

Springwell Solar Farm

Consultation Report

Appendices M-1 to M-2

EN010149/APP/5.2
November 2024
Springwell Energyfarm Ltd

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

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Appendix M-1: Compliance with PA 2008: Guidance on the pre-application stage for NSIPs, April 2024

Table M-1: Compliance with PA 2008: Guidance on the pre-application stage for NSIPs (2024)¹

Section	Topic	Applicant's response
019	<p>“Applicants are responsible for consulting on proposed applications for DCOs. Applicants are specifically required to undertake statutory pre-application consultation activities as stipulated in the following legislation:</p> <ul style="list-style-type: none">• Section 42 of the Planning Act, together with the provisions of sections 43 and 44 of the Planning Act, requires applicants to consult certain persons, including statutory consultees, local authorities, and others with a relevant interest in the land to which the proposed application relates, prior to the submission of an application. The prescribed list of statutory consultees for the purposes of section 42 of the Planning Act is set out in Schedule 1 to the APFP Regulations 2009, as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024;	<p>The Applicant identified and consulted with parties prescribed by sections 42, 43 and 44 of the PA 2008, as well as the local community as prescribed by section 47.</p> <p>Details of how the Applicant identified and consulted with individuals and bodies within each of these categories in accordance with the PA 2008 and the EIA Regulations 2017, along with additional non-prescribed consultees, is included in Chapters 5 and 6 of the Consultation Report [EN01049/APP/5.1].</p> <p>The Applicant publicised the proposed application in accordance with section 48 of the PA 2008 and APFP Regulations, as set out in Chapter 5 (section 5.7) of the Consultation Report</p>

¹ While the Applicant conducted and completed consultation under the previous guidance, it has complied with the updated guidance.

Section	Topic	Applicant's response
	<ul style="list-style-type: none">• Section 47 of the Planning Act requires applicants to consult relevant local authorities on what is to be in their SoCC setting out how applicants intend to consult the local community on the proposed DCO application, and then carry out consultation in accordance with the SoCC;• Section 48 of the Planning Act requires applicants to publicise the proposed application in the prescribed manner as set out in Regulation 4 of the APFP Regulations 2009; and• the EIA Regulations 2017 set out requirements for preparing Environmental Statements prior to the submission of a DCO application, including engaging with statutory consultees and local authorities prior to formal pre-application activities under section 42 of the Planning Act.”	<p>[EN010149/APP/5.1]. Copies of s48 notices as published are available in Appendix I-1: Newspaper notices published in compliance with s48 of PA 2008 [EN010149/APP/5.2].</p>
019	<p>“Effective pre-application consultation is key to developing well-prepared applications that are understood by the public. Consultation on development proposals allows consultees and local communities to influence how infrastructure that meets a national need can be accommodated in their area and enables applicants to more effectively shape proposals.”</p>	<p>The Applicant designed a consultation strategy to ensure that the proposals could be understood by anyone with an interest in the Proposed Development. Chapter 4 of the Consultation Report [EN010149/APP/5.1] sets out the Applicant's approach to Phase Two Consultation.</p> <p>More information about the phases of consultation conducted by the Applicant can be found in Chapters 2, 5, 6 and 7 of the Consultation Report [EN010149/APP/5.1].</p> <p>Feedback from consultees and local communities has helped to influence the Proposed Development.</p>

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		<p>Chapters 2 (paragraphs 2.8.3-2.8.5), 6 (section 6.5) and 7 (section 7.5) of the Consultation Report [EN010149/APP/5.1] set out how the Applicant has had regard to feedback in developing its proposals and highlights key changes made in response to feedback received through formal consultation.</p> <p>The Applicant has included separate summary schedules of consultation responses for each phase of consultation, which are included as Appendices A-4, J-1, J-2 and K-3 to the Consultation Report [EN010149/APP/5.2]:</p> <p>Appendix A-4: Summary of responses to Phase One Consultation and consideration by topic sets out feedback received to Phase One Consultation and the Applicant's response.</p> <p>Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic set out feedback received to Phase Two Consultation and the Applicant's response.</p> <p>Appendix K-3: Summary of responses to targeted consultation and consideration by topic sets out feedback received to targeted consultation and the Applicant's response.</p>

