
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

Consultation Report Appendix

Appendix A Compliance Checklist (to Supplement Section 55 Checklist)
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Prepared for:

East Yorkshire Solar Farm Limited

Prepared by:

AECOM Limited

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Appendix A Compliance Checklist (to Supplement Section 55 Checklist)

A.1 Checklist to supplement Section 55 Acceptance of Application Checklist

1.1.1 This checklist has been compiled to supplement the information provided in the Section 55 Acceptance of Application Checklist (completed by the Applicant) [EN010143/APP/1.4].

Table Error! No text of specified style in document.-1 Checklist supplementing Section 55 Acceptance of Application Checklist

Ref	Requirement	Compliance
Planning Act 2008		
Section 42	Duty to consult The applicant must consult the following about the proposed application:	
	(a) such persons as may be prescribed;	East Yorkshire Solar Farm Ltd (the Applicant) consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2020 (Ref. 1) (see Appendix H1: List of prescribed consultees identified and consulted, Consultation Report Appendices [EN010143/APP/5.2] for the full list).
	(aa) the Marine Management Organisation;	The Applicant consulted the Marine Management Organisation in accordance with Section 42(1)(aa) of the PA 2008 (Ref. 2); See paragraph 3.5.3 of the Consultation Report [EN010143/APP/5.1] for more information.
	(b) each local authority that is within Section 43;	The Applicant consulted with each local authority identified under Section 43. See paragraph 3.4.12 of the Consultation Report [EN010143/APP/5.1] for the full list.
	(c) the Greater London Authority if the land is in Greater London;	Not applicable.
	(d) each person who is within one or more of the	The Applicant consulted all persons identified under Section 44, being persons with a

Ref	Requirement	Compliance
	categories set out in Section 44.	relevant interest in land affected by the Project (see the Book of Reference [EN010143/APP/4.3] for the full list).
Section 45	<p>Timetable for consultation under Section 42</p> <p>(1) The applicant must, when consulting a person under Section 42, notify the person of the deadline for the receipt by the applicant of the person’s response to the consultation.</p>	<p>All consultees were informed of the deadline for responses in a letter notifying the commencement of consultation (see the letter templates at Appendix I1 Section 42 (1)(a) letter, Consultation Report Appendices [EN010143/APP/5.2], Appendix I2 Section 42 (1)(aa) letter, Consultation Report Appendices [EN010143/APP/5.2], Appendix I3 Section 42 (1)(b) letter, Consultation Report Appendices [EN010143/APP/5.2] and Appendix I4 Section 42 (1)(d) letter, Consultation Report Appendices [EN010143/APP/5.2]). The letters arrived with Section 42 stakeholders on 4 May 2023 and consultees were asked to provide comments by 20 June 2023.</p> <p>All consultees consulted via targeted consultations were provided with a deadline for receipt of responses.</p>
	<p>(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The consultation ran from 9 May 2023 until 20 June 2023, providing a period of 42 days for responses.</p> <p>Furthermore, the subsequent targeted consultations ran for more than 28 days.</p>
	<p>(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person.</p>	<p>The consultation documents provided for the Section 42 consultation were made available online at: www.boom-power.co.uk/east_yorkshire and available to view free of charge at the deposit locations listed in the SoCC. Paper or electronic copies were also available.</p> <p>The Section 42 consultation documents are listed at paragraph 3.7.17 of the Consultation Report [EN010143/APP/5.1].</p>

Ref	Requirement	Compliance
Section 46	<p>Duty to notify Secretary of State of proposed application</p> <p>(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.</p>	<p>The Applicant notified the Secretary of State of the proposed application on 3 May 2023. (See Appendix J1 Section 46 letter to Secretary of State, Consultation Report Appendices [EN010143/APP/5.2] for a copy of the letter.)</p>
	<p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>A letter providing formal notification of the announcement of the statutory consultation, and containing a secure link to all consultation documents, was sent to the Planning Inspectorate on 3 May 2023, before the date of commencement of the formal consultation under section 42 on 9 May 2023.</p> <p>An acknowledgement of the Section 46 notification letter was received from the Planning Inspectorate (on behalf of the Secretary of State) on 5 May 2023. (See Appendix J2 Acknowledgement of Section 46 letter from PINS, Consultation Report Appendices [EN010143/APP/5.2] for a copy of the acknowledgement letter.)</p>
Section 47	<p>Duty to consult local community</p> <p>(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application,</p>	<p>The Applicant prepared a draft Statement of Community Consultation (SoCC) which set out how the Applicant proposed to consult the community. Further details on the process for preparing the SoCC can be found in Section 3.3.3 of the Consultation Report [EN010143/APP/5.1]</p> <p>. The published SoCC can be found at Appendix G1 Published SoCC,</p>

Ref	Requirement	Compliance
	people living in the vicinity of the land.	Consultation Report Appendices [EN010143/APP/5.2].
	(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.	The Applicant consulted with the following host local authorities on the draft SoCC (Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2]): <ul style="list-style-type: none"> • East Riding of Yorkshire Council; • North Yorkshire County Council; and • Selby District Council.
	(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.	An informal consultation on the draft SoCC took place from 11 November 2022 to 9 December 2022. The Statutory consultation on the draft SoCC (Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2]) ran with the relevant local authorities from 10 February to 13 March 2023.
	(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).	The consultation documents comprised a draft SoCC and cover email (see Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2] and Appendix E1 Letter to East Riding of Yorkshire Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] , Appendix E2 Letter to North Yorkshire County Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] and Appendix E3 Letter to Selby District Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] for SoCC consultation for individual copies of the cover emails that were issued with the draft SoCC).

