

**Byers Gill Solar
EN010139**

5.1 Consultation Report

Section 37(3)(c) of the Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

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Table of Contents		Page
1.	Introduction	1
1.1.	Purpose of this Report	1
1.2.	The Proposed Development	2
1.3.	Context of the consultation	3
1.4.	Summary of consultation activities	3
1.5.	Structure of this Report	4
1.6.	Data protection	5
2.	Approach to meaningful engagement between project launch and statutory consultation	6
2.1.	Introduction	6
2.2.	Site visits with landowners and neighbours	6
2.3.	Engagement with local planning authorities (LPAs)	7
2.4.	Project website	7
2.5.	Local press and media	8
2.6.	Local member briefings	9
2.7.	Co:design	9
2.8.	Ongoing engagement	12
3.	Environmental Impact Assessment (EIA) consultation	14
3.1.	Introduction	14
3.2.	EIA Scoping	14
3.3.	Development of Preliminary Environmental Information Report (PEIR)	15
3.4.	Summary	15
4.	Statement of Community Consultation (SoCC)	17
4.1.	Requirements of the Act	17
4.2.	Development of the draft SoCC	17
4.3.	Purpose of the draft SoCC	18
4.4.	Consultation on the draft SoCC	18
4.5.	Publicity under Section 47 of the Act	24
4.6.	Adherence with the SoCC	24
5.	Approach to statutory consultation	25
5.2.	Overview of statutory consultation	25
5.3.	Requirements of the Act	26
5.4.	Compliance with the requirements of the Act	28
6.	Summary of responses received to statutory consultation	43
6.1.	Requirements of the Act	43
6.2.	Statistical analysis	43
6.3.	Responding to feedback	50
6.4.	Design response to the statutory consultation	50
6.5.	Summary	55
7.	Early Adopters Programme (EAP) engagement	56
7.1.	Introduction	56

7.2.	Engagement with stakeholders	56
7.3.	Construction programme engagement	57
7.4.	Design change engagement	58
8.	Approach to meaningful engagement between statutory consultation and application submission	59
8.1.	Introduction	59
8.2.	Political engagement	59
8.3.	Community engagement	61
8.4.	Independent community survey	63
9.	Approach to further targeted consultation with landowners and technical consultees	64
9.1.	Background	64
9.2.	Approach to consultation with land interests subject to design changes	65
9.3.	Approach to consultation with new land interests	65
9.4.	Approach to consultation with those with sub soil interests	65
9.5.	Approach to consultation with statutory and technical consultees	66
9.6.	Summary	66
10.	Conclusion	68

Table of Plates

Plate 6-1	Quantitative responses to question 1	46
Plate 6-2	Quantitative responses to question 2	46

Table of Tables

Table 1-1	Summary of consultation activities	3
Table 2-1	Co:design workshop information	10
Table 3-1	Summary of compliance with Environmental Impact Assessment (Infrastructure Planning) Regulations 2017	16
Table 4-1	Comments received from Darlington Borough Council and Durham County Council on the draft SoCC	20
Table 5-1	Summary of statutory consultation activities	25
Table 5-2	Opening times of the deposit location during consultation	36
Table 5-3	In-person consultation events	37
Table 5-4	Virtual consultation events	38
Table 5-5	Timetable of statutory notices	41
Table 6-1	Topics used for consultation coding	45
Table 6-2	Key themes raised in response to the statutory consultation feedback questionnaire	48
Table 7-1	Early Adopters Programme - key stakeholders	56
Table 7-2	Early Adopters Programme - record of engagement	57
Table 8-1	Parish council engagement	60
Table 8-2	Social media statistics	61
Table 8-3	Pre-submission community engagement events	62

1. Introduction

1.1. Purpose of this Report

- 1.1.1. This Consultation Report (the Report) has been prepared by RWE (the Applicant) to accompany an application for a Development Consent Order (DCO) for Byers Gill Solar (the Proposed Development).
- 1.1.2. The Report is submitted in accordance with section 37(3)(c) of the Planning Act 2008 (the Act), which requires that any application for an order granting development consent must be accompanied by a consultation report. Section 37(7) requires that the consultation report provides details of:
- how the applicant has carried out consultation in compliance with statutory requirements (namely sections 42, 46, 47 and 48 of the Act);
 - any relevant responses to consultation or publicity; and
 - how any relevant responses have been taken into account (as per section 49 of the Act).
- 1.1.3. As such, this Report provides detail of the pre-application consultation activities carried out by the Applicant and demonstrates that the relevant statutory requirements have been complied with, including the Infrastructure Planning (Environmental Impact Assessment) (EIA) Regulations 2017, specifically Regulation 12 and Regulation 13¹. Additionally, it explains how responses received to the consultation exercise(s) were taken into account prior to the submission of the DCO Application.
- 1.1.4. The pre-application for the Proposed Development, and the preparation of this Report, has been carried out having had regard to Department for Communities and Local Government (DCLG) (now Department for Levelling Up, Housing and Communities) guidance on pre-application consultation², The Planning Inspectorate (PINS) Advice Note 6: Preparation and submission of application documents³ and PINS Advice Note 14: Compiling the Consultation Report⁴.
- 1.1.5. As evidenced throughout this Report, the Applicant considers that all statutory pre-application requirements have been met, and the Applicant has had due consideration to the relevant guidance issued by the Secretary of State (SoS). Further information of how the Applicant has complied with the relevant requirements can also be found in the Section 55 Checklist (Document Reference 1.4).

¹ [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

³ [Advice Note Six: Preparation and submission of application documents | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

⁴ [Advice Note Fourteen: Compiling the Consultation Report | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

1.2. The Proposed Development

Project Description

- 1.2.1. The Proposed Development consists of a solar farm capable of generating over 50MW Alternating Current (AC) of electricity with co-located BESS, located between Darlington and Stockton-on-Tees in north-east England. The Proposed Development is approximately 490ha and comprises six Panel Areas (groups of solar photovoltaic (PV) panels) (Panel Areas A-F). The solar PV panels would be mounted on a metal frame in groups, fixed in position with panels facing south. An on-site substation would be located within Panel Area C.
- 1.2.2. The Proposed Development includes up to 32.5km of 33kilovolt (kV) underground cabling between the Panel Areas and the on-site substation, as well as approximately 10km of 132kV underground cable to connect the Proposed Development to the grid connection at the existing Norton substation (located to the north-west of Stockton-on-Tees). This cabling could be placed either within roads or through off-road options. A range of supporting infrastructure is required for the Proposed Development, comprising: BESS; transformers and inverters; storage containers to hold this equipment; and security measures such as fencing, CCTV and lighting.
- 1.2.3. The Proposed Development includes environmental mitigation and enhancement measures to avoid or reduce adverse impacts on the surrounding environment and nearby communities.
- 1.2.4. For a full Description of Development, please refer to ES Chapter 2 The Proposed Development (Document Reference 6.2.2).

Definition under the Act

- 1.2.5. The Proposed Development is considered to be a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(a) and Section 15(2) of the Act as an onshore generating station in England with a capacity of more than 50MW.
- 1.2.6. As an NSIP, the Applicant is required to make an application for a DCO before it can lawfully construct or operate the Proposed Development. The Act provides that the Secretary of State (SoS) is responsible for determining the application for development consent. PINS, on behalf of the SoS, has responsibility for administering the examination of DCO applications and supporting the examining authority that will be appointed to make a recommendation to the SoS as to whether to grant development consent. If granted by the SoS, the DCO will provide the necessary authorisation to allow the Proposed Development to be constructed and operated.
- 1.2.7. The relevant SoS for the Proposed Development is the SoS for the Department for Energy Security and Net Zero (formally the Department for Business, Energy and Industrial Strategy).

1.3. Context of the consultation

- 1.3.1. The Proposed Development is located in the north-east of England within the administrative boundaries of Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council, covering the Parish Councils of Bishopton, Redmarshall, Little Stainton, Carlton, Brafferton and Great Stainton. As part of the consultation engagement, the Applicant has also engaged with East and West Newbiggin and Mordon Parish Meetings.
- 1.3.2. The area of the Proposed Development is described as rural, comprising of agricultural fields, interspersed with individual trees, hedgerows, farm access tracks, woodlands and local farmholdings. There are several local villages located within close proximity to the Proposed Development, including Brafferton, Newton Ketton, Great Stainton, Bishopton and Old Stillington.
- 1.3.3. Throughout the pre-application stage, the Applicant engaged with a wide range of stakeholders, including residents, political stakeholders and community organisations. The Applicant has also sought to engage with a number of hard-to-reach stakeholders, including charities, religious organisations, ramblers groups, disability associations, neighbourhood forums, NHS Foundation Trusts and community organisations. They have been kept up to date with all the developments regarding the Proposed Development.

1.4. Summary of consultation activities

- 1.4.1. This Report provides a detailed account of the pre-application consultation and engagement activities carried out by the Applicant prior to the submission of an application for development consent.
- 1.4.2. Table 1-1 below provides a summary of the consultation activities carried out, at which time they were carried out and whether further details of those activities can be found in this Report.

Table 1-1 Summary of consultation activities

Consultation activity	Date	Chapter of Report
Site visits with landowners and neighbours (site selection and land use)	2020 - 2022	Chapter 2
Engagement with host Local Planning Authorities regarding approach to engagement and introducing the Proposed Development	Autumn 2022 – Spring 2023	Chapter 2
Project launch to members of the public (including website, press and media activity)	Autumn 2022	Chapter 2
Co:design	Autumn 2022	Chapter 2
Environmental Impact Assessment (EIA) consultation	Autumn 2022 – Summer 2023	Chapter 3

Consultation activity	Date	Chapter of Report
Statement of Community Consultation (SoCC) development and consultation	Spring 2023	Chapter 4
Statutory consultation	Summer 2023	Chapter 5
Early Adopters Programme (EAP) engagement	Spring 2023 – Winter 2023	Chapter 7
Engagement between statutory consultation and application submission	Summer 2023 – Spring 2024	Chapter 8
Further landowner consultation	Winter 2023	Chapter 9

1.5. Structure of this Report

- 1.5.1. This Report is set out in a chronological order as far as is possible, detailing the pre-application engagement and consultation activities that the Applicant has carried out in relation to the Proposed Development.
- 1.5.2. It is organised into chapters; a short summary of what can be found in each is provided below:
- **Chapter 1 Introduction** – provides an introduction to the Report and the need for the Proposed Development.
 - **Chapter 2 Approach to meaningful engagement between project launch and statutory consultation** – provides a summary of the meaningful engagement between project launch and statutory consultation, including project launch, stakeholder briefings and Co:design.
 - **Chapter 3 Environmental Impact Assessment (EIA) consultation** – provides an overview of the consultation and engagement activities undertaken with regard to the Environmental Impact Assessment (EIA) process.
 - **Chapter 4 Statement of Community Consultation (SoCC)** – provides details of the development of the Statement of Community Consultation (SoCC) in advance of the statutory consultation.
 - **Chapter 5 Approach to statutory consultation** - reports on the activities undertaken in respect of the statutory consultation held between 5 May and 16 June 2023 in accordance with the SoCC and the requirements of sections 42, 46, 47 and 48 of the Act. This includes details of how prescribed consultees, PILs and members of the public were consulted with.
 - **Chapter 6 Summary of responses received to statutory consultation** – provides a summary of feedback received in response to the statutory consultation and explains how the Applicant has had regard to this feedback in accordance with section 49 of the Act. This includes a summary of key changes made to the scheme design following the consultation and why.
 - **Chapter 7 Early Adopters Programme (EAP) engagement** – reports on the engagement activities undertaken under the Early Adopters Programme (EAP).

- **Chapter 8 Approach to meaningful engagement between statutory consultation and application submission** - provides a summary of the meaningful engagement between statutory consultation and the submission of the development consent application, including 'you said, we did' engagement.
- **Chapter 9 Approach to further targeted consultation with landowners and technical consultees** – reports on the activities undertaken in respect of the further landowner consultation held in winter 2023, and how this was carried out in accordance with the requirements of the Act.
- **Chapter 10 Conclusion** – sets out the conclusions of this Report, and how the Applicant has undertaken a compliant, comprehensive and proportionate approach to pre-application consultation and engagement.

1.6. Data protection

- 1.6.1. Further to Advice Note 6⁵, the Applicant is aware that this Consultation Report will be published on the National Infrastructure Planning website. As such, the Applicant has avoided the inclusion of personal data relating to individuals.
- 1.6.2. The Applicant must ensure that it complies with the Data Protection Act 2018, which came into force on 25 May 2018 following the introduction of the General Data Protection Regulation in 2016.
- 1.6.3. This means that information such as individuals' names and addresses in this report have been replaced by a number for each consultee.
- 1.6.4. Personal details in this Report have been handled responsibly and where necessary redacted to ensure that the Applicant complies with the requirements of the Data Protection Act 2018 in the production and publication of this Report.

⁵ [Advice Note Six: Preparation and submission of application documents | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/advice-note-six-preparation-and-submission-of-application-documents/)

2. Approach to meaningful engagement between project launch and statutory consultation

2.1. Introduction

- 2.1.1. As advised within the then Department for Communities and Local Government's guidance on pre-application consultation and engagement, the Applicant has sought to engage early, often and iteratively with consultees to provide consultees with numerous and genuine opportunities to influence the proposals.
- 2.1.2. This Chapter of the Consultation Report sets out the approach taken by the Applicant to publicly launch the Proposed Development, and all subsequent meaningful engagement and communications in the run up to statutory consultation. It summarises the engagement had and with who, the information provided, the process undertaken, and the outcomes of the early engagement.
- 2.1.3. During this early engagement, the Applicant sought to gather the views of a variety of representatives of groups with an interest in the area to help shape the Proposed Development at an early stage. The Applicant engaged with these groups early so that local knowledge and technical advice could be considered and could feed into the design and objectives of the Proposed Development, early on. These stakeholders included local councils, elected representatives, seldom heard groups, and local interest groups.
- 2.1.4. This ongoing period of engagement provided the opportunity to engage with key stakeholders on a regular basis, seeking their feedback during different stages of the Proposed Development's design evolution, including providing a series of updates and briefings prior to the statutory consultation in May 2023.
- 2.1.5. The Proposed Development was launched to local communities and stakeholders on 12 October 2022, and meaningful non-statutory engagement and communications has been carried out from that date.

2.2. Site visits with landowners and neighbours

- 2.2.1. The Applicant has liaised with local landowners and adjacent neighbours throughout the development of the Proposed Development, before, during and after the statutory consultation. The formal periods of consultation with landowners are summarised in Chapter 5 and Chapter 9 of this Report.
- 2.2.2. Outside of the statutory consultation, frequent meetings and liaison with landowners has been ongoing throughout the development of the Proposed Development, including face to face meetings, written communication and phone calls.

- 2.2.3. This early engagement with landowners focused on the nature of their interests in the land, the principle of the Proposed Development, and negotiating the voluntary agreements for the land to become part of the Proposed Development.
- 2.2.4. All correspondence has been agreed with landowners and where appropriate, their respective land agent, and the discussions have informed not only the site selection, but specific design decisions.
- 2.2.5. Communication and engagement with landowners has included, but not been limited to; securing access agreements for necessary surveys and site investigation works for the purposes of the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES), and further targeted consultation in winter 2023 (see Chapter 9 of this Report for further information).
- 2.2.6. The Statement of Reasons (Document Reference 4.1), submitted with the DCO Application, provides further detail on how the Applicant has engaged with affected landowners.