Section	Topic	Applicant's response
019	“Early involvement of local communities, local authorities and statutory consultees during the pre-application stage, both through consultation and other forms of engagement, can bring about significant benefits for all parties...”	<p>The Applicant has conducted a multi-phase consultation complemented by a continuous programme of stakeholder and community engagement to involve the local community, host authorities and statutory consultees at the earliest possible opportunity.</p> <p>Prior to Phase Two Consultation, the Applicant conducted an initial, ‘non-statutory’ phase of consultation on its early plans and proposals (Phase One Consultation), to ensure that feedback could shape the plans presented at Phase Two Consultation. In addition, the Applicant engaged with a range of stakeholders and the local community outside of formal consultation prior to Phase Two Consultation. This included design workshops with near neighbours between Phase One and Phase Two consultations to help refine offsets to nearby properties and proposals for screening.</p> <p>Chapters 2, 5, 6 and 7 of the Consultation Report [EN01049/APP/5.1] describes the phases of pre-application consultation conducted on the Proposed Development. Chapter 3 describes engagement undertaken by the Applicant outside of formal consultation, including with local communities, host authorities and a range of statutory consultees.</p>

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019	<p>“Without adequate pre-application consultation in line with the legislation, the subsequent application when it is submitted to the Planning Inspectorate will not be accepted to proceed to examination. The Planning Inspectorate takes into account the responses received from local authorities during the acceptance period to determine on behalf of the Secretary of State whether the consultation is adequate.”</p>	<p>The Consultation Report [EN01049/APP/5.1] demonstrates how pre-application consultation on the Proposed Development has met and exceeded the requirements set out in sections 42, 47, 48 and 49 of the PA 2008, the EIA Regulations and the APFP Regulations, and complied with guidance on the pre-application process in accordance with section 50 of the PA 2008.</p>
020	<p>“The pre-application consultation undertaken should be proportionate to the scale and nature of the project and its effects. A ‘one-size-fits-all’ approach is not appropriate. For a straightforward and uncontroversial application, an applicant may choose to discharge the obligations of sections 42, 47 and 48 of the Planning Act concurrently in a single round of consultation, or in separate stages. For more complex proposals, an applicant may choose to conduct a non-statutory round of consultation (for example considering options) before undertaking a statutory round of consultation, or they may choose to run a multi-stage statutory consultation process.”</p>	<p>The Applicant conducted a multi-stage consultation on the Proposed Development. This included an initial ‘non-statutory’ phase of consultation (Phase One Consultation) to collect early feedback on the Proposed Development and a second ‘statutory’ phase of consultation which discharged the obligations of sections 42, 47 and 48 of the PA 2008 concurrently (Phase Two Consultation). The Applicant additionally conducted a targeted consultation on minor additions to the proposed Order Limits.</p> <p>A summary of pre-application consultation and engagement milestones is presented in Table 1-1 of the Consultation Report [EN010149/APP/5.1] (and shown in Figure 1-1).</p>
020	<p>“What consultation is planned and when will form a key part of the applicant’s overall programme for completing the pre-application stage. It will need to be included in the Programme</p>	<p>The Applicant conducted its Phase One Consultation (24 January – 07 March 2023) and Phase Two Consultation (11 January – 22 February</p>

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	<p>Document supplied by the applicant to the Planning Inspectorate for the Inception Meeting.”</p>	<p>2024) before this guidance (including the requirement for a Programme Document to be prepared) was published in April 2024. The Applicant submitted a Programme Document to the Planning Inspectorate on 11 July 2024.</p> <p>The Applicant held an Inception Meeting with the Planning Inspectorate on 24 January 2023 and held regular meetings to provide updates on the progress of the Proposed Development through the pre-application stage, including timings for consultation. The Applicant has set out how it has had regard to s51 advice received as part of these meetings in section 3.3 of the Consultation Report [EN01049/APP/5.1].</p>
020	<p>“Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to warrant going beyond the statutory 28-day minimum timescales for consultation laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response.”</p>	<p>The Applicant conducted thorough, effective and proportionate consultation on the Proposed Development. Both Phase One and Phase Two Consultations ran for six weeks each, exceeding the 28 calendar days required for consultation under the PA 2008 and APFP Regulations.</p> <p>The Applicant provided a range of ways for people to find out more about the Proposed Development so that they could understand the proposals and provide their feedback on them. More information about how the Applicant carried out each phase of</p>