Ref	Requirement	Compliance
	<p>(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).</p>	<p>The Applicant considered all relevant comments received on the draft SoCC (Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2]) (see Appendix F1 Joint response from North Yorkshire County Council and Selby District Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] and Appendix F3 Response from East Riding of Yorkshire Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] for the responses). For more information on how comments were addressed see Chapter 3 of the Consultation Report [EN010143/APP/5.1]</p>
	<p>(6) Once the applicant has prepared the statement, the applicant must—</p> <p>(a) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,</p> <p>(b) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p> <p>(c) publish the statement in such manner as may be prescribed.</p>	<p>Notice of the published SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) was published in the Hull Daily Mail on 27 April 2023.</p> <p>The SoCC was also made available in the 6 locations listed within the Section 47 notice (see Appendix L7 Copy of Section 47 notice - The Hull Daily Mail 27.04.2023, Consultation Report Appendices [EN010143/APP/5.2] for a copy of the published notice with location and date) and on the Applicant's website, https://www.boom-power.co.uk/east-yorkshire/.</p>
	<p>(7) The applicant must carry out consultation in accordance with</p>	<p>The Applicant's consultation process was carried out in accordance with the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]), as explained in</p>

Ref	Requirement	Compliance
	the proposals set out in the statement.	Chapter 3 of the Consultation Report [EN010143/APP/5.1] .
Section 48	<p>Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner.</p>	<p>The Applicant prepared and published a Section 48 Notice in the prescribed manner, namely in accordance with reg. 4(2) and with reference to reg. 4(3) of the APFP Regulations(Ref. 1).</p> <p>Copies of all the published notices with locations and dates are provided at Appendix L2 Copy of Section 48 notice - The Times 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]; Appendix L3 Copy of Section 48 notice - The Guardian 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]; Appendix L4 Copy of Section 48 notice - The London Gazette 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]; Appendix L5 Copy of Section 48 notice - The Hull Daily Mail 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]; and Appendix L6 Copy of Section 48 notice - The Hull Daily Mail 11.05.2023, Consultation Report Appendices [EN010143/APP/5.2]</p>
	<p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.</p>	<p>The deadline was included in the Section 48 Notice as 11.59pm on 20 June 2023 (for an example see Appendix L2 Copy of Section 48 notice - The Times 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p>
Section 49	<p>Duty to take account of responses to consultation and publicity</p> <p>(1) Subsection (2) applies where the applicant—</p>	<p>The Applicant has had regard to all relevant responses to consultation and publicity in accordance with Section 42, Section 47 and Section 48. Please see Chapter 4 and Chapter 5 of the Consultation Report [EN010143/APP/5.1]for more detail.</p> <p>Appendix P1 Section 42(1)(a) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; Appendix P2 Section</p>

Ref	Requirement	Compliance
	<p>(a) has complied with sections 42, 47 and 48, and</p> <p>(b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).</p>	<p>42(1)(aa) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; Appendix P3 Section 42(1)(b) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; Appendix P4 Section 42(1)(d) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; and Appendix P5 Section 47 public consultation (summarised and themed comments with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2] demonstrate the due regard had to consultee comments.</p> <p>Chapters 6, 7 and 8 of the Consultation Report [EN010143/APP/5.1] show how the Applicant had regard to additional responses to consultations conducted following the statutory consultation that were received.</p> <p>Appendix Q1 Section 42(1)(a) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; Appendix Q2 Section 42(1)(aa) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; Appendix Q3 Section 42(1)(d) (Comments verbatim with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2]; and Appendix Q4 Section 47 public consultation (summarised and themed comments with BOOM responses), Consultation Report Appendices [EN010143/APP/5.2] demonstrate the due regard had to consultee comments.</p>
	<p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have</p>	<p>The Applicant has had regard to all relevant responses to consultation and publicity.</p> <p>See Chapters 4, 5, 6, 7 and 8 of the Consultation Report [EN010143/APP/5.1] for more detail.</p>

Ref	Requirement	Compliance
	<p>regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>	<p>(a) Section 42 responses are considered in Chapter 4 of the Consultation Report [EN010143/APP/5.1]</p> <p>(b) Section 47 responses are considered in Chapter 4 of the Consultation Report [EN010143/APP/5.1].</p> <p>(c) Responses received as a result of publicity of the consultation undertaken in accordance with Section 48 are considered in Chapter 4 of the Consultation Report [EN010143/APP/5.1].</p> <p>In addition to the above, Chapters 5, 6, 7 and 8 of the Consultation Report [EN010143/APP/5.1] sets out how the Applicant has had regard to ongoing consultation with consultees and affected parties since formal consultation periods.</p>
Section 50	<p>Guidance about pre-application procedure</p> <p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p> <p>(2) Guidance under this section may be issued by the Secretary of State.</p> <p>(3) The applicant must have regard to any</p>	<p>The Applicant has complied with the DCLG Guidance on pre-application consultation (see below).</p> <p>The Applicant has also had regard to the Planning Act 2008: Guidance on the pre-application process (Ref. 3); and Advice Notes (Ref. 4 and Ref. 5) prepared by the Planning Inspectorate.</p>

Ref	Requirement	Compliance
	guidance under this section.	
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (Ref. 1)		
Reg 3	<p>Prescribed consultees</p> <p>The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.</p>	<p>The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref. 1) who were deemed to be relevant to this current application by the descriptions set out in the second column of that table (see Appendix H1: List of prescribed consultees identified and consulted, Consultation Report Appendices [EN010143/APP/5.2] for the full list).</p>
Reg 4	<p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application—</p> <p>(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p> <p>(b) once in a national newspaper;</p> <p>(c) once in The London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>(d) where the proposed application relates to offshore development—</p> <p>(i) once in Lloyd’s List; and</p> <p>(ii) once in an appropriate fishing trade journal.</p>	<p>The Applicant published the Section 48 Notice as follows:</p> <p>(a) For two successive weeks in The Hull Daily Mail on 4 May 2023 and 11 May 2023 (Appendix L5 Copy of Section 48 notice - The Hull Daily Mail 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2] and Appendix L6 Copy of Section 48 notice - The Hull Daily Mail 11.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>(b) Once in national newspaper The Times on 4 May 2023 (Appendix L2 Copy of Section 48 notice - The Times 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>(c) Once in The London Gazette on 4 May 2023 (Appendix L4 Copy of Section 48 notice - The London Gazette 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>(d) Once in The Guardian on 4 May 2023 (Appendix L3 Copy of Section 48 notice - The Guardian 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p>

Ref	Requirement	Compliance
	(3) The matters which the notice must include are:	The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) included all of the elements listed under Regulation 4(3).
	(a) the name and address of the applicant;	The name and address of the Applicant were included as per the below: EAST YORKSHIRE SOLAR FARM LIMITED (company number 14103404) Unit 5E Park Farm Arundel BN18 0AG The full Section 48 notice can be viewed in Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2] .
	(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that the developer proposes to apply to the Secretary of State under section 37 of the Planning Act 2008 (Ref. 2) for the DCO.
	(c) a statement as to whether the application is EIA development;	The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that the Project is a development requiring Environmental Impact Assessment.
	(d) a summary of the main proposals, specifying the location or route of the proposed development;	The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that the proposed DCO would, amongst other things, authorise: <ul style="list-style-type: none"> • construction, operation, maintenance and decommissioning of a ground mounted solar PV electricity generating facility;