2.3. Engagement with local planning authorities (LPAs)

- 2.3.1. Engagement with host local planning authorities started in September 2022 with initial briefings on the Proposed Development. The Applicant engaged with Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council on the approach to consultation and to provide an overview of the early-stage proposals.
- 2.3.2. An introductory meeting took place on 21 September 2022 with Principal Planning Officers from Darlington Borough Council and Durham County Council, to discuss the Applicant's approach to consultation and seek early feedback on the approach to Co:design workshops. A separate meeting took place with Stockton Borough Council that same day.
- 2.3.3. Following the introductory briefing, on 23 September 2022 a proposed list of stakeholders to be invited to the Co:design workshops or be offered briefings on the Proposed Development was shared with the local authorities identified above for comment.
- 2.3.4. Darlington Borough Council provided input to the Co:design invitation list, adding additional suggested consultees which were added to the final invitation list and follow up engagement, the invitation list is provided in Appendix 2.2. Stockton-on-Tees Borough Council and Durham County Council did not provide any comments.

2.4. Project website

- 2.4.1. In order to provide the public, stakeholders and members of the local community with information on the proposed development, a website was launched on 12 October 2022, and comprised information on:
- Some background to the Applicant;

- An overview of the proposals for Byers Gill Solar;
- The need for solar;
- The benefits of the project;
- Frequently Asked Questions; and
- Contact details for the project team.

2.4.2. The website has been updated throughout the development of the proposals and design of the Proposed Development and has included updates in relation to the launch of the Proposed Development, Co:design (see section 2.7 and section 2.8 of this Report), and statutory consultation.

2.4.3. The website can be found here via this URL: [REDACTED].

2.5. Local press and media

2.5.1. To raise awareness of the Proposed Development amongst the local community and solar industry, a press release was issued to the following publications on 13 October 2022:

- Northern Echo
- Darlington and Stockton Times
- TeessideLive
- Newton News
- Chronicle Live
- Aycliffe Today
- renews
- Business Green
- Energy Live News, and
- Utility Week.

2.5.2. A copy of the press release is available at Appendix 2.3. The press release provided the following information:

- An overview of the proposals for Byers Gill Solar;
- The need for solar;
- Details of planned engagement;
- Information on the DCO process; and
- Contact details for the project team.

2.5.3. The press release was published in the industry bodies renews, Renewables Now, and List Solar, evidence of which is available at Appendices 2.4.

2.5.4. Local media outlets, including Northern Echo, Darlington and Stockton Times, TeessideLive, Newton News, Chronicle Live, Aycliffe Today, did not place the local article. To ensure that local communities were aware of the Proposed Development,

the Applicant placed a paid article in The Northern Echo on 4 January 2023. A copy of the paid article is available at Appendix 2.5.

2.6. Local member briefings

- 2.6.1. Ahead of the Co:design workshops, the Applicant sought briefings with the elected representatives at each of the three host local authorities, Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council.
- 2.6.2. On 31 October 2022, the Applicant held a briefing for elected members of Darlington Borough Council, at which officers were also present. The topics discussed included an overview of the proposals, the aims and benefits of the Proposed Development, and details of planned engagement (both Co:design and Statutory Consultation).
- 2.6.3. On 30 March 2023, the Applicant met with Office of Paul Howell MP, Member of Parliament for Sedgefield to present an overview of the Proposed Development, and next steps for public engagement. A copy of this presentation is available at Appendix 2.6.

2.7. Co:design

- 2.7.1. Co:design is a collaborative and participatory process that involves hosting workshops wherein community representatives and key stakeholders actively participate to contribute to the development of plans. Through the workshops, the primary objectives are to gain insights pertaining to the local area, emphasising existing constraints that the Applicant should take into consideration in their early-stage design and assessments. The Co:design process aims to establish the preferences of stakeholders for the Proposed Development, thereby integrating their perspectives into the design process from the very beginning.
- 2.7.2. This element of early and collaborative engagement aimed to:
- Introduce the Proposed Development to the local community and wider stakeholders;
 - Engage with communities and stakeholders (including statutory consultees) at an early stage to ensure technical advice and local knowledge is taken into account in the early development of the Proposed Development;
 - Brief politicians and elected representatives;
 - Understand early consultee views and allow stakeholders to shape the Proposed Development during the design process; and
 - Provide an early indication of proposals for statutory consultation and what areas feedback was being sought on.
- 2.7.3. To achieve this, the Applicant held a number of Co:design workshops with local community representatives and key stakeholders during the early stages of the design process.

- 2.7.4. This process enabled stakeholders to meaningfully engage at an early stage to incorporate local knowledge and provide comments on key aspects of the Proposed Development's design.
- 2.7.5. The full scale of activities carried out in this period of engagement is detailed in the following sections of this Chapter.

Co:design workshop invitations

- 2.7.6. On 12 October 2022, the Applicant issued invitations to three Co:design workshops to selected community representatives and key stakeholders. The Applicant sought to organise each session in order to establish constructive dialogue with local stakeholders.
- 2.7.7. The representatives and stakeholders were selected based on desk top research and through early engagement with Darlington Borough Council (please see section 2.3.4). Invitations to the workshops were grouped into political, technical and community stakeholder groups and included key representatives such as parish councils, ward councillors, statutory consultees, relevant local authority officers and wider community interest groups. A copy of the invitation and a list of stakeholder organisations invited can be found in Appendices 2.7 and 2.2 respectively.
- 2.7.8. The invite provided the following information:
- Background to the Proposed Development;
 - The need for solar;
 - Information on the DCO process;
 - Details of the workshops, including location, timings and areas of the proposals that the Applicant was seeking input on; and
 - Details of how to find out more and contact the dedicated community relations centre.
- 2.7.9. On 27 October 2022, ahead of the workshops, the Applicant provided all invitees with copies of the detailed maps and plans of the Proposed Development. In the case invitees were unable to make the offered session, details of alternative dates were shared. Copies of the material provided can be found in Appendix 2.8.

Co:design workshops

- 2.7.10. November 2022, the Applicant held three Co:design workshops, the details of which are included **Error! Reference source not found.** below.

Table 2-1 Co:design workshop information

Date	Venue	Time
Wednesday 2 November	Brafferton Village Hall, The Green, Brafferton, DL1 3LA	2pm – 6pm
Thursday 3 November	Bishopton Village Hall, Church View, Bishopton, TS21 1HB	2pm – 6pm

Date	Venue	Time
Friday 4 November	Stillington Youth and Community Centre, 2 Forest Park, Stillington, Stockton on Tees, TS21 1NW	10am – 2pm

- 2.7.11. A total of 26 stakeholders attended across the three events, including representatives from:
- Darlington Borough Council (officers and elected representatives);
 - Stockton-on-Tees Borough Council (officers);
 - Historic England;
 - Natural England;
 - Bishopton Parish Council;
 - Redmarshall Parish Council;
 - Stillington and Whitton Parish Council;
 - Great Stainton Parish Council; and
 - A member of the public
- 2.7.12. Whilst members of the public were not directly invited to the workshops, some were informed of them through local representatives. Bishopton Parish Council further advertised the Thursday 3 November Co:design on their website on 21 October 2022.
- 2.7.13. Only 1 member of the public was present at the workshops, and attended the workshop in Bishopton.

Co:design feedback

- 2.7.14. Participants at the workshops were able to give feedback through the following mechanisms:
- Providing comments on post-it notes, which could be pinned on printed maps;
 - Via email following the workshops;
 - Writing directly onto maps; and
 - Using comment sheets.
- 2.7.15. A follow up email was sent to the invitation list on 15 November 2022, with materials attached, including the Co:design workshop presentation, workshop handout, detailed maps, and comment sheet with a call to action for further feedback. This email and the materials can be found in Appendix 2.9 and 2.8 respectively. The Applicant welcomed any further comments, and feedback could be given by annotating the maps or filling out the comment sheet. The deadline for feedback was Friday 25 November 2022. No further feedback was submitted by email following the Co:design workshops.
- 2.7.16. Participants were asked to identify key issues, constraints and features that are most important to them and the people who live in local communities. A summary of comments received across the three workshops can be found in Appendix 2.10.
- 2.7.17. The key topics discussed in the Co:design workshops were:

- Community benefits, including provision of community spaces and improvements to Public rights of way.
- Local jobs, employment and benefits for the local economy.
- Flood risk and drainage.
- Importance of local land use and farming/food production locally.
- Visual impact of the Proposed Development from local villages.
- Accessibility of information to residents.
- Traffic and access, including condition of local roads.
- Local nature and biodiversity, including deer and migrating birds and biodiversity net gain.
- Local sensitive heritage assets.
- Grading of agricultural land, including differences in classifications.
- Impacts on public rights of way and ‘informal’ routes, including potential permissive paths through the site.
- Cumulative impact of all projects in the local area.

2.7.18. Feedback received in the Co:design workshops influenced the ongoing evolution of the design and consultation methodology. Careful consideration was particularly given to comments that suggested or resulted in a design change. Please see Appendix 2.10 for a summary of the comments received. Some key comment areas that influenced the design presented at statutory consultation included:

- reference for trails and circular walks, linking ecological enhancements and cultural heritage by providing accessible paths;
- preference for the off-road cable option, and to avoid road cables;
- mitigating visual impact by considering container colours, and limiting palisade fencing where possible to maintain an open aesthetic;
- clarification of responsibility for drainage and associated maintenance requirements, considering the flood risk and winter conditions on Redmarshall Road;
- conduct geotechnical surveys to assess hidden heritage underground; and
- ensure local residents around infrastructure are consulted on noise and visual mitigation at statutory consultation.

2.8. Ongoing engagement

2.8.1. To keep Co:design invitees updated on the progress of the application, on 6 April 2023, a project update newsletter was issued via email to the Co:design invitation list.

2.8.2. The newsletter provided the following information:

- Background to the Proposed Development;
- Project update;
- Information on the Applicant;
- Details of the workshops, including a summary of information on the DCO process and next steps; and
- Details of how to find out more and contact the dedicated community relations centre.

- 2.8.3. Following the Co:design workshops, the Applicant remained committed to engaging with stakeholders, considering their feedback when developing the proposals and answering queries. This included remaining in open dialogue with local interest groups, residents, and landowners.

3. Environmental Impact Assessment (EIA) consultation

3.1. Introduction

- 3.1.1. Regulation 14 of the EIA Regulations states that an application for an order granting development consent for EIA development must be accompanied by an Environmental Statement (ES).
- 3.1.2. The Proposed Development falls under paragraph 3(a) of Schedule 2 of the EIA Regulations and therefore constitutes EIA development.
- 3.1.3. The consultation required under the EIA Regulations is separate to that required under the Planning Act 2008, which is the primary focus of this Report. Subsequently, this chapter provides a general overview of the pre-application engagement carried out by the Applicant relating to the EIA process. Full details of consultation and engagement activities of relevance to the EIA are provided in the Environmental Statement.

3.2. EIA Scoping

- 3.2.1. Regulation 8 of the EIA Regulations provides that an applicant proposing to make an application for a DCO must, prior to carrying out consultation under section 42(1) of the Act, ask the SoS to adopt a screening opinion in respect of the development to which the application relates or, notify the SoS in writing that an environmental statement will be submitted with the application for the development.
- 3.2.2. Informed by desk-top research and early engagement with key, technical stakeholders, the Applicant submitted a Scoping Report (Document Reference 6.4.4.1) to PINS on 27 October 2022, supporting their request for a Scoping Opinion (Document Reference 6.4.4.2) under Regulation 10 of the EIA Regulations. Under Regulation 8 of the EIA Regulations, a cover letter was also submitted as a notification, to accompany the Scoping Report (Document Reference 6.4.4.1), which highlighted that the Applicant proposes to provide an Environmental Statement with an application for an order granting development consent.
- 3.2.3. The Scoping Report (Document Reference 6.4.4.1) was issued by PINS to 81 bodies, of which 17 replied by the statutory deadline, and 3 shortly thereafter. A Scoping Opinion (Document Reference 6.4.4.2) was received from PINS on 6 December 2022, which informed the assessments and information to be included within the ES. ES Appendix 4.3 Scoping Opinion Response Matrix (Document Reference 6.4.4.3) identifies the key issues raised within the Scoping Opinion (Document Reference 6.4.4.2), and where in the ES these issues are addressed.
- 3.2.4. In accordance with Regulation 11(1)(b) of the EIA Regulations, PINS provided the Applicant with a list of consultation bodies notified under Regulation 11(1)(a), who

were subsequently included in future consultation activities by the Applicant. A copy of the Regulation 11 list provided by PINS is shown at Appendix 3.1.

- 3.2.5. The Regulation 11(1)(b) list was subsequently used to inform the list of prescribed consultees to be consulted under section 42(a) of the Act during statutory consultation. Further detail is provided in Chapter 5 of this Report.

3.3. Development of Preliminary Environmental Information Report (PEIR)

- 3.3.1. The adoption of the Scoping Opinion (Document Reference 6.4.4.2) informed the next stage in the EIA process, namely the preparation of a PEIR.
- 3.3.2. The PEIR is prepared in order to provide preliminary environmental information to stakeholders, local communities and those with an interest in the Proposed Development at statutory consultation. As such, it enables them to understand the likely environmental impacts of the Proposed Development and in turn, informs their response to the statutory consultation. As feedback is sought on the contents of the PEIR during statutory consultation, it is considered to form part of the suite of consultation documents.
- 3.3.3. In accordance with section 42 of the Act, the Applicant carried out a statutory consultation between Friday 5 May and Friday 16 June 2023.
- 3.3.4. In accordance with the requirements of Regulation 13 of the EIA Regulations, on Friday 5 May 2023 a copy of the notice published under section 48 of the Act for the statutory consultation was sent to EIA consultation bodies, including those additional bodies listed by PINS in the Scoping Opinion (Document Reference 6.4.4.2) under Regulation 11 of the EIA Regulations.
- 3.3.5. A copy of the notice published under section 48 and sent to the relevant consultation bodies is available in Appendix 3.2.
- 3.3.6. The 2023 Statement of Community Consultation (SoCC) set out how the Applicant would consult on the PEIR during the statutory consultation between Friday 5 May and Friday 16 June 2023. An explanation of how the Applicant complied with the SoCC is provided in Chapter 4 of this Report.
- 3.3.7. The regard had to responses received in relation to the PEIR and environmental impacts of the Proposed Development in general, is detailed in Chapter 6 of this Report.

3.4. Summary

- 3.4.1. This Chapter has provided a summary of how the Applicant has engaged with stakeholders during the EIA process.

- 3.4.2. **Error! Reference source not found.** provides a summary of how the Applicant has complied with the relevant EIA Regulations in its approach to consultation during the EIA process.