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020	“Once applicants have completed the consultation process set out in their SoCC, where a proposed application is amended in the light of responses to consultation then, unless those amendments materially and substantially change the proposed application or materially changes its effects as a whole, the amendments themselves should not trigger a need for further consultation. The amendments can be reported as part of the consultation report submitted with the application.”	<p>consultation is available in Chapters 2 and 5 of the Consultation Report [EN010149/APP/5.1].</p> <p>Given the limited scope of the targeted consultation, consultation ran for 29 days. More information about how the Applicant carried out targeted consultation is set out in Chapter 7 of the Consultation Report [EN010149/APP/5.1].</p> <p>Throughout the pre-application stage, the Applicant continued to refine its proposals in response to the outputs of its environmental assessments, technical work and feedback from consultation. Key changes made to the Proposed Development following Phase One and Phase Two consultations are set out in Chapters 2 (paragraphs 2.8.3-2.8.5) and 6 (section 6.5) of the Consultation Report [EN010149/APP/5.1].</p> <p>Where changes to the Proposed Development required minor additions to the Order Limits, the Applicant conducted a targeted consultation on the proposed changes. Information about changes made to the Proposed Development following targeted consultation is set out in Chapter 7 (section 7.5) of the Consultation Report [EN010149/APP/5.1].</p>

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020	<p>“Only where the project taken as a whole changes very significantly, and to such a large degree that what is being taken forward is fundamentally different from what was previously consulted on, should re-consultation on the proposed application as a whole be considered.</p> <p>In understanding whether there has been a material and substantial change, applicants should take into account the following guiding factors:</p> <ul style="list-style-type: none">• the degree of change as compared to the proposals previously consulted upon as a whole;• the number of materially worse environmental effects as compared to what has been the subject of previous consultations; and• the level of public interest, and the likelihood that such interest would merit further consideration in the context of that change. <p>For any material change to a part of the proposed application where the project as a whole is not fundamentally changed, for example in the case of linear aspects where new information leads to a new alignment for a particular section of the proposal, a bespoke and targeted approach to further consultation can be adopted, which can address the specific consultation obligations arising proportionately.</p> <p>Targeted consultation can be statutory or non-statutory or a combination of the two depending on whether new persons</p>	<p>Changes made to the Proposed Development following Phase Two Consultation required minor additions to be made to the Order limits, so the Applicant conducted targeted, statutory consultation on the changes. The Applicant designed a consultation that was proportionate to the likely effects of the proposed changes. This considered the limited nature of the proposed changes, and that there were no new or different likely significant environmental effects expected as a result of the proposed changes than those presented within the PEIR at Phase Two Consultation.</p> <p>More information about the targeted consultation is detailed in Chapter 7 of the Consultation Report [EN010149/APP/5.1].</p>

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	<p>needing to be consulted under section 42 of the Planning Act have been identified, but such targeted consultation will not require the production of PEI provided proportionate and appropriate information on environmental implications of any changes, where necessary, is provided.”</p>	
021	<p>“Sections 42 to 44 of the Planning Act, Regulation 3 and Schedule 1 to the APFP Regulations 2009 set out details of who must be consulted, including statutory bodies, the Marine Management Organisation where appropriate, local authorities, and persons having an interest in the land to be developed.”</p>	<p>The Applicant identified and consulted with parties prescribed by sections 42, 43 and 44 of the PA 2008 and the APFP Regulations 2009. Details of how the Applicant identified and consulted with prescribed consultees where their statutory function was relevant to the Proposed Development during Phase Two Consultation is included in Chapter 5 of the Consultation Report [EN010149/APP/5.1].</p> <p>Details of how the Applicant identified and consulted with relevant prescribed consultees during targeted consultation is included in Chapter 7 of the Consultation Report [EN010149/APP/5.1].</p>
021	<p>“Section 47 of the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants will want to consider the issues that may need to be addressed ahead of submission and may also wish to seek the views of other people who are not statutory consultees, but who may be significantly affected by the project.”</p>	<p>The Applicant consulted with the local community as prescribed in s47 of the PA 2008. In addition, the Applicant sought the views of a range of groups who were not statutory consultees, but could have a potential interest in the Proposed Development (see Chapters 5 and 6 of the Consultation Report [EN010149/APP/5.1]).</p>

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021	<p>“The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 amended the APFP Regulations 2009 by substituting a new table of persons prescribed for the purpose of section 42(1)(a) of the Planning Act (duty to consult) and also section 56(2) of the Planning Act (notifying persons of an accepted applications) which is covered in the acceptance guidance. It is the applicant’s responsibility to ensure all relevant prescribed consultees are consulted about a proposed application.</p> <p>While the list of prescribed bodies who must be consulted was updated in April 2024, from time to time a body may cease to exist but may still be listed as a statutory consultee in the Regulations pending their updating. In such situations 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 Planning 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>Regulation 4 (the transitional provisions) of the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 states that "the amendments in regulation 2 do not apply to any proposed application for an order granting development consent where the applicant has started to consult under section 42 of the Act before 30th April 2024."</p> <p>Phase Two Consultation for the Proposed Development was completed prior to 30 April 2024, and therefore the Applicant consulted the prescribed consultees as listed within the APFP Regulations 2009.</p> <p>The Applicant reviewed the updated list of statutory bodies in Schedule 1 of the APFP Regulations and confirmed that all relevant statutory bodies or their successors were consulted by the Applicant where their statutory function was relevant to the Proposed Development. A full list of section 42(1)(a) and (b) consultees consulted on the Proposed Development is available in Appendix E-1: List of prescribed consultees consulted under section 42(1)(a) and (b) during Phase Two Consultation [EN010149/APP/5.2].</p> <p>The Applicant conducted targeted consultation on minor additions to the Order Limits between 17 July 2024 and 16 August 2024. In compiling a list of</p>