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		<ul style="list-style-type: none"> • associated and/or ancillary works including the construction of a BESS with an export capacity over 50 MW; substations and cabling to connect to the National Grid substation at Drax; the creation of environmental mitigation and enhancement areas; permissive paths; access tracks; construction compounds; and redevelopment of existing buildings to office, welfare and storage facilities; • alterations to streets, including the creation and modification of temporary and permanent accesses, the temporary removal of street furniture and any necessary temporary diversion and/or temporary stoppings up of public rights of way; • the permanent compulsory acquisition and temporary possession (if required) of land and/or rights; • the overriding of easements and other rights over or affecting land as well as the creation of restrictions where necessary; • the application and/or disapplication of legislation including, amongst other things, legislation relating to compulsory purchase and landlord and tenant matters; and • such ancillary, incidental and consequential provisions, licenses, property rights, permits and consents as are necessary and/or convenient for the purposes of the Scheme.
	<p>(e) a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website;</p>	<p>The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that:</p> <p>All consultation materials can be found on the Applicant’s website www.boom-power.co.uk/east_yorkshire where they will be available for inspection, free of charge, during the consultation period with the final day being Tuesday 20 June 2023.”</p>

Ref	Requirement	Compliance
	<p>the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps</p>	<p>"If further information about this notice, the consultation materials, the consultation or the Scheme is required, please contact the project team by using one of these contact methods: Email: eastyorkshiresolarfarm@boom-power.co.uk Write: FREEPOST East Yorkshire Solar Farm Telephone: 01964 782219 between the hours of 9am and 5pm Monday to Friday</p>
	<p>(f) the latest date on which those documents, plans and maps will be available for inspection</p>	<p>The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that:</p> <p>"All consultation materials can be found on the Applicant's website www.boom-power.co.uk/east_yorkshire where they will be available for inspection, free of charge, during the consultation period with the final day being Tuesday 20 June 2023"..</p>
	<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that a reasonable copying charge may apply of up to of up to £0.35 per page for multiple paper copies of the consultation materials or for large printing requests such as the PEI Report (Ref. 6) to cover printing and postage costs.</p> <p>Digital copies of the consultation materials could be provided on USB memory stick as PDF files upon request for a small charge to cover production and postage costs.</p>
	<p>(h) details of how to respond to the publicity; and</p>	<p>The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that any representations on the proposals should be made in writing by:</p> <ul style="list-style-type: none"> • Completing the online feedback form

Ref	Requirement	Compliance
		<p>located on the Scheme website: www.boom-power.co.uk/east-yorkshire</p> <ul style="list-style-type: none"> • Attending a consultation event and completing a paper copy feedback form • Obtaining a paper copy of the consultation feedback form at one of our document deposit locations or by requesting one using the contact details in this notice, which can be returned via FREEPOST East Yorkshire Solar Farm <p>Alternatively, feedback could be sent by:</p> <ul style="list-style-type: none"> • Emailing: eastyorkshiresolarfarm@boom-power.co.uk or • writing to: FREEPOST East Yorkshire Solar Farm
	<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.</p>	<p>The Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) stated that the deadline for receipt of responses was 11.59pm on 20 June 2023. The notice was last published on 11 May 2023, which therefore gave consultees a period of 40 days to respond after the date when the notice was last published.</p>
<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</p>		
<p>Reg 6</p>	<p>Procedure for establishing whether environmental impact assessment is required</p> <p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42</p>	<p>A formal request for a Scoping Opinion was made by The Applicant to the Planning Inspectorate, on behalf of the Secretary of State, as part of the written notification sent on 9 September 2022. This was made under reg. 10(1) of the EIA Regulations (Ref. 7) and requested a written opinion with regard to the information required for inclusion within the Environmental Statement [EN010143/APP/6.1].</p> <p>The cover letter from the Planning Inspectorate that was provided with the scoping opinion is provided at (Appendix C</p>

Ref	Requirement	Compliance
	<p>(duty to consult) either—</p> <p>(a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p>	<p>The Infrastructure Planning (EIA Regulations) 2017: Regulation 8(1) letter to Planning Inspectorate & acknowledgement, Consultation Report Appendices [EN010143/APP/5.2] of the Consultation Report. The scoping opinion is provided as part of this application (Appendix 1-2: EIA Scoping Opinion of the ES [EN010143/APP/6.2]).</p> <p>A copy of the scoping opinion is also available on the Planning Inspectorate website: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010143/EN010143-000008-EYSF%20-%20Scoping%20Opinion.pdf</p>
	<p>(3) A request or notification under paragraph (1) must be accompanied by—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a brief description of the nature and purpose of the development and of its possible effects on the environment;</p> <p>(c) such other information or representations as the person making the request may wish to provide or make.</p>	<p>The Scoping Report (Appendix 1-1: EIA Scoping Report [EN010143/APP/6.2]) included a plan sufficient to identify the land, a description of the Scheme, and an explanation of the likely significant effects of the Scheme on the environment.</p>
<p>Regulation 12 (EIA Regulations 2017)</p>	<p>Consultation statement requirements</p> <p>The consultation statement prepared under section 47 (duty to</p>	<p>The extract of the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) below shows that these elements were covered:</p> <p>“(a) The Scheme is an Environmental Impact Assessment (EIA) development (in</p>