Table 3-1 Summary of compliance with Environmental Impact Assessment (Infrastructure Planning) Regulations 2017

Regulation within the EIA Regulations 2017	Requirement or provision of regulation	How the Applicant has complied
Regulation 8	Notify the SoS that an ES will be submitted with the DCO Application	Made a request to PINS (acting on behalf of the SoS) for a Scoping Opinion on 27 October 2022, which also notified the SoS that the application would be accompanied by an Environmental Statement (ES). A copy of the request for a Scoping Opinion is provided in Document Reference 6.4.4.2.
Regulation 10	Applicant may request a Scoping Opinion from the SoS on the information that should be included within the SoS	
Regulation 11	Planning Inspectorate to notify the consultation bodies that the Applicant intends to provide an ES for the Proposed Development	The list of consultation bodies attached to the Planning Inspectorates' Scoping Opinion referenced above was used to inform the prescribed consultees consulted under section 42(1)(a) during the statutory consultation. See Appendix 3.1.
Regulation 13	A copy of the section 48 notice must be sent to Regulation 11 consultation bodies	On 5 May 2023, a copy of the section 48 Notice for the 2023 statutory consultation was emailed or posted by First Class post to all prescribed consultees required by section 42(a) of the Act, including Regulation 11 bodies. See Appendix 3.1.
Regulation 14	An application for an order granting development consent for EIA must be accompanied by an ES	An ES has been prepared and submitted as Volume 6 of the DCO Application.

4. Statement of Community Consultation (SoCC)

4.1. Requirements of the Act

4.1.1. This Chapter (Chapter 4) includes details of how the Statement of Community Consultation (SoCC) was prepared, consulted on and published following the process as prescribed in section 47 of the Act, prior to commencing statutory consultation for the Proposed Development.

4.1.2. Section 47 of the Act states:

“(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.

(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.

(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.

(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).

(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).

(6) Once the applicant has prepared the statement, the applicant must —

(za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land;

(a) publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and

(b) publish the statement in such manner as may be prescribed.

(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.”

4.2. Development of the draft SoCC

4.2.1. The Applicant’s approach to the statutory consultation with the local community started with the preparation of a draft SoCC.

- 4.2.2. The Applicant's development of a draft SoCC considered best practice and guidance from the DCLG's pre-application guidance, early engagement with host local authorities, lessons learned from the Co:design workshops (summarised in Chapter 2), and desk research.
- 4.2.3. The draft SoCC provided information about the Proposed Development, the developer, details of the proposed development, and outlined the statutory consultation process, including how the public can participate and respond. The draft SoCC also includes appendices of site maps.
- 4.2.4. The main content of the SoCC gave an overview of the Statutory Consultation (5 May 2023 – 16 June 2023) including:
- Explanation of what is being consulted on and who is being consulted
 - Identification of groups being consulted, including under-represented or seldom heard groups.
 - Methods and channels for consultation, including wider engagement and promotion.

4.3. Purpose of the draft SoCC

- 4.3.1. The purpose of the SoCC was to establish how the Applicant would consult and engage with the local communities likely to be affected by the Proposed Development.
- 4.3.2. The draft SoCC aimed to set out a methodology and approach to consultation that was effective, proportionate and appropriate to the local context, and which fully complied with the statutory requirements and associated guidance.
- 4.3.3. The draft SoCC was shaped by meaningful engagement in Co:design, in particular regarding the accessibility of information for residents.

4.4. Consultation on the draft SoCC

- 4.4.1. The Applicant identified Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council as the relevant host local authorities under section 43(1) of the Act. In compliance with section 47(2) of the Act, the Applicant consulted with these local authorities about what was to be included in the SoCC.
- 4.4.2. The Applicant shared a draft SoCC with the Councils on Monday 27 February 2023 for consultation. A copy of the draft 2023 SoCC can be found at Appendix 4.1, and a copy of the letter sent to each council is provided in Appendix 4.2.
- 4.4.3. It was requested that comments were submitted by 27 March 2023, allowing 28-day response period as required by section 47(3) of the Act.
- 4.4.4. As was offered in the letter accompanying the draft SoCC, the Applicant met with Darlington Borough Council on 15 March 2023 to discuss the approach to consultation as set out within the draft SoCC.

- 4.4.5. Subsequently, Darlington Borough Council responded to the consultation on 24 March 2023 and Durham County Council responded to the consultation on 5 April 2023. Stockton-on-Tees Borough Council did not respond to the consultation.
- 4.4.6. Although Durham County Council's response was received after the deadline for responses, the Applicant still had regard to and considered their comments when finalising the SoCC. A copy of the responses received can be found in Appendix 4.3.
- 4.4.7. In compliance with section 47(5) of the Act, the Applicant had regard to the consultation responses submitted by Darlington Borough and Durham County Councils. This is demonstrated in **Error! Reference source not found.**, which details the comments that were made by the Councils on the draft SoCC and the response of the Applicant at that time.

Table 4-1 Comments received from Darlington Borough Council and Durham County Council on the draft SoCC

Comment received from	Section of the draft SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant to the amendment/comment (in accordance with section 42(5) of the Act
Darlington Borough Council	4.1.2 – the Proposed Development	A Highway Engineer from the Authority highlighted the unnamed road in section 4.1.2 is known as Coal Bank, although affirmed it does not seem to be widely used or appear on Google Maps. They commented the official road name is C34A C38 Great Stainton to C37 Bishopton.	To avoid confusion the colloquial road name 'Coal Bank' was not included.
Darlington Borough Council	5.5.3 – How we will consult	The number and location of events is considered to be acceptable to the Authority. It was also suggested that there was no suitable venue at Great Stainton, despite being located more centrally amongst the sites. It was considered however that residents would not be unduly disadvantaged by having to travel the short distances to the nearby venues which were proposed.	In addition to the events, the Applicant hosted three webinars at the following times: <ul style="list-style-type: none"> - Friday 12 May 18:00 – 19:00 - Wednesday 31 May 13:00 - 14:00 - Wednesday 7 June 18:00- 19:00 Residents could also contact the project team via telephone, (open 9am - 5:30pm Monday to Friday) 0800 197 0118 or by emailing enquiries@byersgillsolar.com .
Darlington Borough Council	5.5.3 – How we will consult	The Authority notes that the Town Hall would be unable to accommodate host consultation materials due to refurbishments. As an alternative Cockerton Library may be suitable, but this is located on the northwestern side of Darlington, not in close proximity to the DCO site. The Authority asks whether it would be possible for documents to be left at other local venues i.e. shops.	The list of deposit locations was amended accordingly to account for these closures. Norton Library hosted the PEIR, SoCC, consultation booklet, and feedback questionnaires. These were available to view between: <ul style="list-style-type: none"> - Monday 9:30 –17:00 - Tuesday 9:30 – 17:00 - Wednesday 9:30 –19:00 - Thursday 9:30 – 17:00 - Friday 9:30 – 19:00 - Saturday 9:30 – 13:00 - Sunday - Closed The Applicant requested whether Brafferton, Stillington, and Bishopton village halls are able to host the consultation booklet and feedback questionnaire, and where possible, this request was accommodated. Due to the halls not being manned or having set opening times, these materials were available for viewing and take away from community groups who have

Comment received from	Section of the draft SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant to the amendment/comment (in accordance with section 42(5) of the Act
			<p>already booked the hall.</p> <p>The Applicant also identified a number of other local shops, pubs and civic buildings within the primary consultation zone, which were sent a poster advertising the events and the deposit location.</p> <p>Hard copies of documents were available on request through the community relations team free of charge (excluding the PEIR which had a cost of £0.35 per page).</p>
Darlington Borough Council	5.7.2 – Wider engagement	<p>The Authority highlights that the results of the local elections (taking place 4th May 2023) may not be known for the start of the consultation.</p> <p>After this date, the Authority offers to provide details of relevant ward members and key roles within the Council.</p>	<p>The Applicant factored in the local elections to their S47 consultee list.</p> <p>The Applicant emailed newly elected councillors as soon as practicable to inform them of the project and consultation.</p>
Darlington Borough Council	5.4 Consultation with under-represented or seldom-heard groups	<p>The Authority comments that there are not prescribed methods for consulting under- represented or seldom-heard groups. However, the SoCC does reflect general points about being inclusive, that consultation is open to all and ensuring underrepresented groups have an equal chance to be heard.</p>	<p>The Applicant committed to the consultation being inclusive and open to all.</p> <p>The Applicant also included the list of community and religious groups provided by the Authority in the list of S47 consultees.</p> <p>Regarding consulting under- represented or seldom-heard groups, table 5.3 of the SoCC listed the methods in which the consultation was made accessible to the following:</p> <ul style="list-style-type: none"> - Older people - Disabled people and those with learning disabilities - People with limited mobility - Young people - Geographically isolated communities
Darlington Borough Council	5.5 How we will consult	<p>The Authority asks whether it would be possible for a drop-in session and leaflet drop to be included as consultation methods.</p> <p>The Authority further recommends paper copies of information be placed in community facilities.</p>	<p>The SoCC included a consultation leaflet drop to the Primary Consultation Zone (PCZ), shown in Figure 5.1 of the SoCC. Considerations for the PCZ boundary were also listed in section</p>

Comment received from	Section of the draft SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant to the amendment/comment (in accordance with section 42(5) of the Act
			<p>5.3 of the SoCC.</p> <p>The Applicant hosted 3 public exhibitions, where all those interested were welcome to drop in to meet the project team, learn more about the proposals, and pick up hard copies of consultation materials. Details of these consultation events were listed in section 5.5 of the SoCC:</p> <ul style="list-style-type: none"> - Stillington – May 19, 1pm - 7pm, Stillington Youth Centre, 2 Forest Park, Stillington, Stockton-on-Tees TS21 1NW - Brafferton – May 23, 1pm - 7pm, Brafferton Village Hall, The Green, Brafferton, DL1 3LA - Bishopton – May 24, 1pm - 7pm, Bishopton Village Hall, Church View, Bishopton, Hall, Stockton-on-Tees TS21 1HB <p>The Applicant also identified a number of other local shops, pubs and civic buildings within the primary consultation zone, which were sent a poster advertising the events and the deposit location.</p> <p>Hard copies of documents were available on request through the community relations team free of charge (excluding the PEIR which had a cost of £0.35 per page).</p>
<p>Durham County Council</p>	<p>5.5.3 – How we will consult</p>	<p>The Authority recommends a consultation event is held in Durham for completeness.</p>	<p>Due to the proximity of Bishopton and Stillington to the County Durham border, and considering the lesser potential for impacts on County Durham, the Applicant did not consider that proposing an event in Durham was proportionate or necessary to ensure the consultation was accessible.</p> <p>Those interested in learning more about the proposals were able to do so by contacting the project team via Telephone, (open 9am -5:30pm Monday to Friday) 0800 197 0118 or by emailing enquiries@byersgillsolar.com.</p>

Comment received from	Section of the draft SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant to the amendment/comment (in accordance with section 42(5) of the Act)
			<p>The project team ensured the full suite of consultation materials, including the PIER and SoCC, were available at our deposit point, Norton Library.</p> <p>Hard copies of documents were also available on request through the community relations team free of charge (excluding the PEIR which had a cost of £0.35 per page).</p>
Durham County Council	5.5.3 – How we will consult	<p>The Authority highlights there are libraries at Sedgefield and Newton Aycliffe that could be used as information points.</p> <p>The Authority also highlights that the two Area Action Partnerships that cover the area are available for promoting the consultation, alongside Morden Parish Council.</p>	<p>The Applicant has selected Norton Library in Stockton-on-Tees as the deposit location due to having the longest opening hours out of those in the surrounding area making it the most accessible.</p> <p>The Applicant added the APP groups into the S47 consultees and Morden Parish Council were be contacted as a neighbouring authority.</p> <p>Hard copies of documents were also available on request through the community relations team free of charge (excluding the PEIR which had a cost of £0.35 per page).</p>

4.5. Publicity under Section 47 of the Act

- 4.5.1. The final SoCC, which had regard to the comments received from Darlington Borough Council and Durham County Council, was published on 5 May 2023. A copy of the published SoCC can be found in Appendix 4.4.
- 4.5.2. In compliance with the publicity requirements of section 47(6) of the Act, the SoCC was made available for viewing for the duration of the consultation. In particular:
- Adverts publicising locations where the SoCC could be viewed were placed in newspapers circulating the vicinity of the land, namely the Northern Echo (5 May 2023), the Teesside Gazette (5 May 2023), and the Darlington and Stockton Times (10 May 2023). Copies of the published adverts can be found in Appendix 4.5.
 - A paper copy of the SoCC was also placed at Norton Library, 87 High Street, Norton, Stockton-on-Tees, TS20 1AE from 5 May 2023.
 - The SoCC was also made available to view on the project website, from 9 May 2023. Noting that this is after the launch of the statutory consultation period, the Applicant wrote to the local authorities to seek agreement that if the SoCC remained in the deposit location and online until the 27 June 2023 to accommodate for this delay, that that would be acceptable. Darlington Borough Council subsequently agreed (see Appendix 4.6), and the SoCC remained available in the deposit location until 27 June 2023, and remains on the project website. There were no reports of members of the public raising concerns that they could not locate the SoCC online between 5 and 9 May.
- 4.5.3. A full overview of how the Applicant carried out the Section 47 consultation in accordance with the proposals outlined in the SoCC is included in Appendix 4.7.

4.6. Adherence with the SoCC

- 4.6.1. The next Chapter of this Report details how the 2023 statutory consultation was undertaken in compliance with the published 2023 SoCC, as per the requirements of section 47(7) of the Act.
- 4.6.2. A SoCC compliance table summarising how the 2023 SoCC was complied with is provided in Appendix 4.7.

5. Approach to statutory consultation

- 5.1.1. This Chapter (Chapter 5) outlines the requirements of the Act with regards to statutory consultation and provides a summary of the activities undertaken by the Applicant to ensure compliance with the requirements of the Act, and the commitments made within the published SoCC.
- 5.1.2. Evidence of this compliance is supplied in the Appendices where relevant and appropriate and is referred to throughout this Chapter.

5.2. Overview of statutory consultation

- 5.2.1. Running from 5 May 2024, the aim of the statutory pre-application consultation was to ensure that the community, stakeholders and other persons with an interest in the land, and technical consultees had the opportunity to understand and influence the details of the Proposed Development. The Applicant presented the Proposed Development, including how it was informed by environmental assessments and engagement to date.
- 5.2.2. The Applicant sought feedback on all aspects of the Proposed Development, including the principle of solar development and renewable energy, the proposed cable routes, and the landscape and environmental design.
- 5.2.3. Table 5-1 below, summarises the activities which took place as part of the statutory consultation.

Table 5-1 Summary of statutory consultation activities

Activity	Date
Consultation leaflet posted to the local community	5 May
Press release announcing the consultation issued to local media	4 May 2023
Section 47 notice	5 May – 17 May
Section 48 notice	5 May – 17 May
Section 46 notice issued to PINS	4 May 2023
Launch of the statutory consultation	5 May 2023
Publication of the SoCC, the PEIR, consultation booklet, feedback questionnaire and supporting materials	5 May 2023
Opening of and placement of documents in the deposit location	5 May 2023
Virtual consultation event	12 May 2023
In-person public consultation event	19 May 2023
In-person public consultation event	23 May 2023
In-person public consultation event	24 May 2023

Activity	Date
Virtual consultation event	31 May 2023
Virtual consultation event	7 June 2023

5.2.4. A full account of the statutory consultation, including the documents provided, the engagement events held, advertising and publicity of the consultation and how it was compliant with the requirements of the Act and the published SoCC, are detailed in this Chapter.

5.3. Requirements of the Act

Section 42

5.3.1. Section 42(1) of the Act states:

“42. Duty to consult

The applicant must consult the following about the proposed application-

(a) Such persons as may be prescribed,

(aa) The Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect any of the areas specified in subsection (2)

b) each local authority that is within section 43,

c) The Greater London Authority if the land is in Greater London, and

d) each person who is within one or more of the categories set out in section 44”

5.3.2. Sub sections 42(aa) and 42(c) are not relevant to this Proposed Development because it is an inland scheme which is not located within Greater London.