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		<p>relevant prescribed consultees to be consulted, the Applicant had regard to the list of prescribed consultees listed in the amended APFP Regulations. Information about how the Applicant identified and consulted with prescribed consultees is included in Chapter 7 of the Consultation Report [EN010149/APP/5.1]. A full list of section 42(1)(a) and (b) consultees consulted as part of the targeted consultation is available in Appendix K-1: List of prescribed consultees consulted during targeted consultation [EN010149/APP/5.2].</p>
022	<p>“It is good practice for applicants to work with local stakeholders in the formative stages of the project, through early engagement. This can help inform the Programme Document that they later take to the Inception Meeting with the Planning Inspectorate. Early engagement with local authorities, parish and town councils can help applicants to ensure they find the best approach to engage the relevant communities in the most effective and proportionate way.”</p>	<p>The Applicant engaged with the host authorities prior to launch of the Proposed Development which helped inform the Applicant's approach. This included sharing details of its Phase One Consultation.</p>
022	<p>“Under section 47 of the Planning Act, applicants are required to produce a SoCC, setting out how they intend to consult the local community on the proposed application. Applicants should consider how they can engage communities in a way that supports them to understand the necessary issues at an appropriate stage to support preparation of their application, and</p>	<p>The Applicant published a SoCC setting out how it intended to consult the local community on the Proposed Development as part of its Phase Two Consultation. In preparing the SoCC, the Applicant sought to ensure that the consultation could be accessible to anyone likely to have an interest in the Proposed Development. The SoCC included</p>

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	<p>how they will show how they have responded to their issues of concern.”</p>	<p>commitments to develop materials in a range of different formats and use a variety of techniques to ensure that everyone with an interest in the Proposed Development could find out more and share their feedback. More detail about how the Applicant developed its approach to consultation and SoCC is available in Chapter 4 of the Consultation Report [EN010149/APP/5.1].</p>
<p>022</p>	<p>“Local communities may need support to help them to input to the NSIP consenting process. Independent community liaison chairs or forums can be used to provide support to local communities and non-statutory consultees to enable them to provide an effective input to the pre-application process. Applicants will want to consider whether these should be used, not least to assist an applicant’s own assessment of potential examination issues in preparing their Programme Document and SoCC.”</p>	<p>The consultation was carried out and completed before this guidance (including the requirement for a Programme Document to be prepared) was published.</p> <p>Chapter 4 of the Consultation Report [EN010149/APP/5.1] sets out how the Applicant designed a consultation strategy to ensure that anyone with an interest in the Proposed Development could find out more and input into the consultation process. This included providing materials in a range of different formats and at different levels of information, which are included in Appendices G-2: Phase Two Consultation materials and advertising, G-3: Screenshots of Phase Two Consultation website and virtual exhibition and L-1: Preliminary Environmental Information Report [EN010149/APP/5.2]:</p>

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		<ul style="list-style-type: none">• Consultation booklet (Appendix G-2.3): an accessible, 36-page non-technical overview of the Proposed Development, EIA process, the consultation and planning process, the Applicant's approach to community benefit and next step (print and digital).• Consultation questionnaire (Appendix G-2.5): the main mechanism for collecting feedback (print and digital).• Consultation maps (Appendix G-2.4): including an updated masterplan, along with separate maps showing each part of the Proposed Development (known as Springwell East, Springwell Central and Springwell West) as well as a map showing the proposed construction routes, access points and construction compounds to provide alternative formats for people to understand the proposal (print and digital).• Exhibition banners (Appendix G-2.6): an accessible summary of the Proposed Development, EIA process, the consultation and planning process, the Applicant's approach to community benefit and next steps displayed at the public events, with digital versions available