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	<p>consult local community) must set out —</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>accordance with the Infrastructure Planning Environmental Impact Assessment Regulations 2017) therefore an environmental impact assessment is being carried out to assess the potential significant environmental effects of the Scheme.</p> <p>In advance of preparation of the Environmental Statement, we have published a Preliminary Environmental Information (PEI) Report and Non-Technical Summary of the PEI Report as part of the pre-application consultation material. This document will provide information gathered to date about what the potential environmental effects of the Scheme will be and an overview of the types of mitigation proposed.</p> <p>It will sit alongside an EIA Scoping Report, which outlines what we propose to survey and how we propose to assess the effects of the Scheme on the environment.</p> <p>As part of the pre-application consultation, the general public and statutory consultees will be able to comment on the contents of the PEI Report.”</p> <p>The Applicant delivered all the documents listed above as part of the application.</p>
<p>Regulation 13 (EIA Regulations 2017)</p>	<p>Pre-application publicity under section 48 (duty to publicise)</p> <p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 9(1)(c).</p>	<p>The Applicant sent a copy of the Section 48 Notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2]) to all consultation bodies and persons as required under Regulation 11(1)(c) of the EIA Regulations 2017(Ref. 7), with a formal request for comments (pursuant to Section 42 of the 2008 Act(Ref. 2) on the proposed application for development consent as detailed in Chapter 3 of the Consultation Report [EN010143/APP/5.1].</p>
<p>DCLG: Guidance on the pre-application process</p>		

Ref	Requirement	Compliance
17	When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.	Consultation documents were all identified as such either within the title of the document (e.g., "Consultation Brochure" (Appendix K1 Statutory Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2])), or within the body of the text contained with the document.
18	Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by: <ul style="list-style-type: none"> • helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted; • enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides; • helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage; • enabling applicants to obtain important 	The Applicant undertook significant informal engagement with stakeholders beginning in May 2022, prior to the statutory consultation in May 2023. The Applicant has also continued to consult with affected parties through non-statutory consultation in October 2022 and an additional targeted consultation in September 2023 post statutory consultation earlier that year (see Chapters 2, 3 and 6 of the Consultation Report [EN010143/APP/5.1]).

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	<p>information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;</p> <ul style="list-style-type: none"> • enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and • identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives. 	
20	<p>Experience suggests that, to be of most value, consultation should be:</p> <ul style="list-style-type: none"> • based on accurate information that gives consultees a clear view of what is proposed including any options; • shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and • engaging and accessible in style, encouraging consultees to react and offer their views. 	<p>The Applicant has sought to provide and consult upon clear information at key points throughout the development of the Scheme.</p> <p>The Applicant undertook non-statutory consultation prior to and post statutory consultation to ensure that consultees had adequate opportunities to understand the proposals and any changes that had been made to the scheme.</p> <p>The Applicant presented and consulted on initial proposals for the East Yorkshire Solar Farm in a non-statutory consultation carried out from Monday 3 October to Sunday 30 October 2022. The feedback received to this consultation informed and influenced the Scheme that was taken forward to the statutory consultation.</p> <p>Consultation documents such as the consultation booklet (Appendix K1 Statutory Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2]) were produced to supplement the technical documents during the consultation process. All consultation materials (Appendix K1 Statutory</p>

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		<p>Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2]; Appendix K2 Statutory Consultation feedback form, Consultation Report Appendices [EN010143/APP/5.2]; Appendix K3 Frequently Asked Questions (FAQ) document, Consultation Report Appendices [EN010143/APP/5.2]; Appendix K4 Plans of the proposed solar farm and cable route, Consultation Report Appendices [EN010143/APP/5.2]; Appendix K5 PEI Report Non-technical summary, Consultation Report Appendices [EN010143/APP/5.2]; and the PEI Report (Ref. 6) were designed to provide accessible information to encourage participation in the process.</p>
24	<p>Government recognises that major infrastructure projects and the communities and environment in which they are located will vary considerably. A 'one-size-fits-all' approach is not, therefore, appropriate. Instead, applicants, who are best placed to understand the detail of their specific project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.</p>	<p>The Applicant has worked closely with relevant local authorities throughout the process, including through the development of the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) which was developed following consultation and feedback from the host local authorities.</p>
25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their</p>	<p>The statutory consultation ran for 42 days, which is longer than the statutory minimum requirement.</p>

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	<p>own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>As well as the statutory consultation, the Applicant undertook a non-statutory consultation on the initial proposal. The Applicant also carried out a targeted consultation on changes to the Scheme following statutory consultation.</p> <p>The Applicant has also been open to receiving responses to all stages of the consultation, even those received outside of the formal consultation period. Where possible the Applicant has sought to take these responses into account. The responses are captured in Chapters 4 and 7 of the Consultation Report [EN010143/APP/5.1]. In addition, Chapter 5 of the Consultation Report [EN010143/APP/5.1] sets out ongoing engagement that has occurred since the statutory consultation.</p>
26	<p>In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>In addition to the statutory consultees, emails were sent to local businesses, interest groups, and other stakeholders who were identified as having an interest in the scheme (see Appendix H2: List of non-prescribed consultees contacted, Consultation Report Appendices [EN010143/APP/5.2] for a list of non-statutory consultees). These emails informed the recipients that the statutory consultation was taking place and encouraged them to take part. The email to these non-statutory consultees (Appendix M2 Email notification to non-statutory consultees, Consultation Report</p>

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		<p>Appendices [EN010143/APP/5.2] was sent on 9 May 2023.</p> <p>Elected representatives including ward councillors and MPs for the impacted area were contacted and offered a briefing prior to the statutory consultation. Emails (Appendix N1 Request sent to Parish Councils to promote the Statutory consultation, Consultation Report Appendices [EN010143/APP/5.2]) were sent on 17 April 2023 to explain the statutory consultation starting and offer briefing dates.</p> <p>An additional email (Appendix M1 Email to non-statutory consultation respondents who requested to be kept informed, Consultation Report Appendices [EN010143/APP/5.2]) was sent to previous consultation participants who had requested in their response to the non-statutory consultation to be kept informed. This email was sent on 10 May 2023.</p>
27	<p>Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore</p>	<p>The Applicant has engaged widely with different stakeholders and consultees, as set out in Chapters 2, 3, 5 and 6 of the Consultation Report [EN010143/APP/5.1].</p>

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	encouraged to consult widely on project proposals.	
28	<p>From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	<p>The Applicant reviewed the consultee list on a regular basis to ensure that contact details were up to date. For example, when letters were returned to sender during the non-statutory and statutory consultation as well as prior to and during the targeted consultation.</p>
29	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-</p>	<p>The Applicant has undertaken extensive engagement with expert bodies and technical consultees throughout the pre-application process.</p> <p>Please see Chapters 2, 4 and 6 of the Consultation Report [EN010143/APP/5.1] for a summary of this engagement.</p>