5.3.3. For the purposes of section 42(1)(a) of the Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), as applicable.

5.3.4. Section 42(1)(b) (local authorities) are defined in section 43 of the Act. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities, depending on the tier of the authority and its location in relation to the Proposed Development.

5.3.5. Section 42(1)(d) (persons within section 44 of the Act) are defined and categorised under section 44 of the Act:

- A person is within Category 1 if the applicant, after making diligent enquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- A person is within Category 2 if the applicant, after making diligent enquiry, knows that the person a) is interested in the land, or b) has power to sell and convey the land, or to release the land.
- A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled to make a relevant claim: as a result of the implementation of the order; as a result of the order having been implemented; or, as a result of the use of the land once the order has been implemented.

5.3.6. A 'relevant claim' under Category 3 is as defined by section 44(6) of the Act as a claim under section 10 of the Compulsory Purchase Act 1965, under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the Act.

5.3.7. All section 42(1)(d) consultees are referred to as Persons with an Interest in the Land (PILs).

Section 45

5.3.8. Under section 45 of the Act, there is a duty on the applicant, when consulting a person under section 42, to notify them of the deadline for the receipt of comments to the consultation. This must be a minimum of 28 days, that begins with the day after the day on which the person receives the consultation documents. Consultation materials must be supplied to the person by the applicant for the purpose of consulting them.

Section 46

5.3.9. Under section 46 of the Act, the Applicant is required to notify the SoS of the proposed application. This must be done on or before commencing consultation under section 42. The SoS must be supplied with the same information on the proposed application as is being supplied to those being consulted under section 42.

Section 47

5.3.10. The production and publication of a Statement of Community Consultation (SoCC) is required through section 47 of the Act, and this is described in Chapter 4 of this Report.

5.3.11. Section 47(7) of the Act requires that consultation is carried out in accordance with the proposals contained in the SoCC.

Section 48

5.3.12. Under section 48 of the Act, the Applicant is required to publicise the proposed application in the prescribed manner, which is defined in Regulation 4 of the APFP

Regulations and Regulation 13 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

5.4. Compliance with the requirements of the Act

- 5.4.1. This section provides a summary of the activities undertaken by the Applicant for the statutory consultation to ensure compliance with the requirements of the Act as outlined in section 5.3 of this Report.
- 5.4.2. Evidence of this compliance is supplied in the Consultation Report Appendices (Document Reference 5.2) where relevant and appropriate.

Compliance with section 42 of the Act

Identification of prescribed consultees under section 42(1)(a)

- 5.4.3. To accord with section 42(1)(a) of the Act, under the duty to consult, the Applicant compiled a list of statutory consultees. This list was principally derived from the prescribed consultees listed in column 1 in Schedule 1 to the APFP Regulations. The Applicant determined whether a consultee was relevant to the Proposed Development in accordance with columns 2 and 3 of Schedule 1. A precautionary approach was taken, whereby a consultee was not discounted unless there was an evidenced reason for doing so.
- 5.4.4. The Applicant also had regard to the information in PINS' Advice Note 3: EIA Notification and Consultation⁶ in identifying relevant consultees under section 42(1)(a), including in relation to consulting statutory undertakers.
- 5.4.5. Additionally, the Applicant had regard to the Regulation 11(1)(a) List provided by PINS alongside the Scoping Opinion, which set out the list of consultation bodies PINS notified as part of the EIA scoping progress. Further detail on EIA consultation and Scoping can be found in Chapter 3 of this Report.
- 5.4.6. The final list of prescribed consultees actually consulted can be found in Appendix 5.1.

Identification of parish councils

- 5.4.7. The Proposed Development is within the boundaries of the following parish councils:
- Bishopton Parish Council;
 - Redmarshall Parish Council;
 - Little Stainton Parish Council;
 - Carlton Parish Council;
 - Brafferton and Helperby Parish Council;
 - Great Stainton Parish Council;

⁶ Advice Note Three: EIA Notification and Consultation | National Infrastructure Planning (planninginspectorate.gov.uk)

- East and West Newbiggin Parish Meeting; and
- Mordon Civil Parish.

5.4.8. In accordance with Schedule 1 to the APFP Regulations, which lists ‘the relevant parish council’ as a prescribed consultee, these parish councils were included in the list of prescribed consultees that is found at Appendix 5.1. They were included on the basis that the scheme is within their respective administrative boundaries.

Identification of prescribed consultees under section 42(1)(aa)

5.4.9. As outlined in section 5.3 of this Report, section 42(1)(aa) does not apply to this Proposed Development.

Identification of prescribed consultees under section 42(1)(b)

5.4.10. Under Section 42(1)(b), the Applicant has a duty to consult local authorities identified within section 43 of the Act. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities.

5.4.11. The Proposed Development is located across neighbouring sites between Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council administrative local authority areas. For the purposes of section 43 of the Act, these are therefore category ‘B’ authorities.

5.4.12. The following local authorities share a boundary with Darlington Borough Council, Stockton-on-Tees Borough Council or Durham County Council, and are therefore category ‘A’ consultees under section 43 of the Act:

- Cumbria County Council;
- Cumberland Council;
- Gateshead Council;
- Hartlepool Borough Council;
- Middlesbrough Council;
- North Yorkshire Council;
- Northumberland County Council;
- Redcar and Cleveland Borough Council;
- Sunderland City Council;
- Westmoreland and Furness Council; and
- Yorkshire Dales National Park Authority.

5.4.13. Subsequently, the Applicant has a duty to consult the A and B local authorities listed above.

5.4.14. Please note that on 1 April 2023, a local government reorganisation took place in North Yorkshire and Cumbria. In North Yorkshire, the North Yorkshire County Council and seven district councils were combined into a unitary authority of North Yorkshire Council. As the statutory consultation launched after 1 April 2023, North

Yorkshire Council was the relevant statutory consultee and was notified as an 'A' local authority, as listed above. In Cumbria, three lower tier councils and Cumbria County Council were merged to become Cumberland Council, a unitary authority. Additionally, three lower-tier councils and Cumbria County Council were merged to become Westmoreland and Furness Council, a unitary authority. The two new unitary authorities were notified as 'A' local authorities, as listed above. In error, Cumbria County Council was also notified, however it had by the time of the launch of statutory consultation, ceased to operate. For the avoidance of doubt, the relevant local authorities for North Yorkshire and Cumberland were notified in accordance with the Act. There are no relevant 'C' or 'D' category neighbouring authorities because all the host local authorities are unitary.

Identification of prescribed consultees under section 42(1)(c)

- 5.4.15. As outlined in section 5.3 of this Report, section 42(1)(c) does not apply to this Proposed Development.

Identification of PiLs under section 42(1)(d)

- 5.4.16. Under Section 42(1)(d), the Applicant must consult each person who is within one or more categories set out in section 44. This includes any owner, lessee, tenant or occupier, any person interested in the land who has power to sell, convey or release the land and any person entitled to make a relevant claim (as defined by section 44(6)).
- 5.4.17. In preparing the DCO application, the Applicant has carried out diligent inquiry in order to identify all persons who fall within the categories set out in section 44 for the proposed scheme. Such persons are listed in the Book of Reference (Document Reference 4.2). All land interests have been consulted about the proposed scheme in accordance with section 42 and as described further in the following sections.
- 5.4.18. The Applicant's diligent inquiry to identify affected landowners, those with interests in land, and those with a potentially relevant claim, has been undertaken by the Applicant, and included affected interests covered by both on-road and off-road cable route options.
- 5.4.19. Diligent inquiry has been undertaken throughout the pre-application period to ensure that all persons with an interest in land are engaged with and consulted about the Proposed Development. This included detailed interrogation and analysis of HMLR titles and issue of Land Interest Questionnaires (LIQs) on all affected land interests. The LIQ process sought further details of any persons with an interest in land affected by the project and validated existing information found through desktop research. An example of the cover letter and LIQs can be found in Appendices 5.2 and 5.3 respectively.
- 5.4.20. Any changes in ownership or new interests have been identified, consulted and subject to engagement. This has been supplemented by ongoing engagement undertaken by the Applicant, as identified in Chapter 9 of this Report. Land Registry updates and data

validation and refresh checks have also been undertaken periodically, and before any critical programme points.

Consultation activity with section 42 consultees

- 5.4.21. The Applicant wrote to statutory consultees on 5 May 2023 by letter and email to notify them of the consultation and invite responses concerning the Proposed Development under section 42(1). Letters were sent by Royal Mail 1st Class post, and set out the background to the Proposed Development, the Applicant's intention to submit a DCO application and details of how to respond to the statutory consultation.
- 5.4.22. Two persons and a utility company received their s42 notification letter six days late, on 11 May 2023. As a result, they were sent a second letter to confirm an extension of time to submit their response to the consultation, to 23 June 2023. This was to ensure that they were provided with the same six-week period as all other consultees. This approach was carried out in agreement with the local planning authorities.
- 5.4.23. The letters and emails also included:
- A list of the consultation materials made available during the consultation, including the PEIR and the SoCC;
 - A website address for taking consultees to the project website where the consultation materials were also available; and
 - A list of the public information events being held during the consultation period.
- 5.4.24. The prescribed bodies consulted under section 42(1)(a) and the local authorities consulted under section 42(1)(b) also received a copy of the section 48 notice with the letter and email, in order to comply with Regulation 13 of the EIA Regulations and because these organisations were notified by PINS under Regulation 11 of the EIA Regulations.
- 5.4.25. A sample copy of the letters sent to each category of section 42 consultee is in Appendix 5.4.

Compliance with section 45 of the Act

- 5.4.26. The consultation took place between Friday 5 May 2023 and Friday 16 June 2023.
- 5.4.27. This allowed for 41 days between the day after consultees received the consultation documents (i.e. Sunday 7 May 2023) and the deadline for receipt of comments. This period therefore exceeded the minimum of 28 days required by section 45(1) and section 45(2) of the Act and was carried out as agreed with the section 42(1)(b) Host Authorities in the SoCC.
- 5.4.28. The letters and emails, and subsequent enclosures were sent to the section 42 consultees outlined in the consultation timetable described above, as required by section 45(3) of the Act.

Compliance with section 46 of the Act

- 5.4.29. The Applicant wrote to PINS (acting on behalf of the SoS) on 4 May 2023 by letter and email setting out its intention under section 46 to submit an application for a DCO. In accordance with section 46(1), the letter and email provided the same information as was provided to section 42 consultees, including details of the Proposed Development, the dates of consultation and information on how to access the consultation materials. A copy of the s46 notification letter is provided in Appendix 5.5.
- 5.4.30. In addition, a USB drive was provided containing a copy of the consultation materials, a section 48 notice and a copy of the letters sent to the consultees notifying them of the consultation.
- 5.4.31. In accordance with section 46(2), the letter and email were sent before the consultation under section 42 commenced on Friday 5 May 2023.
- 5.4.32. An acknowledgement of receipt was provided by PINS on 9 May 2023. A copy of this is provided in Appendix 5.6.

Compliance with section 47 of the Act

- 5.4.33. As set out in Chapter 4, a SoCC was produced and consulted on prior to the commencement of the statutory consultation, which identified commitments made by the Applicant in relation to carrying out the community consultation under section 47 of the Act.
- 5.4.34. Consultation was carried out in accordance with the published SoCC, and Appendix 4.7 sets out a summary of the commitments made and how these were adhered to.

Identification of s47 consultees

- 5.4.35. As required by section 47 of the Act, the Applicant consulted people who live and work within the vicinity of the Proposed Development. In addition to local communities, this included various groups and organisations who were invited to participate in the consultation.
- 5.4.36. Residents and businesses located in the vicinity of the Proposed Development were contacted via a post drop of a consultation leaflet, which notified them of the consultation and invited them to provide their feedback. The consultation leaflet was sent to the identified PCZ (which was agreed with the local authorities), and the addresses were obtained from the Postcode Addresses File supplied by the Royal Mail. A map of the PCZ is provided in Appendix 5.7.

Consultation documents

Overview of consultation documents

- 5.4.37. A range of consultation documents were provided as part of the statutory consultation to help everyone with an interest in the Proposed Development to have a clear understanding of the proposals, its potential benefits and effects, and the way that feedback could be provided.
- 5.4.38. These documents, their formats and a summary of their content is provided below.

Consultation booklet

- 5.4.39. The consultation booklet was produced and provided with the aim of being the primary consultation document for those with an interest in the Proposed Development to seek information to inform their response. It was available at the events, at the deposit point, online for viewing and free to request through the contact centre. The Applicant sent emails to host parish council clerks to offer materials to be dropped off, which was done for those who responded. The consultation booklet was written in plain English and contained information pertaining to:
- A summary of the Proposed Development;
 - A timeline of how the proposals were designed, including through Co:design;
 - Information about the potential environmental benefits, effects and associated mitigation;
 - Information about the assessments and where further information can be found, signposting to the PEIR; and
 - How to respond to the consultation.
- 5.4.40. A copy of the consultation booklet is provided at Appendix 5.8.

Consultation leaflet

- 5.4.41. The newsletter was sent to arrive on doorsteps on 5 May 2023, and identified the dates of the consultation and the dates by which responses needed to be received. It provided a signpost to where further information could be found (the project website and/or the deposit location) and provided a programme of the virtual and face-to-face events being held.
- 5.4.42. A copy of the consultation leaflet is provided in Appendix 5.9.

Feedback questionnaire

- 5.4.43. The feedback questionnaire was designed to collect people's feedback on the Proposed Development during the consultation period and followed the same structure as the consultation booklet, with a mix of quantitative and qualitative questions asked. This allowed those with an interest in the proposals to be clear on their overall sentiment of solar development, and specifically Byers Gill, but also to provide further feedback explaining their support or concerns, and any general comments.

- 5.4.44. There were 11 questions asked as part of the feedback questionnaire, none of which were mandatory to respond to. These were:
1. Do you support the use of solar farms as part of the mix of renewable electricity generation required to meet the UK Government's commitment to achieving net zero carbon emissions by 2050? Please provide any comments explaining your response.
 2. Do you support the Byers Gill Solar farm project? Please provide any comments explaining your response.
 3. Do you have any comments on the overall site layout?
 4. Do you have any specific comments about Panel Areas A – F? Please specific which panel area(s) you are commenting on.
 5. Do you have any comments on the potential cable routes shown for Byers Gill Solar? Please describe any specific areas of the site if relevant.
 6. Do you have any comments on the supporting infrastructure required for Byers Gill Solar farm?
 7. Do you have any comments on our landscape and environmental design? Please make your comments in relation to each of the topics below where applicable.
 - 7.1 Landscape and visual
 - 7.2 Biodiversity
 - 7.3 Public rights of way
 - 7.4 Heritage assets
 - 7.5 Construction impacts
 - 7.6 Other
 8. Do you have any suggestions on how we can provide community benefits through Byers Gill Solar?
 9. Do you have any comments on the operation or decommissioning of Byers Gill Solar?
 10. Do you have any comments on the methodology and/or preliminary assessments in the PEIR? Where possible, please specify the environmental topic area(s) you are commenting on.
 11. Do you have any other comments you wish to make about Byers Gill Solar?
- 5.4.45. The feedback questionnaire was available on the project website and in hard copy, and included details of a freepost return address where hard copies could be sent to the project team. The online version of the feedback questionnaire enabled those who responded to the consultation to complete and submit the questionnaire virtually.
- 5.4.46. A copy of the feedback questionnaire is provided in Appendix 5.10.

