are raised at the earliest opportunity.</p>		<p>Following an initial briefing meeting with each Council at the start of the process these discussions have been centrally managed via regular meetings to which each Authority has sent a nominated project manager.</p>
<p>48.</p>	<p>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. This will contain agreed factual information about the application and can accompany the application. The</p>	<p>y</p>	<p>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.</p>

	statement of common ground can also set out matters where agreement has not been reached. This can then be looked at during examination. More information about this is in the Planning Inspectorate Advice Note 2 concerning the role of local authorities.		
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.	y	The Applicant has consulted with those who own, occupy or have an interest in the land (i.e. Section 44 consultees) as part of the Section 42 consultation during phase two consultation (15 June – 27 July 2022), the extended response period (up to 23 August 2022), and the targeted consultation on updated proposals for West Burton 3 (28 November 2022 – 08 January 2023). Dialogue with landowners has continued beyond 27 July to progress agreements with landowners. Details of the Section 42 consultation is provided in Chapter 9 and Chapter 12 of the Consultation Report.
50.	It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categorises those land interests) is	y	A Book of Reference [EN010132/APP/WB4.3], is included with the DCO application for the Development.

	<p>up to date at the time of submission.</p>		
<p>51.</p>	<p>However, it is understood that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the</p>	<p>y</p>	<p>The Applicant considers that it has rigorously observed its duty to carry out diligent inquiry to inform and support its Application for development consent for the Scheme. However, the Applicant also considers that diligent inquiry is an ongoing process in which the information obtained to date will need to be kept under review and updated at appropriate milestones as the Applicant continues to progress its promotion and delivery of the Scheme.</p>

	application is accepted for examination.		
52.	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.	y	Identification of, and consultation with, landowners is detailed in section 9.6 of the Consultation Report.
53.	Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.	y	<p>The Applicant held a first round of non-statutory consultation in November to December 2021. This was to engage with the community and near neighbours early in the development of the Scheme. The Applicant chose to undertake a multi stage and iterative consultation process with the community to ensure feedback from the consultation could influence the design of the Development. This feedback and Development changes made as a result of this phase of consultation is summarised in Chapter 5 of the Consultation Report.</p> <p>A multi-phased approach to consultation and engagement provides opportunities to stakeholders to input into proposals at appropriate and formative stages, and to understand how their feedback has been considered throughout scheme development.</p> <p>In June 2022, ahead of the statutory second phase of consultation, a Statement of Community Consultation (SoCC) was publicised, clearly setting out the opportunities and parameters for engagement and consultation.</p>

<p>54.</p>	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>y</p>	<p>A range of consultation methods were presented in the final SoCC (Appendix WB5.6) which was consulted on with the local authorities.</p> <p>A range of online and offline communication methods were used to engage a wide number of range of people in the consultation process for the Development. These included:</p> <ul style="list-style-type: none"> - Project website - Hard copy information available at seven community access points. - Mailouts to a consultation area of over 9,000 local properties and businesses - Public information events held throughout the consultation area and online - Stakeholder meetings and presentations - Local media engagement
<p>55.</p>	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of</p>	<p>y</p>	<p>Section 5 of the SoCC (Appendix WB5.6) clearly sets out what the Applicant intended to consult on with the local community including: short term and temporary impacts during construction, long term operational impacts and benefits.</p>

	<p>the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>		
<p>56.</p>	<p>Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through</p>	<p>y</p>	<p>The Applicant has set out in the SoCC how it proposes to consult with the community and describes who will be consulted within section 6 of the SoCC. This includes a core consultation and wider consultation area.</p>

	visual impacts or increased traffic flow).		
57.	The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.	y	The Applicant has prepared the SoCC in accordance with the relevant legislation and advice. The Applicant made the SoCC available via: <ul style="list-style-type: none"> - Online on the Scheme website; - Hard copies at the consultation events; - Community Access Points as advertised in the SoCC; and - Upon request to the Scheme communication channels.
58.	Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with	y	The Applicant publicised the Section 48 Notice (see Appendix WB5.11) in two consecutive rounds of local media advertisements to promote the commencement of phase two Section 47 and Section 42 consultation on 15 June 2022. The publication schedule of the Section 48 notices is provided in Chapter 10 of the Consultation Report.