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	<p>application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	
36	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.</p>	<p>The Applicant held in-person public consultation events across four locations.</p> <p>The Applicant also held two online webinars during the consultation period.</p> <p>The Applicant prepared a draft SoCC (Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2]) which set out how the Applicant proposed to consult the community. Further details on preparing the SoCC can be found in Chapter 3 of the Consultation Report [EN010143/APP/5.1].</p> <p>The Applicant consulted with all local authorities in whose area the DCO Scheme lies. The Applicant also consulted with authorities which the Order land is adjacent to or neighbouring.</p>
37	<p>The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of Community Consultation within 28 days of receipt of the</p>	<p>Chapter 3 of the Consultation Report [EN010143/APP/5.1] sets out the Applicants approach to the preparation of the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>The Applicant sent East Riding of Yorkshire Council, North Yorkshire County Council and</p>

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	<p>request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>	<p>Selby District Council a copy of the draft SoCC, requesting comments on the best way to consult the local community, as part of an initial informal consultation from 11 November to 9 December 2022. These early comments from the informal consultation were considered by the Applicant in the continued development of the SoCC.</p> <p>The draft SoCC was then updated and formally submitted to all local authorities listed above on 9 February 2023 (see Appendix D Copy of the draft SoCC provided to local authorities, Consultation Report Appendices [EN010143/APP/5.2]). The Applicant requested comments from the relevant local authorities by 13 March 2023, in accordance with Section 47(3) of the Planning Act (Ref. 2). These responses received can be found at Appendix F1 Joint response from North Yorkshire County Council and Selby District Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] and Appendix F3 Response from East Riding of Yorkshire Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2]. Table 3-3 in Chapter 3 of the Consultation Report sets out the regard had to those comments.</p>
39	<p>Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> • the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area); • the appropriateness of various consultation techniques, including 	<p>Chapter 3 of the Consultation Report [EN010143/APP/5.1] sets out how the Applicant consulted with relevant local authorities on the consultation approach and development of the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]).</p>

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	<p>electronic-based ones;</p> <ul style="list-style-type: none"> • the design and format of consultation materials; • issues which could be covered in consultation materials; • suggestions for places/timings of public events as part of the consultation; • local bodies and representative groups who should be consulted; and • timescales for consultation. 	
41	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>Chapter 3 of the Consultation Report [EN010143/APP/5.1] sets out how the Applicant consulted with the relevant local authorities on the consultation approach and development of the SoCC.</p> <p>Appendix F1 Joint response from North Yorkshire County Council and Selby District Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] and Appendix F3 Response from East Riding of Yorkshire Council for draft SoCC consultation, Consultation Report Appendices [EN010143/APP/5.2] sets out the responses that the Applicant received in relation to the SoCC. Table 3-3 in Chapter 3 of the Consultation Report [EN010143/APP/5.1] sets out the regard had to those comments.</p>
42	<p>Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should</p>	<p>The Applicant is satisfied that it has made reasonable efforts to consult with all those who may have a legitimate interest or might be affected by the proposed development.</p>

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	<p>make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.</p>	
43	<p>Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.</p>	<p>Local authorities have been consulted and engaged with throughout the development of the Scheme. This includes, during the non-statutory consultation from Monday 3 October to Sunday 30 October 2022, this can be seen in Chapter 2 of the Consultation Report [EN010143/APP/5.1]. They were then consulted at the statutory consultation and the subsequent targeted consultation.</p>

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49	<p>Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their view regarding them.</p>	<p>The Applicant consulted both informally and formally under section 42 (and, by extension, section 44) of the 2008 Act (Ref. 2) with individuals who own, occupy or have another interest in the land in question. By engaging with land interests early in the process, the Applicant has been able to take on board comments received.</p>
50	<p>It is the applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categorises those land interests) is up to date at the time of submission.</p>	<p>In preparing the DCO application, The Applicant carried out diligent inquiry in order to identify all persons who fall within the categories set out in Section 44 of the PA 2008 (Ref. 2) for the Scheme. The Applicant will engage with any new interests to help them understand how they can engage with the DCO process.</p>
51	<p>However, it is understood that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the</p>	<p>Any newly identified landowners were afforded adequate opportunity to consider and respond to the DCO Scheme proposals throughout the pre-application process.</p> <p>Land referencing was undertaken throughout the pre-application period to ensure that any changes in ownership or new interests have been identified, consulted and subject to engagement. This was supplemented by ongoing one-to-one engagement with the affected land interests by The Applicant's appointed land referencing consultant.</p>

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	<p>application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination.</p>	
52	<p>Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.</p>	<p>Following targeted consultation, the Applicant consulted newly identified land interests considered to have an interest in the Scheme. These landowners had not been contacted previously and were identified following changes made to the Scheme. These identified parties were then consulted on the Scheme. Chapter 8 of the Consultation Report outlines this in further detail.</p>
53	<p>Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early</p>	<p>The Applicant is committed to early and meaningful engagement with local communities in the areas affected by the DCO Scheme. Chapters 2 and 3 of the Consultation Report [EN010143/APP/5.1] set out how the Applicant has consulted with the local community.</p>

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	<p>stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.</p>	
54	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>Prior to the statutory consultation, the Applicant liaised with East Riding of Yorkshire Council, Selby District Council and North Yorkshire County Council via informal and formal consultation on the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]). The local authorities identified no hard-to-reach groups in the Scheme area.</p> <p>All information was made available online on a website compliant to Web Content Accessibility Guidelines (WCAG2.0) (Ref. 8) and materials were prepared in an accessible and clear format.</p> <p>The Applicant conducted desk-based research to identify hard-to-reach groups prior to both non-statutory and statutory consultation but none were identified.</p> <p>It was advertised in the consultation materials that they could be made available in alternative formats but no requests from stakeholders were received</p>
55	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly</p>	<p>The Applicant set out the scope of consultation during the statutory consultation period in the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]), as the following:</p> <p>“The statutory consultation for the Scheme will run for a period of six weeks in Spring 2023, from 9 May to 20 June 2023.</p>