PEIR and Non-Technical Summary (NTS)

- 5.4.47. As outlined in Chapter 3 of this Report, the PEIR contained preliminary environmental information on the potential benefits, effects and impacts of the Proposed Development. It also detailed the proposed mitigation and enhancement measures.
- 5.4.48. A printed copy of the PEIR was made available at Norton Library and the in-person consultation events for members of the public to view. It was also made available to view and download on the project website. Those with an interest in the Proposed Development were able to request a hard copy of the PEIR, subject to printing costs.
- 5.4.49. Owing to the size of the PEIR it has not been provided as an Appendix to this Report, but can be viewed on the project website, here:
<https://byersgillsolarfarm.co.uk/documents/>.
- 5.4.50. In addition to the PEIR, a NTS was also provided as part of the consultation documents. This provided a summary of the Proposed Development; any potential significant environmental benefits or effects, and the proposed mitigation and enhancement measures.
- 5.4.51. The NTS was also available for the duration of the statutory consultation at Norton Library to view, and on the consultation website to view and download. A copy of the NTS can be viewed in Appendix 5.11.

Supporting maps and plans

- 5.4.52. A number of technical documents were provided on the Proposed Development's website, at the deposit location and during the in-person consultation events.
- 5.4.53. This included the Landscape Concept Masterplan, providing a visual way of seeing where the panel areas and the biodiversity enhancements would be placed, amongst other elements of the Proposed Development. A number of photomontage documents were also available throughout the consultation, comparing the chosen existing views with year 1 and year 15 of the Proposed Development's lifetime.

Posters

- 5.4.54. Advertising posters included information on the dates of consultation, planned in-person and virtual events. The posters have been sent by post to 20 locations, comprising of post offices, local shops, parish halls, pubs and community organisations. A copy of the poster is provided in Appendix 5.12.
- 5.4.55. A copy of the locations to which the poster was sent is provided in Appendix 5.13.

Location of consultation documents

- 5.4.56. The consultation documents were available to view at the consultation events, and at a deposit location; Norton Library. The opening times are presented in Table 5-2 below.

Table 5-2 Opening times of the deposit location during consultation

Location	Day of opening	Opening times
Norton Library - 87 High St, Norton, Stockton-on-Tees TS20 1AE	Monday, Tuesday, Thursday	9.30am – 5pm
	Wednesday, Friday	9.30am – 7pm
	Saturday	9.30am – 1pm
	Sunday	Closed

5.4.57. The consultation documents were also made available to view and download on the project website, here: [REDACTED]. The Applicant received no requests for materials to be made available in alternative formats.

Feedback mechanisms

5.4.58. Those with an interest in the proposals were provided with several channels through which they could provide their feedback to the Proposed Development. These were:

- Online: consultees could complete the feedback questionnaire via the project website;
- Freepost: consultees could send a copy of the completed feedback questionnaire or free-text letter to 'FREEPOST Byers Gill Solar';
- Email: consultees could send a copy of the completed questionnaire or a free-text email to enquiries@byersgillsolar.co.uk; and
- At a consultation event: consultees could complete a feedback questionnaire at one of the consultation events and hand it to a member of the project team.

Consultation events

5.4.59. A mix of in-person and virtual events were held as part of the statutory consultation, enabling consultees an opportunity to view information about the Proposed Development and speak to a member of the project team.

In-person consultation events

5.4.60. Three in-person events were held as drop-in sessions during the consultation period, allowing those who wanted to attend to turn up at a time of their own convenience within the advertised times.

5.4.61. These sessions gave residents, landowners, elected officials, and other key stakeholders additional opportunities to find out more about the Applicant's plans and give their views on them, as well as to meet the Project team and ask any questions they may have.

5.4.62. The in-person events were held in accessible venues within the PCZ, in the main three villages at Brafferton, Bishopton, and Stillington.

- 5.4.63. As part of the consultation events, a total of 11 exhibition boards were produced, which followed the same structure and content as the consultation booklet. A copy of the exhibition boards can be found in Appendix 5.14.
- 5.4.64. Details of the in-person consultation events are provided in **Error! Reference source not found.**

Table 5-3 In-person consultation events

Date	Location	Time
Friday 19 May 2023	Stillington Village Hall, Lowson Street, Stillington, TS21 1JE	1pm – 7pm
Tuesday 23 May 2023	Brafferton Village Hall, The Green, Brafferton, Darlington, DL1 3LA	
Wednesday 24 May 2023	Bishopton Village Hall, Church View, Bishopton, Stockton-on-Tees, TS21 1HB	

- 5.4.65. Across the three events, there was a total of 191 attendees. Images of the event set up can be found in Appendix 5.15.

Virtual consultation events

- 5.4.66. In addition to the in-person events, three virtual events were held during the consultation period, providing an opportunity for those who were unable to attend an in-person event the opportunity to view the consultation documents and speak to a member of the project team. This enabled the Applicant to reach people with limited mobility and those outside of the PCZ. One webinar was held at the start of the consultation and one at the end to provide any initial and final information on the Proposed Development to help inform any consultation responses.
- 5.4.67. In addition to allowing the local community and other key stakeholders to learn more about the Project, the webinars sought to gather informal feedback from participants. Accordingly, during these sessions, the project team encouraged them to give their views on and ask questions about the proposals via the platform’s ‘chat’ box, or the feedback questionnaire, which was available on the project website.
- 5.4.68. The virtual consultation events followed a presentation and question and answer format, enabling discussion amongst members of the project team and those with an interest in the Proposed Development. A copy of the presentation can be found in Appendix 5.16.
- 5.4.69. In total, 23 people registered to attend the virtual consultation events, and 12 attended the live sessions.

Table 5-4 Virtual consultation events

Date	Time
Friday 12 May 2023	6pm – 7pm
Wednesday 31 May 2023	Noon – 1pm
Wednesday 7 June 2023	6pm – 7pm

Presentation

5.4.70. The presentation was used during the virtual events and covered a number of topics. These were:

- Information on the Proposed Development’s timeline;
- Developer introduction;
- The need for solar energy;
- Introduction of the proposals;
- Design evolution, following the feedback received at workshops;
- Community benefits;
- EIA and PEIR;
- Masterplan of the Proposed Development, listing the mitigations and constraints mapping;
- Visualisation of BESS, on-site substation, fencing, CCTV and access tracks;
- Look ahead section, including details on how to provide feedback and next steps;
- Q&A section.

5.4.71. A copy of the presentation is provided in Appendix 5.16.

Advertising and publicity of the consultation

5.4.72. The Applicant identified additional opportunities for engagement through consultation on the draft SoCC. The consultation methods for the Proposed Development within the PCZ employed various communication methods to ensure widespread awareness and participation. On 5 May 2023 consultation leaflets were distributed to all residences and businesses in the PCZ, with further letters sent to key consultees, including parish councils, local interest groups, and technical consultees through email. A copy of the consultation leaflet and consultation email can be found in Appendix 5.9 and Appendix 5.17, respectively.

5.4.73. A project briefing was held with Paul Howell MP on Thursday 30 March 2023, to introduce the plans and give an overview of consultation to date, and the upcoming statutory consultation. Invitations for project briefings were also sent to the newly elected leaders of Stockton-on-Tees and Darlington Council on 12 June 2023, following both councils’ annual general meetings where the leadership and cabinet were elected.

- 5.4.74. In accordance with the SoCC, press releases were sent to prominent local and regional media outlets, such as the Northern Echo, Darlington and Stockton Times, Teesside Gazette, Aycliffe Today, and Newton News, at the commencement of the consultation on Thursday 4 May 2023. A copy of the press release can be found in Appendix 5.18. An article was published on 18 May 2023 in the Northern Echo, including the dates and locations of the consultation events. A copy of the article in situ can be found in Appendix 5.19.
- 5.4.75. The statutory obligations were fulfilled through notices published in national newspapers (The Guardian and the London Gazette) and local circulating papers (The Northern Echo and Darlington and Stockton Times). Statutory notices related to the Statement of Community Consultation (SoCC) were placed in local newspapers.
- 5.4.76. To enhance visibility in public spaces, information posters detailing the consultation process, accessing project information, and participation methods were sent to well-used locations both within and outside the PCZ. The Applicant identified 50 local poster points, including schools, shops, hospitality venues, and village halls. The poster locations were identified to capture a range of demographics, and hard to reach groups, and spread across Darlington, Stockton-on-Tees and Sedgefield. The identified poster locations were sent a poster advertising the consultation by first class post on 3 May 2023, including the time and location of events and where to submit feedback. The poster and list of recipients can be found in Appendix 5.12 and 5.13.

Engagement with seldom heard groups

- 5.4.77. The applicant took deliberate and varied steps to engage with seldom heard groups throughout the consultation process, demonstrating a commitment to inclusivity.
- 5.4.78. For older people, the approach included direct mailing of consultation leaflets to all stakeholders within the PCZ, advertising paper copies of project documents and feedback submission was available via post. Conventional communication channels, such as freepost and freephone lines, were provided, offering options for engagement. The information was available upon request in both digital and non-digital formats, including dementia-friendly, Braille, and large print versions upon request. Telephone call-backs were advertised for stakeholders seeking additional information or discussions about the Proposed Development, and consultation events were held at various locations with team members available to assist with feedback responses.
- 5.4.79. For disabled people and those with learning disabilities, similar accessibility measures were taken, with information presented in various formats and an option to enlarge text on the project website. Telephone call-backs were provided, and face-to-face events at three PCZ locations were organized with team assistance for feedback completion.
- 5.4.80. To address the needs of people with limited mobility, direct mailing of consultation leaflets was carried out, along with the option for online engagement through the

consultation website and webinars, minimizing the need for travel. Telephone call-backs were promoted for further assistance.

- 5.4.81. Geographically isolated communities received direct mailing of consultation leaflets, details on accessing paper copies, and advertising of telephone call-backs for additional support.
- 5.4.82. For young people, an online engagement strategy was implemented to encourage feedback form completion, and posters were distributed at local colleges and high schools to inform and encourage participation in the consultation.

Consultation methods

- 5.4.83. All homes and businesses within the PCZ received consultation leaflets via post. In-person consultation events were held within the PCZ, with relevant groups and organizations notified of opportunities. Additionally, shops, pubs, and community spaces received mailed posters advertising how to participate.
- 5.4.84. Efforts were made to include individuals and organizations beyond the PCZ through various methods, including media engagement and direct communication with regional environmental, religious, or health organizations.
- 5.4.85. Three in-person consultation events were held across the PCZ, advertised through leaflets, local media, and posters. Events took place in Brafferton, Bishopton, and Stillington, accommodating different availabilities from 1 pm to 7 pm. Byers Gill Solar project team members were present to discuss proposals, answer questions, and provide hard copies of materials.
- 5.4.86. Three webinars were conducted for the public, one at the start and one at the end of the consultation. Participants could register on the project website or via email. Webinars covered initial and final information on the Proposed Development to inform consultation responses.
- 5.4.87. Hard copies of consultation materials were available at deposit points near the Proposed Development and Norton Library. Weekly checks were conducted to ensure materials remained available. Booklets and questionnaires were also kept at event venues within the PCZ for community groups.
- 5.4.88. A dedicated project website (<https://byersgillsolarfarm.co.uk/>) provided information and facilitated feedback. All consultation documents were digitally presented and downloadable free of charge, ensuring consistency with materials available at consultation events.

Wider engagement

- 5.4.89. Due to the local elections taking place on Thursday 4 May 2023, leadership and cabinet positions on local authorities had not been confirmed by consultation launch on 5 May 2023. All relevant local and parish councillors, elected members for county, district and

borough. Leaders of Darlington Borough Council and Stockton-on-Tees Borough council were issued letters on 12 June 2023, including the offer for a one-to-one briefing on the application. A copy of this letter can be found in Appendix 5.20. Other recently elected officials were emailed on 15 June 2023. A copy of this letter can be found in Appendix 5.21.

Compliance with section 48 of the Act

- 5.4.90. As per the requirements of Regulations 4(2)(a) to (c) of the APFP Regulations, a notice pursuant to section 48 of the Act was published for:
- two consecutive weeks in one or more local newspapers circulating in the vicinity of the Proposed Development;
 - once in a national newspaper; and
 - once in the London Gazette.
- 5.4.91. The Proposed Development does not relate to offshore development; therefore Regulation 4(2)(d) does not apply.
- 5.4.92. The section 48 notices were first published in two local newspapers on 5 May 2023, and a third local newspaper on 10 May 2023. Publication in the national newspaper was delayed to 12 May 2023, and the London Gazette to 15 May 2023. Due to its weekly notice publication date falling on a Wednesday, the second publication in the final local newspapers (the Darlington and Stockton Times) took place on 17 May 2023.
- 5.4.93. The statutory requirement is that not less than 28-days should be allowed following the following the date when the notice is last published. From the last publication of the section 48 notices, a 28-day period was still allowed for in the consultation period running to 16 June 2023, as stated in the SoCC. The consultation period was brought to the local community's attention through the placing of notices in three local newspapers, together with the local mail exercise, despite the late publication of the section 48 notice in the national newspapers. This matter was reported to Darlington Borough Council, and it was agreed that the objective of effective consultation under the SoCC continues to have been met, despite that late publication (see Appendix 4.6).

Table 5-5 Timetable of statutory notices

Publication	Date(s)
Darlington and Stockton Times	10 May 2023, 17 May 2023
Northern Echo	5 May 2023, 13 May 2023
Teesside Gazette	5 May 2023, 12 May 2023
The Guardian	12 May 2023
London Gazette	15 May 2023

- 5.4.94. Copies of the s47 notice were erroneously published instead of the s48 notice in the Guardian (5 May), London Gazette (5 May) and the Northern Echo (12 May). The Applicant rectified this by publishing the correct s48 notices in these publications on the dates shown in Table 5-5 above.
- 5.4.95. The second, correctly placed s48 notice was published in the Northern Echo in the week following the first notice, and all notices were published with over 28 days of the consultation period remaining. As a result, this complied with the Planning Act 2008 and the APFP Regulations 2009, and as a result it was not considered necessary to extend the length of the consultation period.
- 5.4.96. The section 48 notice included the following information pursuant to Regulation 4(3) of the APFP Regulations:
- (a) the name and address of the Applicant;
 - (b) a statement that the Applicant intends to make an application for development consent to the Commission;
 - (c) a statement as to whether the application is EIA development;
 - (d) a summary of the main proposals, specifying the location or route of the proposed development;
 - (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;
 - (f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));
 - (g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
 - (h) details of how to respond to the publicity; and
 - (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.
- 5.4.97. A copy of the section 48 notice was made available on the consultation website, at: www.byersgillsolarfarm.co.uk.
- 5.4.98. A copy of the section 48 notice and scanned copies of the notices in the publications listed above are provided in Appendices 3.2 and 5.22, respectively.
- 5.4.99. Additionally, in accordance with Regulation 13 of the EIA Regulations, a copy of the section 48 notice was issued to the consultees identified under Regulation 3.