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		<p>to view and download on the Springwell Solar Farm website and via the virtual exhibition.</p> <ul style="list-style-type: none">• Virtual exhibition (Appendix G-3): containing the exhibition banners, consultation questionnaire, and a portal which enabled users to view 3D visualisations of the Proposed Development from key views around the site. This included video fly throughs along key viewpoints.• Preliminary Environmental Information Report (Appendix L-1): containing the initial results of environmental assessments carried out in support of the Proposed Development, as well as preliminary information on measures to avoid, prevent, reduce or if possible, offset any likely significant adverse effects. The PEIR included a non-technical summary of the preliminary assessment of effects. <p>Formal phases of consultation were supplemented by a programme of continuous stakeholder and community engagement throughout the pre-application stage. This included resident workshops which sought to actively engage near neighbours on the design of the Proposed Development, including development of bespoke individual buffers and offsets from properties. Information about</p>

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023	<p>“Applicants must:</p> <ul style="list-style-type: none">• consult the prescribed bodies as appropriate under Regulation 3 and Schedule 1 to the APFP Regulations 2009, as well as the Marine Management Organisation in certain circumstances, under section 42 of the Planning Act, giving the consultees at least 28 days to respond;• publicise their proposed application under section 48 of the Planning Act, and Regulation 4 of the APFP Regulations 2009 sets out the detail of what this publicity must entail; and• by section 49 of the Planning Act have regard to any relevant consultation responses from either statutory consultees under section 42 of the Planning Act, local communities under section 47 of the Planning Act, or wider publicity under section 48 of the Planning Act.”	<p>community engagement outside of formal consultation is detailed in Chapter 3 of the Consultation Report [EN010149/APP/5.1].</p> <p>During Phase Two Consultation, the Applicant identified and consulted with parties prescribed by sections 42, 43 and 44 of the PA 2008 where their statutory function was relevant to the Proposed Development. Details of how the Applicant identified and consulted with individuals and bodies within each of these categories in accordance with the PA 2008 and the EIA Regulations, along with additional non-prescribed consultees, are included in Chapters 5 and 6 of the Consultation Report [EN010149/APP/5.1]. A full list of section 42(1)(a) consultees consulted on the Proposed Development is available in Appendix E-1: List of prescribed consultees consulted under section 42(1)(a) and (b) during Phase Two Consultation [EN010149/APP/5.2].</p> <p>A full list of persons falling within section 44 of the PA 2008 is included within the Book of Reference [EN010149/APP/4.3] submitted with the Application.</p> <p>The Applicant publicised the proposed application in accordance with section 48 of the PA 2008 and APFP Regulations, as set out in Chapter 5 (section</p>

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		<p>5.7) of the Consultation Report [EN010149/APP/5.1]. Copies of s48 notices as published are available in Appendix I-1: Newspaper notices published in compliance with s48 of the PA 2008 [EN010149/APP/5.2].</p> <p>The Applicant set out how it had regard to consultation responses from consultees under sections 42, 47 and 48 of the PA 2008 in Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic [EN010149/APP/5.2].</p> <p>The Applicant conducted targeted statutory consultation on minor additions to the Order Limits between 17 July 2024 and 16 August 2024. The Applicant designed a consultation that was proportionate to the likely effects of the proposed changes. This considered the limited nature of the proposed changes, and that there were no new or different likely significant environmental effects expected as a result of the proposed changes than those presented within the PEIR at Phase Two Consultation. In compiling a list of relevant prescribed consultees to be consulted, the Applicant had regard to the list of prescribed consultees in the updated Schedule 1 of the APFP Regulations.</p>

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		<p>Information about how the Applicant identified and consulted with prescribed consultees is included in Chapter 7 of the Consultation Report [EN010149/APP/5.1]. A full list of s42(1)(a) and (b) consultees consulted as part of the targeted consultation is available in Appendix K-1: List of prescribed consultees consulted during targeted consultation [EN010149/APP/5.2]. A full list of persons falling within section 44 of the PA 2008 is included within the Book of Reference [EN010149/APP/4.3] submitted with the Application.</p> <p>The Applicant did not publicise the targeted consultation in accordance with s48 of the PA 2008 due to the targeted nature of the consultation.</p> <p>Appendix K-3: Summary of responses from targeted consultation and consideration by topic [EN010149/APP/5.2] sets out feedback received to targeted consultation and the Applicant's response.</p>
023	<p>“Applicants will often need detailed technical input from statutory consultees as expert bodies to assist with identifying and mitigating the impacts of projects, and other important matters. In many cases applicants will need to engage statutory consultees and others before the Inception Meeting with the Planning Inspectorate.”</p>	<p>Detail about the consultation and engagement carried out with technical bodies to inform EIA undertaken in support of the Proposed Development is included in the relevant topic chapters of the Environmental Statement (Volume 1, Chapters 5-17 [EN010149/APP/6.1]).</p>