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	<p>managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p>Through the statutory consultation, the Applicant will ask for views on all elements of the Scheme. Feedback on all aspects of the Scheme will be welcome and considered, including but not limited to the below.</p> <ul style="list-style-type: none"> a. The proposed layout of the Scheme; b. The proposed route of the cable connecting the solar farm to the National Grid Drax Substation; c. Impacts of the proposed solar farm and cable, including, but not limited to: <ul style="list-style-type: none"> i. Environmental impacts ii. Economic impacts iii. Social impacts d. How the construction and maintenance of the Project will be carried out; e. Proposed mitigations for the anticipated impacts above; f. The Preliminary Environmental Information Report (PEI Report) and PEI Report Non-Technical Summary.” <p>A consultation booklet was produced and provided to the consultees as part of the statutory consultation. The aim of the consultation booklet was to provide an accessible summary of the proposals for the local community. This document contained direct information on the DCO Scheme and on the matters on which the views of the local communities are being sought. A copy of the booklet is included at Appendix K1 Statutory Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2].</p> <p>The consultation booklet (Appendix K1 Statutory Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2]) was available in other formats on request either by email or phone.</p>
56	<p>Applicants are required to set out in their Statement of Community Consultation how they propose to consult those</p>	<p>The Applicant set out how it proposed to consult with local communities and those living within the vicinity of the land in the SoCC. This is detailed in Chapter 3 of the Consultation Report [EN010143/APP/5.1].</p>

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	<p>living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).</p>	<p>The final SoCC is included in Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2].</p>
57	<p>The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</p>	<p>The SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) set out the details of the statutory consultation and was made available online, at document deposit points and at exhibitions during the statutory consultation period.</p>
58	<p>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations¹⁵ and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the</p>	<p>The Applicant published the Section 48 Notice as follows:</p> <p>(a) For two successive weeks in The Hull Daily Mail on 4 May 2023 and 11 May 2023 (Appendix L5 Copy of Section 48 notice - The Hull Daily Mail 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2] and Appendix L6 Copy of Section 48 notice - The Hull Daily Mail 11.05.2023, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>(b) Once in national newspaper The Times on 4 May 2023 (Appendix L2 Copy of Section 48 notice - The Times 04.05.2023,</p>

Ref	Requirement	Compliance
	<p>consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.</p>	<p>Consultation Report Appendices [EN010143/APP/5.2].</p> <p>(c) Once in The London Gazette on 4 May 2023 (Appendix L4 Copy of Section 48 notice - The London Gazette 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2].)</p> <p>(d) Once in The Guardian on 4 May 2023 (Appendix L3 Copy of Section 48 notice - The Guardian 04.05.2023, Consultation Report Appendices [EN010143/APP/5.2].)</p> <p>The notices were published on or after the start of the consultation period on 4 May 2023.</p> <p>Section 42 letters were sent to consultees on 3 May 2023 and these letters included copies of the Section 48 notice (Appendix L1 Copy of Section 48 notice as included in Section 42(1) consultees, Consultation Report Appendices [EN010143/APP/5.2].)</p> <p>Copies of the letters are provided at Appendix I1 Section 42 (1)(a) letter, Consultation Report Appendices [EN010143/APP/5.2]; Appendix I2 Section 42 (1)(aa) letter, Consultation Report Appendices [EN010143/APP/5.2]; Appendix I3 Section 42 (1)(b) letter, Consultation Report Appendices [EN010143/APP/5.2]; and Appendix I4 Section 42 (1)(d) letter, Consultation Report Appendices [EN010143/APP/5.2].</p>
61	<p>Applicants have a statutory duty to consult any local authority whose land a project is sited. So, where an offshore project also features land-based development, the applicant should treat the local authority where the land-based development is located as the main consultee for the Statement of Community Consultation.</p> <p>The applicant is also advised to consider</p>	<p>The Applicant has consulted with all relevant and potentially impacted local authorities throughout the process. Chapter 3 of the Consultation Report [EN010143/APP/5.1] sets out the approach the Applicant took to engaging with the relevant local authorities with regard to the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2].) Chapter 3 of the Consultation Report [EN010143/APP/5.1] also sets out how the Applicant engaged with the relevant local authorities under Section 42.</p>

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	<p>seeking views on the Statement of Community Consultation from local authorities whose communities may be affected by the project, for example visually or through construction traffic, even if the project is in fact some distance from the area in question. In addition, applicants may find it beneficial to discuss their Statement of Community Consultation with any local authorities in the vicinity where there could be an effect on harbour facilities.</p>	
63	<p>Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.</p>	<p>The Applicant has undertaken significant informal consultation (as set out in Chapter 2 of the Consultation Report [EN010143/APP/5.1]) in order to help inform the statutory consultation period and ensure that all potential impacts on communities are considered.</p>
65	<p>Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. It may be that there are impacts which are not immediately obvious but which a consultation can identify. Equally, local communities may have concerns, for example, about environmental impacts, and open engagement with the</p>	<p>The Applicant ensured that all communities within the vicinity of any proposed development were invited to participate in the consultation process. Chapter 3 of the Consultation Report [EN010143/APP/5.1] outlines how the Applicant engaged with the local community within the vicinity of the scheme. Table 3-5: SoCC compliance in Chapter 3 of the Consultation Report [EN010143/APP/5.1] highlights how the Applicant demonstrated compliance to the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) regarding the activities</p>

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	<p>applicant will allow them the chance to express their concerns and to understand how these concerns are being addressed. The level of interest shown by local authorities and communities will dictate the degree and depth of consultation required. It may be that for certain offshore projects, the consultation process with local communities can be undertaken in a focused and proportionate way, and therefore completed within the minimum statutory timescales required by the Planning Act.</p>	<p>that were directed at hard to reach and community groups.</p>
	<p>In addition to relevant local authorities and their communities, prospective applicants for development consent for certain types of projects are required to consult and engage with the MMO.</p> <p>They will also be able to advise on what, and with whom, additional consultation might be appropriate. Additional guidance is available from the Inspectorate on transboundary consultations.</p>	<p>The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref. 1) (see Appendix H1: List of prescribed consultees identified and consulted, Consultation Report Appendices [EN010143/APP/5.2] for the full list).</p>
68	<p>To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees</p>	<p>The Applicant has involved consultees and the local community in the development of its proposals from the earliest stages. Prior to the consultation period, the Applicant held meetings with key stakeholders to provide an overview of the Scheme, any relevant updates and discuss the proposals.</p>