6. Summary of responses received to statutory consultation

6.1. Requirements of the Act

6.1.1. Section 49 of the Act sets out the duty upon the Applicant to take account of responses to the consultation and publicity. Under section 49(2) of the Act, the Applicant must have regard to any relevant responses.

6.1.2. Section 49(3) of the Act further clarifies that ‘relevant responses’ means:

“(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,

(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

(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.”

6.1.3. This chapter provides an overview of the relevant responses received to the 2023 statutory consultation and provides an account of how the Applicant has had regard to those responses. It therefore evidences that the Applicant has complied with the requirements of section 49 of the Act. The chapter is structured as follows:

- Section 6.2 provides a statistical overview of the different types of responses received and how they were analysed.
- Section 6.3 outlines the matters raised by consultees in response to the consultation and publicity, alongside the Applicant’s response to matters raised to help demonstrate the regard had to every relevant response (detailed accounts of each matter raised and the Applicants response are provided in Appendices 6.1(1) – 6.4, and are grouped by category of consultee).
- Section 6.4 provides a summary of how the design of the Proposed Development was amended following the consultation, including as a result of taking into account the responses to consultation and publicity. In doing so, this Section outlines the key outcomes of the 2023 statutory consultation and how it influenced the Applicant’s decision making.

6.2. Statistical analysis

Number and format of responses

6.2.1. A total of 377 responses were submitted to the Applicant in response to the statutory consultation held between 5 May and 16 June 2023. This includes eleven responses received after the deadline, which were accepted by the Applicant.

- 6.2.2. Of these, 13 were submitted from respondents under Section 41(1)(a) of the Act, five under Section 42(1)(b), 16 under Section 42(1)(d), and 338 under Section 47. There were also five duplicate responses included within the Section 47 responses, which have not been included in this total, and were only included once in the coding of responses.
- 6.2.3. Responses to the consultation were sought through the consultation questionnaire, which could be submitted online and via the post, but written responses submitted as letters and emails were also accepted.
- 6.2.4. Electronic submissions of the questionnaire were received through the project website. Hard copy submissions were received through the Freepost address listed above.
- 6.2.5. During the consultation, the Applicant received:
- 93 completed feedback questionnaires through the online submission;
 - 257 completed feedback questionnaires through postal submission; and
 - 27 responses via email or as letters.
- 6.2.6. The questionnaire asked for comments regarding the location and layout of the Proposed Development; the options for cable routes; the supporting infrastructure; the environmental impacts; potential contributions to the local community; operation and decommissioning; and the methodology and assessments in the PEIR. There were also several tick-box demographic monitoring questions and the provision to supply contact details. There was no requirement of consultees to provide a response to all questions asked, so respondents had the opportunity to provide a response to only those which they were interested in. The full list of questions from the consultation are set out in Table 6-2.
- 6.2.7. In total, 338 out of the 377 responses received were from local communities and residents (as defined under Section 47 of the Act). A breakdown of the number of responses per category of consultee is provided below:
- 266 responses from local residents;
 - 23 responses from local business owners or working locally;
 - 23 responses from visitors to the area;
 - 9 responses from elected representatives;
 - 2 responses from local interest groups;
 - 12 responses from respondents who ticked 'other'; and
 - 3 respondents who did not answer this question.

Consultation analysis method

- 6.2.8. The relevant issues raised by the Section 47 consultation have been summarised, in accordance with paragraph 80 of the Department for Communities and Local Government (now Department for Levelling Up, Housing and Communities) guidance.

In order to capture and summarise these responses, a process of analysis and coding has been undertaken.

6.2.9. The following methodology was applied to the coding of responses:

- Each public response was given a unique code. The responses were read, and matters raised were coded per question and assigned a coding theme. The topics are outlined in Table 6-1.
- Each separate matter raised was counted once per question, so if the respondent raised the same matter against different questions, this was still counted each time.
- Emails and letters which did not follow the questionnaire format were coded against the question which best applied to their response, or against question 11 ‘Do you have any other comments you wish to make about Byers Gill Solar?’ if their response was not applicable to any of the other questions.

Table 6-1 Topics used for consultation coding

Topics for consultation coding			
Agricultural land	Air Quality	Assessment of Alternatives	EIA Approach and methodology
Battery Energy Storage System (BESS)	Biodiversity	Cable routes	Climate change
Construction	Consultation	Cultural heritage	Cumulative effects
Decommissioning	Engineering design	Food security	Glint and glare
Hydrology	Human health	General	Land use
Landscape and visual	Lighting	Noise and vibration	Traffic and transport
Planning and consents	Safety	Socioeconomics	Community benefits

6.2.10. This process created a log of all matters raised through the public consultation responses, categorised by the question to which it relates and the theme.

Key themes

6.2.11. This section provides an overview of key themes raised by the Section 47 general public responses by each question, as identified through the coding process.

6.2.12. In response to questions 1 and 2 of the feedback questionnaire, participants were asked to provide a quantitative rating with regards to their sentiment and scale of support or opposition to the use of solar as part of the mix of renewable energy, and specifically the Proposed Development.

6.2.13. **Error! Reference source not found.** and **Error! Reference source not found.** below provide a visual summary of the responses received in relation to the sentiment portion of questions 1 and 2.

Plate 6-1 Quantitative responses to question 1

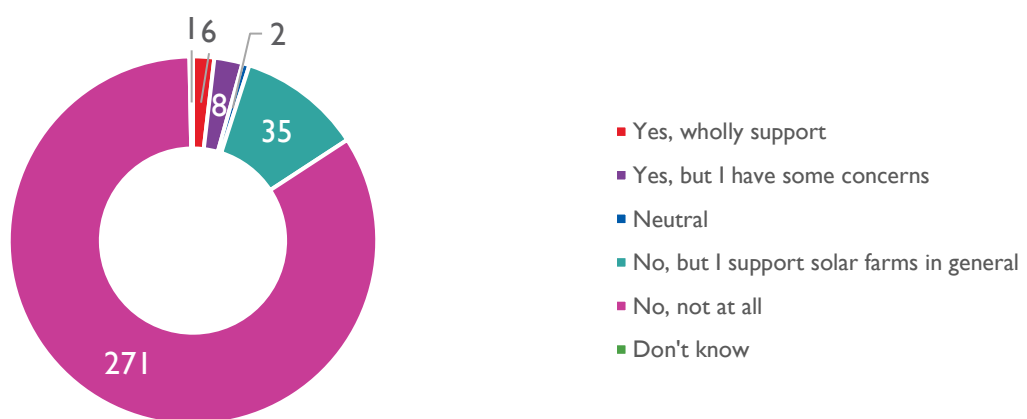
Question 1: Do you support the use of solar farms as part of the mix of renewable electricity generation required to meet the UK Government’s commitment to achieving net zero carbon emissions by 2050?



6.2.14. **Error! Reference source not found.** shows that out of the 329 participants which responded to question 1 of the feedback questionnaire, 38% strongly support or support the use of solar farms as part of the mix of renewable energy generation. Whilst 49% of those who responded expressed that they opposed or strongly opposed the use of solar farms, **Error! Reference source not found.** identifies that in response to question 1, when asked to explain why the respondent had selected that response, it is largely due to the belief that they have an adverse effect on agricultural land, and the consideration that the provision of solar could be prioritised on new housing developments.

Plate 6-2 Quantitative responses to question 2

Question 2: Do you support the Byers Gill Solar farm project?



6.2.15. **Error! Reference source not found.** shows that out of the 323 participants which responded to question 2 of the feedback questionnaire, 5% support or feel neutral about the Proposed Development. 11% of participants said that they did not support the Proposed Development but did support the development of solar farms and solar

energy generation generally. Whilst 84% of respondents said that they did not support the Proposed Development, or didn't know, when asked to expand on why they had selected their response to question 2, **Error! Reference source not found.** below highlights that is largely because of the landscape and visual impact of the Proposed Development, and the perceived impact on local wildlife and ecology.

- 6.2.16. **Error! Reference source not found.** below provides a summary of the key themes raised in response to each question presented in the statutory consultation feedback questionnaire (available in Appendix 5.10).

Table 6-2 Key themes raised in response to the statutory consultation feedback questionnaire

Question		Theme
Question 1: Do you support the use of solar farms as part of the mix of renewable electricity generation required to meet the UK Government's commitment to achieving net zero carbon emissions by 2050?		<ul style="list-style-type: none"> Support for renewable energy, including support for solar farms Concern regarding the loss of agricultural land Suggestion of alternative locations, such as brownfield sites or rooftops
Question 2: Do you support the Byers Gill Solar farm project?		<ul style="list-style-type: none"> General objection to the Proposed Development Concern regarding an assumed adverse impact on biodiversity and wildlife Concern regarding the visual impact of the Proposed Development on local communities
Question 3: Do you have any comments on the overall site layout?		<ul style="list-style-type: none"> Concern regarding the size and location of the Proposed Development Concern regarding the proximity of the Proposed Development to local villages and amenities Concern regarding increased traffic, particularly during construction
Question 4: Do you have any specific comments about Panel Areas A-F? Please specify which panel area(s) you are commenting on.	Panel Area A	<ul style="list-style-type: none"> Concern regarding the proposed access track to Panel Area A
	Panel Area B	<ul style="list-style-type: none"> Concern regarding impact of Panel Area B on local residents, in particular Great Stainton
	Panel Area C	<ul style="list-style-type: none"> Concern regarding the impact of the supporting infrastructure located in Panel Area C, primarily BESS
	Panel Area D	<ul style="list-style-type: none"> Concern regarding visual impact of Panel Area D on local communities Concern regarding impact on wildlife and biodiversity
	Panel Area E	<ul style="list-style-type: none"> Concern regarding proximity of Panel Area E to Bishopton Conservation Area Concern regarding proximity of Panel Area E to the local school Concern regarding the impact on local amenities, in particular Mill Lane
	Panel Area F	<ul style="list-style-type: none"> Concern regarding proximity of Panel Area F to Bishopton Conservation Area Concern regarding proximity of Panel Area F to the local school Concern regarding the impact on local amenities, in particular Mill Lane
	Site wide	<ul style="list-style-type: none"> Concern regarding the size of the Proposed Development Concern regarding the proximity of Panel Areas to residential properties General concern regarding the impact on local area, including 'amenity value' and 'economic value of residential properties' and 'sense of community' Concern regarding visual impact of Panel Areas Concern regarding noise pollution, particularly during construction
Question 5: Do you have any comments on the potential cable routes shown for Byers Gill Solar? Please describe any specific areas of the site if relevant.		<ul style="list-style-type: none"> Concern regarding the impact of the cable routes on wildlife and biodiversity, in particular local trees Concern that cable routes would have an adverse impact on the Bishopton Conservation Area Concern regarding access to local villages and road closures
Question 6: Do you have any comments on the supporting infrastructure required for the Byers Gill Solar farm?		<ul style="list-style-type: none"> Concern regarding the visual impact of the supporting infrastructure Concern regarding noise pollution Concern regarding the proposed CCTV and residents' privacy
Question 7: Do you have any comments on our landscape and environmental design?	7a: Landscape and Visual	<ul style="list-style-type: none"> Concern that the Proposed Development will be highly visible Concern regarding the length of time for screening planting to establish
	7b: Biodiversity	<ul style="list-style-type: none"> Concern that there would be a loss of habitats, wildlife and biodiversity Concern that the movement of wildlife will be restricted

Question		Theme
		<ul style="list-style-type: none"> Concern that the proposed biodiversity measures are not adequate Consideration that solar farms are not environmentally friendly
	7c: Public rights of way	<ul style="list-style-type: none"> Concern that the proposed supporting infrastructure will negatively impact the PProW Concern that there will be a negative impact on the PProW network
	7d: Heritage	<ul style="list-style-type: none"> Concern that there will be damage to heritage assets Concern regarding the proximity of the Proposed Development to heritage assets
	7e: Construction	<ul style="list-style-type: none"> Concern regarding increased traffic Concern regarding increased noise and pollution Concern regarding road safety
	7f: Other	<ul style="list-style-type: none"> General concern regarding the impact of the Proposed Development on nearby communities Concern regarding the cumulative impact of the Proposed Development with other proposals in the local community
Question 8: Do you have any suggestions on how we can provide community benefits through Byers Gill Solar?		<ul style="list-style-type: none"> Statement that the proposed community benefits are not sufficient for the loss of agricultural land and amenities Request for the provision of free solar panels or reduced energy bills to local residents and community facilities
Question 9: Do you have any comments on the operation and decommissioning of Byers Gill Solar?		<ul style="list-style-type: none"> Concern that the land would not be suitable for agriculture or would be polluted following decommissioning Concern that the land will be classed as brownfield following decommissioning, and so further development will be possible Concern regarding disruption to local residents
Question 10: Do you have any comments on the methodology and/or conclusions of the preliminary environmental information?		<ul style="list-style-type: none"> Concern regarding the sufficiency of the PEIR Concern regarding the sufficiency of the consultation Concern regarding availability and accessibility of consultation documents
Question 11: Do you have any other comments you wish to make about Byers Gill Solar?		<ul style="list-style-type: none"> General objection to the Proposed Development Statement of lack of community support for the Proposed Development

6.3. Responding to feedback

- 6.3.1. In accordance with section 49(2) of the Act, this section of the Report demonstrates how the Applicant has had regard to the matters raised in the responses received as part of the statutory consultation.
- 6.3.2. The tables presented in Appendices 6.1(1) – 6.3, and referenced throughout this Report, provide:
- A summary of the matters raised by section 47 general public respondents and the Applicant’s response to these matters, in accordance with section 49 of the Act (Appendix 6.1(1) – 6.1(11));
 - A record of the responses received by section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities and the Applicant’s response to these matters, in accordance with section 49 of the Act (Appendix 6.2); and
 - A record of the responses received by section 42(1)(d) PILs and the Applicant’s response to these matters, in accordance with section 49 of the Act (Appendix 6.3).
- 6.3.3. A series of design changes were made to the Proposed Development following the statutory consultation. These took into account feedback from the consultation, including ongoing engagement with stakeholders, landowners and the local community, as well as results from emerging environmental survey data and technical assessments. Where a matter raised in the consultation response resulted in or related to a design change, this is identified in the relevant appendix tables identified above. Where matters raised in the consultation response did not result in or relate to a design change, the Applicant has also provided a justification for this decision within the appendix tables, in accordance with paragraph 80 of DCLG (now Department for Levelling Up, Housing and Communities) guidance on pre-application consultation⁷.
- 6.3.4. For convenience a summary of the design response to the feedback received as part of the statutory consultation is provided in section 6.4 of this Report. Section 6.4 identifies the key design changes that were made, and explains the reasoning behind them, including where this was as a direct result of consultation feedback. It also identifies the design suggestions or requests that the Applicant received from the consultation feedback, but which did not result in a change to the design. A justification for not implementing these changes is also provided.

6.4. Design response to the statutory consultation

- 6.4.1. As part of the consultation response analysis of the feedback received to the statutory consultation, the Applicant reviewed and discussed the suggested design changes.
- 6.4.2. Design changes suggested in response to the public statutory consultation were carefully considered and assessed by specialists involved in the design of the Proposed

⁷ [Preliminary pages - Template A \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Development. The principal and most commonly raised suggested changes that were made or not made, and the reasons why, are summarised in the following sections. For a full response to the feedback, please refer to the tables identified in the preceding section of this Report.