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024	“Some statutory consultees have cost recovery arrangements in place for the advice they provide. The ability for statutory consultees to respond effectively to pre-application requests for advice means they have the information they need from applicants to do so. It is essential therefore that applicants arrange early engagement with statutory consultees to avoid unnecessary delays and the costs of having to make changes at later stages of the consenting process.”	<p>As part of its Phase Two Consultation, the Applicant invited comments on a Preliminary Environmental Information Report (included in Appendix L-1: Preliminary Environmental Information Report [EN010149/APP/5.2]). A summary of feedback received to Phase Two Consultation and the Applicant's consideration by topic is provided in Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic [EN010149/APP/5.2].</p> <p>The Applicant engaged with host authorities and key stakeholders early in the pre-application process as outlined in Chapter 3 of the Consultation Report [EN010149/APP/5.1]. This included entering into Planning Performance Agreements with the host authorities through the pre-application stage, and a cost recovery arrangement with Natural England to ensure engagement with technical specialists throughout the Proposed Development.</p> <p>Detail about the consultation and engagement carried out with technical bodies to inform EIA undertaken in support of the Proposed Development is included in the relevant topic</p>

Section	Topic	Applicant's response
024	“Where an applicant proposes to compulsorily acquire an interest or take temporary possession of land it does not own in order to implement a proposed NSIP, under section 42 of the Planning Act they must identify and consult people, including those who own, occupy or have another interest in the land in question.”	<p>chapters of the Environmental Statement (Volume 1, Chapters 5-17 [EN010149/APP/6.1]).</p> <p>The Applicant consulted with each person who is within one or more of the categories set out in section 44 of the PA 2008.</p> <p>Phase Two Consultation: Chapter 5 (paragraphs 5.4.7 – 5.4.13) of the Consultation Report [EN010149/APP/5.1] sets out how the Applicant identified section 44 consultees.</p> <p>Targeted consultation: See Chapter 7 (section 7.2) of the Consultation Report [EN010149/APP/5.1] for details of the process used for identifying section 44 consultees for the targeted consultation. A targeted approach was considered to be proportionate given the changes did not affect the outcome of the environmental impact assessment, as set out in the PEIR published during Phase Two Consultation.</p> <p>A full list of the 56 persons falling within section 44 of the PA 2008 is included in the Book of Reference [EN010149/APP/4.3] submitted with the Application. This includes 49 persons identified at Phase Two Consultation and 7 persons identified at targeted consultation.</p>

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024	<p>“It is the applicant’s responsibility to demonstrate at submission of the application to the Planning Inspectorate that due diligence has been undertaken in identifying all land interests. Applicants must ensure that the Book of Reference (which records and categorises those land interests) is sufficiently up to date at the time of submission (acknowledging the timescales for preparing and updating it) and fully meets the requirements of Regulations 5 and 7 of the APFP Regulations 2009.”</p>	<p>Details of how the Applicant has exercised due diligence in identifying all persons under sections 42(1)(d) are provided in Chapters 5 (section 5.4.8) and 7 (section 7.2) of the Consultation Report [EN010149/APP/5.1].</p> <p>The Applicant confirms that the Book of Reference [EN010149/APP/4.3] is sufficiently up to date and fully meets the requirements of the APFP Regulations. All data relating to the Book of Reference is stored in a live electronic database and will be kept up to date as the Application progresses.</p>
024	<p>“Where appropriate, the Book of Reference should be supplemented by a Land and Rights Negotiation Tracker, submitted by the applicant and updated during the examination, setting out the status of negotiations with landowners, Crown bodies and statutory undertakers affected by proposals for compulsory acquisition of land or rights and temporary possession.”</p>	<p>The Applicant has submitted a Schedule of Negotiations [EN010149/APP/4.1] as part of the DCO Application which will be updated during the examination stage as required.</p> <p>This replaces the Lands & Rights Negotiation Tracker, following the precedent of recent DCO submissions and updated guidance. The Schedule of Negotiations covers all of the information contained within the Land and Rights Negotiation Tracker.</p>
024	<p>“It should be noted that for an accepted application, the situation concerning compilation of land interests can continue to evolve during the examination as new information becomes available,</p>	<p>The Applicant will continue to carry out diligent inquiry through the examination stage to ensure that the Book of Reference [EN010149/APP/4.3]</p>