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	<p>will need sufficient information on a project to be able to recognise and understand the impacts.</p>	<p>The non-statutory consultation took place from Monday 3 October to Sunday 30 October 2022. The events were attended by 178 people in person and 7 online (185 in total) and 193 responses were received. The statutory consultation was undertaken from 9 May to 20 June 2023. The events were attended by 305 people in person and 30 online (335 in total) and 254 responses were received. A targeted consultation took place from Friday 1 September to Monday 2 October 2023.</p> <p>Further details of the non-statutory consultation and statutory consultation can be seen at Chapters 2 and 3 respectively of the Consultation Report [EN010143/APP/5.1].</p>
69	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.</p>	<p>The Applicant has involved consultees and the local community in the development of its proposals from the earliest stages. The non-statutory consultation on the scheme route and design options took place from Monday 3 October to Sunday 30 October 2022. The statutory consultation was undertaken from 9 May to 20 June 2023. Further details of the non-statutory consultation and statutory consultation can be seen at Chapters 2 and 3 respectively in the Consultation Report [EN010143/APP/5.1].</p>
70	<p>To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages,</p>	<p>The Applicant carried out significant levels of informal and formal consultation throughout the process of developing the DCO scheme. A non-statutory consultation was undertaken (as set out in Chapter 2 of the Consultation Report [EN010143/APP/5.1]) to seek the views of the local authorities, local community, landowners, local businesses and interest groups, and technical</p>

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	<p>especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	<p>stakeholders on the proposals for the Scheme.</p> <p>Following this, the statutory consultation was undertaken (as set out in Chapter 3 of the Consultation Report [EN010143/APP/5.1]). This was followed by a non-statutory targeted consultation on the changes made to the Scheme since the statutory consultation. Following the targeted consultation (as set out in Chapter 6 of the Consultation Report [EN010143/APP/5.1]), the Applicant undertook further targeted landowner consultation (as set out in Chapter 8 of the Consultation Report [EN010143/APP/5.1]).</p>
71	<p>Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>The Applicant involved landowners in the consultation process from the earliest point at which it was identified that their land would fall within the Order Limits.</p> <p>At the point of undertaking the statutory consultation from 9 May to 20 June 2023, all Persons with an Interest in the Land affected by the Scheme were notified of the proposals under Section 42. Further information on this can be found in Chapter 3 of the Consultation Report [EN010143/APP/5.1]. Further consultation has been undertaken directly with newly identified landowners to ensure they have had an opportunity to consider the proposals and provide their feedback. Further information on this can be found in Chapters 6 and 8 of the Consultation Report [EN010143/APP/5.1].</p>
72	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected</p>	<p>The consultation ran from 9 May to 20 June 2023, providing a period of 42 days for responses.</p> <p>Furthermore, the targeted consultations ran for 32 days.</p>

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	<p>that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	
73	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for</p>	<p>Ongoing engagement and preparation for the statutory consultation period was undertaken to prepare consultees for the process as far as possible. Informal consultation also allowed consultees an opportunity to be involved and understand the Scheme prior to the statutory consultation period.</p>

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	<p>additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>	
74	<p>Where a proposed application changes to such a large degree that the proposals could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents), and allow at least 28 days for consultees to respond.</p>	<p>The Applicant has consulted on the proposals as set out in the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]).</p> <p>The Applicant further consulted on specific changes to the scheme as part of the targeted consultation between Friday 1 September 2023 to Monday 2 October 2023 (Chapter 6 of the Consultation Report [EN010143/APP/5.1]).</p> <p>A summary of the consultation activities can be found in Table 1-1 in Chapter 1 of the Consultation Report [EN010143/APP/5.1]).</p>
75	<p>If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the</p>	<p>The Applicant consulted on the proposals set out in the SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) and at each stage of informal and formal consultation before and after this consultation. The Applicant carried out additional targeted formal consultations on specific issues as part of the DCO Scheme. Details of the targeted consultation that was carried out can be found in Chapter 6 of the Consultation Report [EN010143/APP/5.1].</p>

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	<p>amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.</p>	
76	<p>In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.</p>	<p>The Applicant has undertaken targeted consultation outside of the statutory consultation period.</p> <p>Non-statutory consultation was carried out between Monday 3 October to Sunday 30 October 2022. More details on this can be found in Chapter 2 of the Consultation Report [EN010143/APP/5.1].</p> <p>Following the statutory consultation further targeted consultation was carried out by the Applicant from Friday 1 September 2023 to Monday 2 October 2023.</p> <p>A summary of the consultation activities can be found in Table 2-1 in Chapter 1 of the Consultation Report [EN010143/APP/5.1].</p>
77	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local</p>	<p>The Applicant has refined its approach to consultation throughout the informal consultation process. The SoCC (Appendix G1 Published SoCC, Consultation Report Appendices [EN010143/APP/5.2]) was also developed in line with advice from local authorities, and the formal consultation process was adapted to suit expectations.</p>

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	interest, and takes account of the views of the relevant local authorities.	
80	<p>Therefore, the consultation report should:</p> <ul style="list-style-type: none"> <li data-bbox="352 734 727 972">• provide a general description of the consultation process undertaken, which can helpfully include a timeline; <li data-bbox="352 972 727 1487">• set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate; <li data-bbox="352 1487 727 1890">• set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation; <li data-bbox="352 1890 727 2101">• set out a summary of relevant responses to consultation (but not a complete list of responses); 	<p>The Applicant's Consultation Report has been drafted to ensure that these elements are addressed and reflected. To summarise each point, the column below shows how each of these points has been addressed in the relevant chapter of the Consultation Report:</p> <ul style="list-style-type: none"> <li data-bbox="735 734 1399 972">See Chapters 1 and 3 of the Consultation Report [EN010143/APP/5.1]. <li data-bbox="735 972 1399 1487">See Chapter 3, Chapter 4, Chapter 5, Chapter 6 and Chapter 8 of the Consultation Report [EN010143/APP/5.1]. <li data-bbox="735 1487 1399 1890">See Chapter 3 of the Consultation Report [EN010143/APP/5.1]. <li data-bbox="735 1890 1399 2101">See Chapter 4 of the Consultation Report [EN010143/APP/5.1] for a summary of the comments given in response to the statutory consultation.