- 6.4.3. It should be noted that design changes to the Proposed Development have also been influenced outside of statutory consultation through ongoing engagement with stakeholders and landowners, emerging environmental survey data and technical assessment work. An account of the development of the Proposed Development and all design changes made is provided in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3).

Design changes made and why

- 6.4.4. The principal changes to the design of the Proposed Development sought to reduce the landscape and visual impact of the panel areas on local communities, create further enhancements for local wildlife and biodiversity, and reduce the impact on the local road network during the construction period.
- 6.4.5. A summary of the principal design changes made following the statutory consultation are provided below.

Reduction in size of panel areas

- 6.4.6. In response to the statutory consultation, concerns were raised with regard to the overall scale of the Proposed Development, raising that the size of the proposed site area resulted in an 'industrial' style feel which would be enforced on local communities.
- 6.4.7. At the time of the statutory consultation, the Applicant had not secured all voluntary land agreements, and it was determined that the Proposed Development would remain viable with a reduction in the number of solar PV modules, specifically those removed in Panel Area F. Additionally, identified through the responses to the consultation was concerns about the impact of Panel Area F on Bishopton Conservation Area and surrounding sites of archaeological interest.
- 6.4.8. In order to address this concern, further technical assessment and design development of ecology mitigation determined the precise quantum of land required, enabling the remainder of Panel Area F to be released from the Proposed Development.

Reduction in height of proposed solar PV panels

- 6.4.9. At the time of the statutory consultation period, it was considered that the proposed solar PV modules would be no more than 4.35m in height and the corresponding preliminary environmental information used that assumption as the basis of its assessment, as a worst-case scenario.

- 6.4.10. Whilst there was general support raised for the provision of solar PV modules in these locations, responses were received which raised concerns regarding how effective the landscape and visual mitigation measures would be with the modules at such a height.
- 6.4.11. Concerns were also raised with regards to the indirect impacts the heights of the solar PV modules would have, in that it would result in increased height CCTV, security fencing and other security measures.
- 6.4.12. Given the rapid pace by which solar technology is progressing, the Applicant decided to, following the comments received as part of the statutory consultation period, reduce the proposed height of the solar PV modules to a maximum of 3.5m.
- 6.4.13. The decision to confirm the reduction in height of the solar PV modules is also due, in part, to the confirmation that fixed-only panels will be used across the Proposed Development. The alternative, and possible option which was also presented at the statutory consultation was the use of tracking PV panels, would have been likely to retain a height of 4.35m.

Revised construction access routes

- 6.4.14. Those who responded to the statutory consultation raised concerns regarding the proposed use of existing access routes through Brafferton village, highlighting that the routes were considered to be unsuitable and unsafe during peak traffic times during the current baseline, and would not be an appropriate route for construction vehicles to use for any period of time.
- 6.4.15. Following receipt of this information, the Applicant sought to review the technical information and surveys carried out regarding construction, operational and decommissioning transport needs. Subsequently, alternative and more appropriate and safe routes were identified, and as such the access tracks at Panel Area A, Panel Area B, Panel Area C and Panel Area D have all been revised.

Re-location of Battery Energy Storage Systems (BESS)

- 6.4.16. Comments in response to the statutory consultation were received with regards to the proposed locations of the BESS, in particular their proximity to residential receptors. The two primary themes raised throughout these concerns was with regards to increased noise levels and general safety concerns.
- 6.4.17. In response to these concerns and following further engagement with the County Durham and Darlington Fire and Rescue Service, the BESS have now been relocated so that they are positioned further away from residential properties. An additional change is that no more than 2 battery containers will now be side-by-side at any point across the site area.

Increased spacing between residential receptors and proposed panel areas

- 6.4.18. The final principal matter which was raised in the responses and comments made to the statutory consultation exercise was regarding increasing the spacing between residential receptors and the proposed panel areas.
- 6.4.19. Respondents were particularly concerned about the safety of installing solar PV modules within such close proximity to local residents, but also considered that the landscape and visual impact of this on their properties would be too great.
- 6.4.20. To address concerns raised through statutory consultation regarding proximity to residential properties and settlements, the proposed panels in Panel Area B and Panel Area F have been set back further away from properties and settlements. This includes individual properties adjacent to Panel Area B, and increased setbacks from Mill Lane, Bishopton village and Bishopton primary school.

Design changes not made and why

- 6.4.21. In addition to the responses which did result in a design change of the Proposed Development, there were also consultation responses received which suggested changes which were considered but ultimately not implemented as part of the Application design.
- 6.4.22. A summary of the key themes raised, and design changes suggested which were suggested but were not implemented following the statutory consultation is outlined below.

Suggested alternatives to the Proposed Development

- 6.4.23. Respondents to the statutory consultation considered that there were more suitable and/or reasonable alternatives to the Proposed Development, including the chosen location, the type of energy production being proposed, and the use of agricultural land.

Location

- 6.4.24. As identified in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), the location of the Proposed Development was selected through a four-staged process to ensure that a site could be identified which would be suitable for solar energy generation and feasible to deliver, whilst avoiding and minimising the potential for harm to the environment and communities.
- 6.4.25. Additionally, the Applicant has prepared and submitted a Design Approach Document (DAD) (Document Reference 7.2) in support of the DCO Application, which outlines the approach taken to the design development of the Proposed Development, including how the design has been shaped and influenced by the local landscape, and with local communities and their enjoyment of the local area in mind.

Type of energy production

- 6.4.26. The need for a range of renewable energy projects is acknowledged, in particularly to secure the UK's energy security, and in order to reach corresponding net zero targets. As outlined within the Planning Statement (Document Reference 7.1), National Policy Statement (NPS) EN-1⁸ identifies low carbon energy generation as "Critical National Priority."
- 6.4.27. The Proposed Development would generate enough electricity to power up to 70,000 homes and store excess energy generated, further supporting the growth of renewable energy production in the UK. The evidenced need for the Proposed Development is set out in further detail in the Planning Statement (Document Reference 7.1).

Use of agricultural land

- 6.4.28. It is acknowledged that some concerns were raised with regards to the fact that a small percentage of the Proposed Development is to be put on Grade 3a or above agricultural land. ES Appendix 9.1 Agricultural Land Classifications (ALC) and Soil Resources (Document Reference 9.1) provides a summary of the ALC for each parcel of land which is to be used by the Proposed Development and confirms that only 6.1% of the total site area includes land which is considered Best and Most Versatile (BMV).
- 6.4.29. As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), the Applicant has sought to minimise impacts to soil from the outset of the project, with analysis of ALC and the brownfield register informing the early stages of the site selection process. It was not feasible to avoid agricultural land altogether, and use only previously developed land, due to the need to use land within a technically feasible and commercially viable proximity to the available grid connection, and the lack of available brownfield land in this vicinity. However, it is considered that the overall low proportion (6.1%) of BMV land within the Order Limits is justified within the context of the overall benefits presented by the Proposed Development, and its clearly established national need, as set out within the Planning Statement (Document Reference 7.1).

Implementation of solar PV panels on new build developments and industrial estates

- 6.4.30. As the cheapest form of energy, as well as being clean renewable energy, a fivefold increase in solar capacity is anticipated by 2050 in the Government's Energy Security Strategy 2022. This cannot be achieved through rooftop and brownfield solar installations alone, as they have considerable practical barriers of their own. Many domestic and industrial buildings either do not have roofs made of suitable material to support a solar system, do not have the infrastructure to export electricity to the grid, or simply present as an unaffordable solution, with initial costs of installation too high for some. Additionally, the UK Government announced their Great British Insulation

⁸ [Overarching National Policy Statement for Energy - EN-1 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101411/Overarching-National-Policy-Statement-for-Energy-EN-1.pdf)

Scheme in March 2023, which focuses on providing support for residents to insulate their homes in order to save energy. Currently, there is no national or local planning policy which places a requirement on developers to provide solar panels on new property developments.

6.5. Summary

- 6.5.1. This Chapter has provided a summary of the responses received to the statutory consultation and has demonstrated that the Applicant has had regard to the responses received under section 49 of the Act.

7. Early Adopters Programme (EAP) engagement

7.1. Introduction

- 7.1.1. In April 2023, PINS provided an update regarding their work with, what was at the time the Department for Levelling Up, Housing and Communities (DLUHC), and other government departments on the wider NSIP Reform Action Plan⁹.
- 7.1.2. Part of the wider reform proposals include changes to the Pre-Application Service provided by PINS, including the Early Adopters Programme¹⁰. The Programme comprises up to 10 components, which have been set up with the intention of improving pre-application services within the existing legislation whilst also being suitable following any future reforms.
- 7.1.3. The Applicant expressed their interest in taking part in the Programme, and their application was subsequently accepted in July 2023.

7.2. Engagement with stakeholders

- 7.2.1. To ensure the successful development of application documents, one element of the Early Adopters Programme is continued early collaboration and engagement with key stakeholders.
- 7.2.2. The purpose of this early and continuous engagement is to seek inputs from key stakeholders throughout the pre-application process, and utilise their insights in enhancing the design of the Proposed Development, and the mitigation and enhancement measures proposed alongside.
- 7.2.3. For the purposes of the Proposed Development, the following stakeholders were identified to carry out this early engagement with.

Table 7-1 Early Adopters Programme - key stakeholders

The Planning Inspectorate	Darlington Borough Council	Stockton-on-Tees Borough Council
Durham County Council	Natural England	Environment Agency
Historic England	Network Rail	County Durham and Darlington Fire and Rescue Service

- 7.2.4. It is worthwhile noting that Network Rail and County Durham and Darlington Fire and Rescue Service were engaged with regards to specific documents, and not the entire suite. This is identified in Table 7-2 below.

⁹ [Nationally Significant Infrastructure: action plan for reforms to the planning process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114442/national-significant-infrastructure-action-plan-for-reforms-to-the-planning-process.pdf)

¹⁰ [Expressions of interest open for National Infrastructure Early Adopters Programme - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114442/expressions-of-interest-open-for-national-infrastructure-early-adopters-programme.pdf)

- 7.2.5. A summary of when the Applicant has issued early iterations of documents to the stakeholders identified in Table 7-1 above, and who has provided feedback in response is provided in Table 7-2 below.
- 7.2.6. Details of the comments made per document and/or per stakeholder can be provided upon request.

Table 7-2 Early Adopters Programme - record of engagement

Document	Date issued	Response received by
Programme Planning	18 July 2023	<ul style="list-style-type: none"> ▪ The Planning Inspectorate
	4 August 2023	<ul style="list-style-type: none"> ▪ Durham County Council ▪ Natural England
Pre-application principal areas of disagreement statements (PADS)	19 July 2023	<ul style="list-style-type: none"> ▪ Natural England
	21 August 2023	<ul style="list-style-type: none"> ▪ Environment Agency
	24 August 2023	<ul style="list-style-type: none"> ▪ Durham County Council
Policy Compliance Document (PCD)	23 August 2023	<ul style="list-style-type: none"> ▪ Durham County Council ▪ Stockton-on-Tees Borough Council ▪ Historic England ▪ Environment Agency
	24 August 2023	<ul style="list-style-type: none"> ▪ The Planning Inspectorate
Design Approach Document (DAD)	23 August 2023	<ul style="list-style-type: none"> ▪ Durham County Council ▪ Stockton-on-Tees Borough Council ▪ Environment Agency
	24 August 2023	<ul style="list-style-type: none"> ▪ The Planning Inspectorate
	11 January 2024	<ul style="list-style-type: none"> ▪ The Planning Inspectorate
Mature Outline Control Documents	11 October 2023	<ul style="list-style-type: none"> ▪ Environment Agency ▪ Historic England

7.3. Construction programme engagement

- 7.3.1. Further to ongoing engagement on the documents as outlined above, the Applicant also sought to engage with the stakeholders identified on the amended construction programme.
- 7.3.2. At the time of statutory consultation, the Applicant stated that the Proposed Development would be constructed in approximately 12 months, in a single phase. This was the basis of the preliminary environmental assessment published at statutory consultation in the Preliminary Environmental Information Report (PEIR).
- 7.3.3. However, during the development of the Environmental Statement (ES), the Applicant revised the proposed construction programme to either 12-18 months in a single phase, or 18-24 months in a phased delivery. The EIA was subsequently undertaken on the basis of both scenarios and the ES clearly states which construction programme scenario is the 'worst case' for each topic chapter of the ES. In some instances, this

may be both scenarios as the length of construction may not have been relevant to the topic and its assessment of effects, or materially change the significance of effect in either scenario.

- 7.3.4. The stakeholders identified in **Error! Reference source not found.** above were written to on Thursday 9 November 2023, and asked to provide their feedback on the proposed approach as outlined above by 11 December 2023. A copy of this correspondence can be found in Appendix 7.1. No responses were received.

7.4. Design change engagement

- 7.4.1. As is detailed in Chapter 8 of this Report, the Applicant sought to engage with EAP consultees following the statutory consultation process and in advance of the submission of the application for development consent.
- 7.4.2. On Thursday 9 November 2023, the consultees identified in Table 7-1 above were written to and advised of the design changes made following the responses received to the statutory consultation process. The stakeholders were provided with a copy of the 'you said, we did' booklet (see Chapter 8 below for further information on the approach, and Appendix 7.2 for a copy of the booklet) and were subsequently asked to provide any further feedback they may have on the design changes by 11 December 2023. A copy of this correspondence can be found in Appendix 7.1. No responses were received.

8. Approach to meaningful engagement between statutory consultation and application submission

8.1. Introduction

- 8.1.1. The feedback received at the statutory consultation, combined with further assessments and engagement with other stakeholders, allowed the Applicant to further refine the proposals.
- 8.1.2. Following updates to the design, the Applicant undertook further pre-submission engagement in winter 2023, ahead of submitting a DCO application. As advised within the then Department for Communities and Local Government's guidance on pre-application consultation and engagement¹¹, materials were written in plain English, supplemented by events in the local area, and sought to inform residents of the design updates made in response to consultation. This chapter outlines the pre-submission engagement between September 2023 and January 2024.
- 8.1.3. The decision to opt for a You Said, We Did engagement exercise, as opposed to another phase of public consultation on the updated design, aligns with the guidance in the pre-application guidance in the Planning Act 2008. This is because the proposed changes were not substantial and did not involve the Proposed Development becoming fundamentally different from what was originally proposed, or materially change the significance of environmental effects report. Therefore, the pre-submission engagement was designed as proportionate to the degree of change, the effect on the local community and the level of public interest.
- 8.1.4. During pre-submission and post-statutory consultation engagement, the Applicant sought to engage with local political stakeholders, members of the local community and statutory consultees.

8.2. Political engagement

- 8.2.1. The Applicant sought to engage elected representatives prior to engaging with the public further ahead of submission of the DCO application. This was to gain feedback on the proposed methods of pre-submission engagement and provide a preview of the information that would be presented at this stage.
- 8.2.2. On Thursday 14 September 2023, a briefing was held with Cllr Chris McEwan, deputy leader for Darlington Borough Council, to discuss upcoming public engagement and the management of the community benefit fund.