Section	Topic	Applicant's response
	<p>and it is not uncommon for the Book of Reference to be revised and resubmitted more than once. This is usually a substantial undertaking and applicants should dedicate sufficient time and resource, particularly as in many cases there may be parcels of land where there is little information available. With this in mind, applicants are advised to make maximum use of electronic data bases when compiling the Book of Reference to enable such changes to be made easily.”</p>	<p>remains up to date. All data relating to the Book of Reference is stored in a live electronic database and will be kept up to date as the Application progresses.</p>
024	<p>“In addition, land interests can change over time and new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process, it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination.”</p>	<p>A full list of persons falling within section 44 of the PA 2008 is included in the Book of Reference [EN010149/APP/4.3] submitted with the Application.</p> <p>Following Phase Two Consultation, the Applicant carried out a targeted consultation between 17 July – 16 August 2024, which identified 21 new land interests as a result of minor amendments to the proposed Order Limits. Chapter 7 of the Consultation Report [EN010149/APP/5.1] details how additional new interests were identified and consulted on the Proposed Development.</p> <p>No new land interests were identified between targeted consultation (17 July – 16 August 2024) to submission of the Application. The Applicant will continue to carry out diligent inquiry through the examination stage to ensure that the Book of Reference [EN010149/APP/4.3] remains up to</p>

Section	Topic	Applicant's response
024	“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>date. All data relating to the Book of Reference is stored in a live electronic database and will be kept up to date as the Application progresses.</p> <p>Following Phase Two Consultation, the Applicant carried out a targeted consultation between 17 July – 16 August 2024, which identified 21 new land interests as a result of minor amendments to the proposed Order Limits. Chapter 7 of the Consultation Report [EN010149/APP/5.1] details how additional new interests were identified and consulted on the Proposed Development.</p> <p>No new land interests were identified between targeted consultation (17 July – 16 August 2024) to submission of the Application. The Applicant will continue to carry out diligent inquiry through the examination stage to ensure that the Book of Reference [EN010149/APP/4.3] remains up to date. All data relating to the Book of Reference is stored in a live electronic database and will be kept up to date as the Application progresses.</p> <p>A full list of persons falling within section 44 of the PA 2008 is included in the Book of Reference [EN010149/APP/4.3] submitted with the Application.</p>

Section	Topic	Applicant's response
025	<p>“The Programme Document will enable the Planning Inspectorate to determine at the Inception Meeting that the proposed consultation arrangements are adequate for the level of complexity of the proposed project. The Programme Document should also identify an appropriate milestone during the pre-application stage to enable the Planning Inspectorate to test the progress of the consultation.”</p>	<p>The Applicant conducted Phase One and Phase Two Consultation before this guidance (including the requirement for a Programme Document to be prepared) was published. The Applicant submitted a Programme Document on 11 July 2024.</p> <p>The Applicant held an Inception Meeting with the Planning Inspectorate on 24 January 2023, holding regular meetings to provide updates on the progress of the Proposed Development through the pre-application stage, including timings for consultation. The Applicant has set out how it has had regard to s51 advice received as part of these meetings in Chapter 3 (section 3.3) of the Consultation Report [EN010149/APP/5/2].</p>
025	<p>“This adequacy of consultation milestone should be early enough to enable applicants to consider how to undertake any additional engagement that may be needed, but sufficiently towards the end of the pre-application stage to assess the adequacy of the consultation that has been done. It is likely therefore to be no later than around 3 months before the intended date of submission of the application.</p> <p>The adequacy of consultation milestone should be recorded by the applicant and submitted to the Planning Inspectorate as a short statement of the elements of consultation which have been carried out compared with the components set out in the Programme Document and the SoCC. The statement should</p>	<p>The Applicant conducted Phase One and Phase Two Consultation before guidance (introducing the requirement for an adequacy of consultation milestone (“AoCM”)) was published.</p> <p>However, the Applicant acknowledged the value of engagement with host authorities on some elements of the AoCM prior to submitting the Application.</p> <p>Pre-submission engagement for the AoCM focused on agreeing a record of engagement undertaken with host authorities up to August 2024 and confirming that the Applicant had complied with its commitments set out in the SoCC - including how</p>