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		See Chapter 7 of the Consultation Report [EN010143/APP/5.1] for a summary of the comments given in response to the supplementary consultation.
	<ul style="list-style-type: none"> provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed; 	<p>See Chapter 5 of the Consultation Report [EN010143/APP/5.1] for changes made as a result of comments from the statutory consultation.</p> <p>See Chapter 7 of the Consultation Report [EN010143/APP/5.1] for changes made as a result of comments from the targeted consultation.</p>
	<ul style="list-style-type: none"> provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts; 	See Chapter 5 of the Consultation Report [EN010143/APP/5.1] .
	<ul style="list-style-type: none"> where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and 	See Chapter 3 of the Consultation Report [EN010143/APP/5.1] .
	<ul style="list-style-type: none"> be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full 	See Chapter 3 of the Consultation Report [EN010143/APP/5.1] .

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	<p>technical explanations of these matters.</p>	
81	<p>It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.</p>	<p>The Applicant has sought to provide consultees, local communities and anyone with an interest in the proposals with information throughout the process.</p> <p>The statutory consultation booklet (see Appendix K1 Statutory Consultation booklet, Consultation Report Appendices [EN010143/APP/5.2]) set out the changes made to the Scheme as a result of the feedback received at non-statutory consultation.</p> <p>The targeted consultation booklet (see Appendix O1 Targeted consultation booklet, Consultation Report Appendices [EN010143/APP/5.2]) set out the changes made to the Scheme as a result of the feedback received at statutory consultation.</p> <p>The project website has been regularly updated with information following each stage of consultation and acts as a repository for consultation materials. Social media has also been utilised to update communities in the run-up to, and during both the non-statutory and statutory consultations.</p>
83	<p>The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they</p>	<p>The Applicant produced tables of changes that have been included within the main body of the Consultation Report, this describes the changes made to the Scheme after each phase of consultation in concise terms. The table showing changes to the Scheme as a result of non-statutory consultation can be found in Table 2-6 in Chapter 2 of the Consultation Report [EN010143/APP/5.1]. The Table showing changes to the Scheme as a result of statutory consultation can be found in Table 4-3 in Chapter 4 of the Consultation Report [EN010143/APP/5.1].</p>

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	<p>have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.</p>	<p>The table showing changes to the Scheme as a result of targeted consultation and ongoing engagement can be found at 7.20 in Chapter 7 of the Consultation Report [EN010143/APP/5.1].</p> <p>Furthermore, brochures, questionnaires, posters and summary notes were made available at the deposit locations for the consultations.</p>
84	<p>A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.</p>	<p>Technical responses have been dealt with in detail in the Environmental Statement (ES) [EN010143/APP/6.1] and, where appropriate, have been cross referenced to the Consultation Report [EN010143/APP/5.1].</p> <p>Technical consultees have been engaged with on a regular basis throughout the process. Engagement with these bodies will continue through the development of the project as appropriate.</p>
93	<p>For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation.</p>	<p>The Applicant produced a Preliminary Environmental Information Report (PEI Report Ref. 5). This was provided in paper copy at all public events and was available for download from the project website during the statutory consultation. It remains available on the Scheme web pages.</p> <p>A Non-Technical Summary (NTS) of the PEI Report (Appendix K5 PEI Report Non-technical summary, Consultation Report Appendices [EN010143/APP/5.2]) was produced and made available at all locations the PEI Report (Ref. 6) was available.</p> <p>The SoCC (Appendix G1 Published SoCC, Consultation Report Appendices</p>

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	<p>The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.</p>	<p>[EN010143/APP/5.2] set out how to access the PEI Report (Ref. 6), either online, in paper copy, or upon request.</p>
95	<p>When considering whether a project has the potential to significantly affect the integrity of certain European protected wildlife sites, the applicant must provide a report which should include the site(s) that may be affected, together with sufficient information to enable the Secretary of State, as decision maker, to</p>	<p>The Applicant has undertaken consultation in line with this recommendation and has engaged with a wide range of expert topic groups with statutory and non-statutory consultees. Further information on this point can be found in Chapter 3 of the Consultation Report [EN010143/APP/5.1].</p>

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	conclude whether an appropriate assessment is required, and, if so, to undertake such an assessment.	
96	<p>It is the applicant's responsibility to consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulations Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an applicant to agree an evidence plan. The Planning Inspectorate can also comment on the applicant's draft report in advance of formal submission of the application if it is provided in good time. Further advice on Habitats Regulations Assessments for major infrastructure projects is available from the Inspectorate's Advice Note 10.</p>	<p>As noted above, the Applicant undertook early consultation with relevant bodies. This is set out in Chapter 2 of the Consultation Report [EN010143/APP/5.1] and Appendix B Non-statutory Consultation report, Consultation Report Appendices [EN010143/APP/5.2].</p>

References

- Ref. 1 H.M Government (2009). Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (the APFP Regulations). Available at: <https://www.legislation.gov.uk/uksi/2009/2264/contents/made> [Accessed 29 August 2023]
- Ref. 2 His Majesty's Stationery Office (HMSO) (2008) The Planning Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents>. [Accessed 17 November 2023]
- Ref. 3 Department for Levelling Up, Housing, and Communities and Local Government (MHCLG) (2015) Planning Act 2008: guidance on the pre-application process. Available at: https://assets.publishing.service.gov.uk/media/5a80a773ed915d74e622fb09/150326_Pre-Application_Guidance.pdf [Accessed 17 November 2023]
- Ref. 4 The Planning Inspectorate (2021) Advice Note Fourteen: Compiling the Consultation Report Republished February 2021 (version 3). Available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-fourteen-compiling-the-consultation-report/> [Accessed 17 November 2023]
- Ref. 5 Planning Inspectorate (2020) Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements Available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-seven-environmental-impact-assessment-process-preliminary-environmental-information-and-environmental-statements/> [Accessed 17 November 2023]
- Ref. 6 East Yorkshire Solar Farm Ltd (2023) East Yorkshire Solar Farm Preliminary Environmental Information Report. Available at: <https://www.boom-power.co.uk/east-yorkshire/#eysf-planning-docs> [Accessed 17 November 2023]
- Ref. 7 His Majesty's Stationery Office (HMSO) (2017) Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) Available at: <https://www.legislation.gov.uk/uksi/2017/572/contents/made> [Accessed 17 November 2023]
- Ref. 8 World Wide Web Consortium (W3C) (2008) Web Content Accessibility Guidelines. Available at: <https://www.w3.org/TR/WCAG20/#guidelines> [Accessed 17 November 2023]