¹¹ [Preliminary pages - Template A \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 8.2.3. On Thursday 19 October 2023, a briefing was held with Paul Howell MP at the constituency office Unit 2 Sydney House, Ricknall Avenue, DL5 6AD. A copy of this presentation can be found in Appendix 8.1.
- 8.2.4. An update letter was sent to key political stakeholders (MP, leaders, key cabinet members and ward members for both Darlington and Stockton Councils notifying them of the design changes and targeted consultation (see Chapter 9 of this Report) on 9 November 2023. Due to the focus of the update letter containing information on community benefits targeted at those hosting cable or array infrastructure, members of Durham County Council were omitted from this distribution list. A copy of this letter can be found in Appendix 8.2.
- 8.2.5. A letter was also sent to host parish councils on 3 November 2023 outlining the design changes, and proposed changes to the community benefit fund, with an offer to meet to discuss the content of the letter and any concerns or questions they may have. A copy of this letter can be found in Appendix 8.3.
- 8.2.6. Redmarshall Parish Council, Bishopton Parish Council, Great Stainton Parish Meeting, and Carlton Parish Council all accepted the offer of a meeting, the details of which are provided below.

Table 8-1 Parish council engagement

Date	Location	Time	Attendees
Monday 11 December 2023	Carlton Methodist Church, Letch Ln, Carlton, Stockton-on-Tees TS21 1QB	6:30pm–8:00pm	Representatives from Redmarshall Parish Council
Wednesday 13 December 2023	Bishopton Village Hall, Church View, Bishopton, Stockton-on-Tees, TS21 1HB	7:00pm-8:00pm	Representatives from Bishopton Parish Council and Bishopton Village Action group
Thursday 14 December	Hazelfield Cottage, Stockton-on- Tees TS21 1HP	6:30pm–8:00pm	Great Stainton Parish Members, including residents
Tuesday 9 January 2024	Carlton Methodist Church, Letch Ln, Carlton, Stockton-on-Tees TS21 1QB	7:30pm-8:00pm	Representatives from Carlton Parish Council

- 8.2.7. These meetings gave host parish councils to learn more about the applications next steps, and as well as to meet the Project team and ask any questions they may have.
- 8.2.8. The Applicant gave a presentation summarising the response to the statutory consultation, the DCO process, and community benefit fund. A copy of the presentation can be found in Appendix 8.4.
- 8.2.9. Following the Bishopton Parish Council meeting on Wednesday 13 December, an email was received from Bishopton Villages Action Group requesting a pause to the application for further consultation. As the Applicant had carried out extensive

consultation and engagement on the proposals in compliance with the SoCC, and the Group’s concerns appear to be based on the principle of solar development in the area (which the Applicant is unable to address), the Applicant did not consider it appropriate to comply with this request and instead referred the Group to the DCO planning process. The Applicant’s response can be found in Appendix 8.5.

8.3. Community engagement

- 8.3.1. A newsletter detailing the principal changes made to the design of the Proposed Development was sent to the primary consultation zone (as defined in the SoCC), and published on the project website. The newsletter also contained a summary of the feedback received at the statutory consultation, and information about how to get involved in the next stages of the project. A copy of the newsletter can be found in Appendix 8.6.
- 8.3.2. An advert about the changes was also published in the Northern Echo on 15 November 2023. A copy of the advert can be found in Appendix 8.7.
- 8.3.3. Additionally, a series of short videos were developed and published on the project website which outlined a series of the principal design changes, responding to the most commonly raised themes in response to the statutory consultation period. The videos can be viewed via the project website, here: [REDACTED]
- 8.3.4. The project website was also updated further to provide the most recent information on the site design. A screenshot of the updates made to the project website can be found in Appendix 8.8.
- 8.3.5. A dedicated project Facebook page was also established, and the videos were published there too. The Facebook page was further utilised for regular, interim project updates, including paid promotional posts that were targeting the local demographic and geographic region. The Facebook page can be found here: [REDACTED]
- 8.3.6. Key statistics on the number of users reached can be found in Table 8-2 below.

Table 8-2 Social media statistics

Number of organic posts	4
Number of paid ads	4
Total page visitors	16
Total users reached	15,927
Total link clicks	1,373

- 8.3.7. The Applicant also hosted one webinar on 15 November 2023 to allow interested parties to meet the project team and discuss the changes that had been made since the

statutory consultation. The event received 146 visits to the registration page, 16 people registered, 17 attendees, and 42 questions. For any questions that were not covered within the webinar, the Applicant sent written responses responding to questions raised.

8.3.8. Members of the project team also had a stall at Stockton-on-Tees market on Saturday 25 November 2023 to speak to people about the project and changes. Pictures of the event can be found in Appendix 8.9.

Table 8-3 Pre-submission community engagement events

Event	Location	Time	Attendees
Project update webinar	Online	6pm – 7pm	17 attendees
Drop in market stall	The Flea Market, Finkle St, Stockton-on-Tees TS18 1AR	9am – 4.30pm	Approximately 25 attendees

8.3.9. Whilst in attendance at Stockton Market, an error in the printed address on the event leaflets was highlighted directing attendees to the Flea Market, rather than Stockton Market, leading to confusion among attendees. Upon discovery of this discrepancy, immediate corrective measures were taken. Market stall owners, who had initially set up at the incorrect location, were promptly informed of the error, and appropriate steps were taken to redirect them to the accurate venue.

8.3.10. Key themes raised during the webinar, market stall, and Parish Council question and answer section of the meeting included:

- Concerns about the loss of agricultural land.
- Suggestions for alternative locations, such as brownfield sites or rooftops.
- General objections to the proposed developments location and size.
- Assumed adverse impact on biodiversity and wildlife.
- Concerns regarding the visual impact on local communities.
- Concerns about the proximity to local villages and amenities.
- Concerns about increased traffic, especially during construction.
- Statements that attendees had not felt their feedback given in the statutory consultation had been addressed
- Various concerns related to specific panel areas (A to F) and their impact on local areas.
- Concerns about the impact of cable routes on wildlife, biodiversity, and conservation areas.
- Concerns about the impact on local communities mental health
- Concerns about the visibility of the development and the time required for screening planting to establish.
- Concerns about the potential loss of habitats, wildlife, and biodiversity.
- Concerns that the proposed biodiversity measures are not considered adequate.

- Concerns about the cumulative impact of the proposed development with other local proposals.
- Statement that proposed community benefits are not sufficient for the loss of agricultural land and amenities.
- Concerns about the suitability of the land for agriculture, potential pollution, and classification as brownfield after decommissioning.
- Concerns about the sufficiency of the Preliminary Environmental Impact Report (PEIR) and the consultation process.
- Statements of a lack of community support for the proposed development

8.3.11. In response to the points raised around accessibility of information, the Applicant agreed to print and send a copy of the application documents to Bishopton Village Hall.

8.4. Independent community survey

8.4.1. Following the 'you said, we did' engagement exercise, the Applicant commissioned an independent survey to understand the sentiment in local communities, following the updated design which was informed by the consultation.

8.4.2. The survey allowed the Applicant to understand, in advance of the submission of the application for development consent, if these changes had a positive impact on local opinion of the Proposed Development.

8.4.3. The survey revealed there were diverse views regarding the proposals in the local community. Overall, 83 residents (58%) across the entire survey area can be classified as supportive or neutral towards the proposed solar farm. 60 residents (42%) were opposed to the plans.

8.4.4. A copy of the report on the outcomes of the independent survey can be found in Appendix 8.10.

8.4.5. Its findings have not been used to make any further decisions about the Proposed Development. The Applicant has been informed that the local Parish Council's and Bishopton Village Action Group have undertaken their own surveys the results of which are not disputed by the Applicant.

9. Approach to further targeted consultation with landowners and technical consultees

9.1. Background

- 9.1.1. This Chapter sets out further targeted consultation that the Applicant held between 10 November 2023 and 11 December 2023, prior to submitting their DCO application under the Act.
- 9.1.2. The Applicant held further targeted consultation to ensure the consultation process adequately covered four categories of persons which were identified as being directly affected by design changes or which had not been captured by the initial consultation process. These four categories were:
- persons with an interest in land affected by design changes (including those newly affected by minor changes to the redline boundary);
 - persons with an affected interest in land which was not captured by the initial consultation, and which were identified through further diligent inquiry;
 - persons with a subsoil interest in highway parcels (comprising the on-road cable route) which were not included in the initial consultation; and
 - statutory and technical consultees
- 9.1.3. Based on further assessment and feedback received during the statutory consultation, the Applicant made a number of design changes, as described in Section 6.4. This led to some land being included (and removed) from the Order Limits. Following a review within the project team (including on the environmental and land implications) and having regard of the Planning Act 2008: Guidance on the pre-application process, it was determined that the changes were non-material in nature and did not contain any material changes to what was originally proposed, therefore only required a targeted consultation. An approach was taken to consult with persons with affected land interests and statutory/technical consultees.
- 9.1.4. Where further interested parties were identified as a result of the further diligent inquiry, the Applicant provided them with full information on the Proposed Development and gave them opportunities to put forward comments in relation to the proposals. These interested parties were given a minimum of 30 days to respond from the date after they received the letter, which is over the 28-day statutory minimum.
- 9.1.5. Accordingly, the further consultation was undertaken, so far as relevant and proportionate, in accordance with the principles and methods set out in the SoCC dated May 2023, with the additional consultees under s42(1)(d) identified using the same techniques as outlined for the Statutory Consultation. The Applicant engaged with Darlington Council to discuss this further consultation in October 2023, and understands that this approach was acceptable and in line with the SoCC from this engagement. All consultation letters issued contained links to the full suite of

consultation documents that were presented as part of the Statutory Consultation (namely the Consultation booklet, the Consultation feedback questionnaire, the PEIR, and associated plans and drawings).

9.2. Approach to consultation with land interests subject to design changes

- 9.2.1. Diligent inquiry for any areas of land subject to design changes involved the overlay of the Proposed Development boundary and design from Statutory Consultation vs the updates proposed, and identification of all HMLR titles / land interests intersected by the areas of change. This process was supplemented by desktop checks and ensured all interests in land (further to freehold owners) were added to the consultee list. This process identified the need to further consult with 13 parties.
- 9.2.2. Each person determined to have an interest in land subject to alterations in design, was issued a consultation letter, noting their interest and further explaining the basis upon which they have been consulted, along with an 'area of change' plan showing the land take as proposed at statutory consultation vs that proposed following these design changes. A copy of this letter is provided in Appendix 9.1.

9.3. Approach to consultation with new land interests

- 9.3.1. As part of the targeted consultation with land interests subject to design changes (outlined in section 9.2 above), the Applicant took the opportunity to undertake further diligent inquiry and refresh the referencing data within the revised redline boundary. This refresh enabled the Applicant to identify any changes to title or new persons with a relevant interest in land affected by the Proposed Development.
- 9.3.2. Changes were found through an edition date check of all HMLR titles held in the referencing system, and Search of the Index Map (SIM) Search to check for any newly registered titles. This process identified the need to consult 4 additional parties who were not captured by the original statutory consultation. Each person determined to have an interest was issued with a consultation letter, noting their interest and further explaining the basis upon which they have been consulted. A copy of this letter is provided in Appendix 9.2.

9.4. Approach to consultation with those with sub soil interests

- 9.4.1. The Proposed Development includes provision for two alternative (on-road and off-road) underground 132kV cable routes to connect the Proposed Development to the National Grid. For the reasons set out in the Statement of Reasons (Document Reference 4.1), the Applicant's preference is to proceed with the off-road option, but both alternatives remain under consideration and the final cable route (on-road or off-road) will be confirmed following the grant of the DCO.
- 9.4.2. Following the conclusion of the original statutory consultation, the Applicant considered the need to additionally identify and consult persons with a subsoil interest

in the local highways which may be impacted if the on-road cable option is taken forward.

9.4.3. To identify these persons, an additional HMLR order was acquired in October 2023 to identify details of all HMLR titles ‘fronting onto’ highways within the Order Limits. The data was then subject to standard validation checks (Companies House, TracelQ, Mutuels, Charities Register, RM Address Checks), as with all other land referencing data throughout the Proposed Development. This process identified the need to consult 213 additional parties.

9.4.4. Each person determined to have a sub-soil interest was issued with a subsoil specific consultation letter, noting their interest and further explaining the basis upon which they have been consulted. A copy of this letter is provided in Appendix 9.3.

9.5. Approach to consultation with statutory and technical consultees

9.5.1. As identified in section 7.4 of this Report, the Applicant also sought to engage stakeholders identified under the EAP process, who comprise those which are statutory in nature such as Natural England, the Environment Agency and Historic England, as identified in Table 7-1.

9.5.2. The nature and the purpose of the further targeted consultation was to consult on the Applicant’s conclusion that the design changes did not give rise to new or materially different effects. As such, the Applicant also sought to consult with the relevant local planning and highway authorities.

9.5.3. The consultees were written to on Thursday 9 November 2023, advising them of the design changes made. The stakeholders were provided with a copy of the ‘you said, we did’ booklet, and were subsequently asked to provide any further feedback they may have on the design changes by 11 December 2023. A copy of this correspondence can be found in Appendix 7.1.

9.6. Summary

9.6.1. In response to the consultation and engagement activities as outlined above (sections 9.2 – 9.5), the Applicant received a total of 13 responses. Similarly to the feedback received during the early engagement, statutory consultation and other pre-submission engagement activities, the Applicant – as required under section 49 of the Act – has had regard to the comments received to this consultation exercise.

9.6.2. The comments received in response to the consultation activities outlined in the preceding sections of this Chapter largely fall under the following themes:

- Concerns raised regarding the scale of the Proposed Development,
- General objection to the Proposed Development, and

- Concerns raised regarding the impact on properties should on-road cable routes be utilised.

9.6.3. Appendices 9.4 and 9.5 provide a detailed account of how the Applicant has had regard to the comments received, noting that none of the 13 responses suggested or directly relate to any design changes made, and as such no design response to this consultation has been undertaken.

10. Conclusion

- 10.1.1. This Report has been submitted in accordance with section 37(3)(c) of the Act, which requires that any application for an order granting development consent must be accompanied by a Consultation Report.
- 10.1.2. In compliance with section 37(7) of the Act, this Report provides details of:
- how the Applicant has carried out consultation in compliance with statutory requirements (namely s42, s46, s47 and s48 of the Act), in relation to statutory consultation and further targeted engagement with PiLS;
 - a summary of the relevant responses received by the Applicant in response to the statutory consultation, further targeted consultation and publicity of the proposed Application;
 - how the Early Adopters Programme (EAP) engagement has been carried out, and how the outcomes of that engagement influenced the design outcomes for the Proposed Development; and
 - how the Applicant had regard to the relevant responses, in accordance with s49 of the Act.
- 10.1.3. Additionally, this Report details how the Applicant carried out early and continuous meaningful engagement with stakeholders, and how the feedback received throughout the pre-application process has been taken into account when developing the design of the Proposed Development.
- 10.1.4. This report has also set out how the Applicant has carried out pre-application consultation and engagement in accordance with the EIA Regulations.
- 10.1.5. In this Report, the Applicant has demonstrated that an iterative and collaborative approach to consultation has been undertaken during the pre-application stage of the Proposed Development, reflecting DCLG (now DHLUC) guidance on pre-application consultation. The approach taken enabled stakeholders the opportunity to influence and inform the design of the Proposed Development, as evidenced throughout this Report and supporting Appendices. The evidence supports the assertion that the Proposed Development, which is subject to this application for development consent, has been designed in a way which has taken into account feedback from prescribed consultees, PiLS, local interest groups and members of the local communities, such that changes have been made to the design as a direct result of their feedback.
- 10.1.6. It is therefore concluded that the Applicant has complied with all statutory requirements of the Act in relation to carrying out consultation prior to making an application for development consent.