	<p>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>		
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>	y	<p>The Applicant commenced the initial non-statutory consultation on 9 November 2021 at an early stage in the Development in order to enable the evolution of the Development's design in response to consultation.</p> <p>Consultation Summary Reports were published following each round of community consultation to demonstrate the feedback received and explain how this was influencing the development of the Scheme. These reports were mailed out as leaflets to the consultation area and made available on the Scheme website.</p>
69.	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should</p>	y	<p>Early engagement commenced with technical consultees in 2021 as described in Chapter 4 of the Consultation Report. This enabled the Development to evolve in response to this ongoing dialogue and phase one community (non-statutory) consultation in support of preparing PEIR later consulted on as part of the parallel Section 42, 47 and 48 consultation.</p>

	undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.		
70.	To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.	y	Pre-application consultation was multi-phased over two phases, enabling feedback from the non-statutory phase one community consultation in Winter 2021 to inform the development of the Scheme proposals presented at phase two statutory consultation in Summer 2022.
71.	Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land	y	Consultation with Section 44 consultees (landowners) took place as part of the Section 42 consultation and in parallel to the phase two community (statutory under Section 47) consultation between 15 June and 27 July 2022, the extended response period (up to 23 August 2022), and the targeted consultation on

	<p>once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>		<p>updated proposals for West Burton 3 (28 November 2022 – 08 January 2023).</p>
<p>72.</p>	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set 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</p>	<p>y</p>	<p>The Applicant recognised that owing to the scale of the Development, additional time would be beneficial for consultees to respond. As such the consultation periods that were given for the s47, s42 and s48 consultation were 6 weeks, going beyond the 28-day statutory minimum.</p>

	responses are not received by the deadline, the applicant is not obliged to take those responses into account.		
73.	Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.	y	<p>During the phase two consultation, new results from further soil sampling became available (specific to the West Burton 4 site) and an extension was provided to accept feedback on this topic up to 23 August 2022.</p> <p>A targeted consultation on updated proposals for West Burton 3 was undertaken. A response period of 42 days was provided between 28 November 2022 and 08 January 2023.</p>
74.	Where a proposed application changes to such a large degree that the proposals could be	y	During the phase two consultation, new results from further soil sampling became available (specific to the West Burton 4 site) and an

	<p>considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient 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>		<p>extension was provided to accept feedback on this topic up to 23 August 2022.</p> <p>A targeted consultation on updated proposals for West Burton 3 was undertaken. A response period of 42 days was provided between 28 November 2022 and 08 January 2023.</p>
<p>75.</p>	<p>If the application only changes to a small degree, or if the change only affects part of the Development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant</p>	<p>y</p>	<p>Noted.</p>

	should ensure that all affected statutory consultees and local communities are informed of the changes.		
76.	In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.	y	<p>In section 12 of the SoCC (Appendix WB5.6) the Applicant sets out a range of consultation methods which enable flexible, continuous and two-way communication channels.</p> <p>Following the updated Agricultural Land Classification Report regarding the West Burton 4 Site, the Applicant provided an additional consultation period between 27 July and 23 August 2022 to provide S42 and S47 consultees additional time to provide feedback to this update. The Applicant provided documents to support this consultation phase to inform S42 and S47 consultees of the change as well as feedback methods available to them.</p> <p>Following the removal of the West Burton 4 Site, the Applicant proposed changes to the West Burton 3 Site to accommodate electrical substation capacity and energy storage infrastructure. The Applicant provided an additional targeted consultation period between Monday 28 November 2022 and up to and including Sunday 08 January 2023 to provide S42 and S47 consultees additional time to provide feedback to this update. The Applicant provided documents to respective consultees to support this consultation phase.</p>
77.	Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the	y	<p>The pre-application consultation process that the Applicant held complied with its commitments as set out in the SoCC (Appendix WB5.6). The consultation reached widely across the community, welcoming 394 members of the public to consultation events for the first phase, and 278 members to our community consultation events for the second phase.</p> <p>The Applicant invited feedback to be submitted in writing or online via the free-to-use project communications channels. This included an</p>

	<p>impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>		<p>online digital engagement platform, through which respondents could answer questions and submit location-specific feedback through an interactive map.</p> <p>During the phase two consultation, the Applicant received 694 pieces of feedback. This included 195 hard copy feedback forms, 320 responses to the digital engagement platform, and 179 written responses received by email or Freepost. Of these responses, 545 feedback submissions indicated the feedback was relevant to the Scheme (rather than the Cottam Solar Project only). This feedback is presented and responded to Appendix WB5.12 of this Consultation Report.</p> <p>The Applicant was able to undertake all methods of consultation and engagement it committed to in the SoCC and was able to hold several meetings and presentations with stakeholders including near neighbours and elected members throughout the pre-application consultation for the Scheme.</p>
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