Section	Topic	Applicant's response
	<p>include the views and any relevant supporting material from local authorities if available.</p> <p>The adequacy of consultation milestone is an informal but nonetheless important opportunity to check that the pre-application programme is on track, and if it is seriously adrift the Planning Inspectorate will advise the applicant about the steps necessary to enable the application to be submitted having fulfilled the statutory requirements. Inevitably this could mean a renegotiation of the expected date of submission, with the objective of avoiding the prospect of an application not being accepted for examination.”</p>	<p>feedback from host authorities helped to shape the SoCC.</p> <p>The Applicant wrote to the host authorities on 10 September 2024 setting out the Applicant's proposed approach to engagement on the AoCM, ahead of a meeting on 12 September 2024. Following the meeting, the Applicant shared a draft of Appendix D-4: Compliance with the SoCC [EN010149/APP/5.2] with the host authorities on 13 September 2024.</p> <p>The Applicant received letters from the host authorities on 26 and 27 September 2024 confirming that, based on the documents provided and engagement undertaken to date, consultation undertaken on the Proposed Development was adequate and met the commitments set out in the SoCC.</p> <p>The letter to the host authorities, and copies of the letters received from the host authorities confirming engagement is included at Appendix B-3: Early engagement on Adequacy of Consultation of the Consultation Report [EN010149/APP/5.2].</p>
026	<p>“Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Planning Act and how the proposed</p>	<p>The Consultation Report [EN010149/APP/5.1] forms part of the DCO application for the Proposed Development and is submitted in accordance with section 37(3)(c) of the PA 2008. It describes the</p>

Section	Topic	Applicant's response
	<p>application has been shaped as a result. The Planning Inspectorate on behalf of the Secretary of State will consider this report when deciding whether or not the applicant has complied with the pre-application consultation requirements, and ultimately, whether or not an application can be accepted to proceed to examination.</p> <p>This report should not include an excessively detailed description of every element of the consultation programme. The main objective should be to provide clarity not just on what consultation has been done but, crucially, how the applicant has taken it into account. It should therefore:</p> <ul style="list-style-type: none">• provide a general description of the consultation process undertaken including the timeline;• set out specifically what the applicant has done to comply with the statutory requirements of the Planning Act, including advice issued under section 51 of the Planning Act, relevant secondary legislation and this guidance;• set out how the applicant has complied with the requirements to consult local communities described in the SoCC;• set out any relevant responses to consultation (but not a complete list of responses);• provide a description of how the proposed application for submission has been informed and influenced by taking	<p>pre-application consultation and engagement undertaken by the Applicant, summarises the responses received and explains how the Applicant has had regard to them to develop its proposals.</p> <p>The Consultation Report includes information required by this guidance, including:</p> <ul style="list-style-type: none">• An overview of the consultation process and timeline, which can be found in Chapter 1 of the Consultation Report [EN010149/APP/5.1].• Detail of how the Applicant has complied with the statutory requirements of the PA 2008, relevant secondary legislation and this guidance in this document (Appendices M-1: Compliance with PA 2008: Guidance on the pre-application stage for Nationally Significant Infrastructure Projects, April 2024 and M-2: Compliance with the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report, August 2024 [EN010149/APP/5.2]) and Chapter 5 of the Consultation Report [EN010149/APP/5.1]. Chapter 3 (section 3.3) of the Consultation Report [EN010149/APP/5.1] sets out how the Applicant has had regard to advice issued under s51 of the PA 2008.• Detail as to how the Applicant has complied with requirements to consult local communities in

Section	Topic	Applicant's response
	<p>account of those responses, showing any significant changes made as a result;</p> <ul style="list-style-type: none">• provide an explanation as to why any responses advising on changes to a proposed project, including advice from statutory consultees and local authorities on effects, were not followed; and• be expressed in terms sufficient to enable the Planning Inspectorate to understand fully how consultation has been undertaken, and how the issues raised through consultation have been addressed or responded to.”	<p>accordance with the SoCC is provided in Appendix D-4: Compliance with the SoCC [EN010149/APP/5.2].</p> <ul style="list-style-type: none">• The Applicant has included separate summary schedules of consultation responses for each phase of consultation, which are included as Appendices A-4, J-1, J-2 and K-3 to the Consultation Report [EN010149/APP/5.2]: Appendix A-4: Summary of responses from phase one consultation and consideration by topic sets out feedback received to Phase One Consultation and the Applicant's response. Appendices J-1: Summary of s42 responses from Phase Two Consultation and consideration by topic and J-2: Summary of s47 responses from Phase Two Consultation and consideration by topic set out feedback received from Phase Two Consultation and the Applicant's response. Appendix K-3: Summary of responses from targeted consultation and consideration by topic sets out feedback received to targeted consultation and the Applicant's response.• Chapters 2 (paragraphs 2.8.3-2.8.5), 6 (section 6.5) and 7 (section 7.5) of the Consultation Report [EN010149/APP/5.1] set out how the Applicant has had regard to feedback in

Section	Topic	Applicant's response
026	<p>“It is good practice that those who have contributed to the consultation are informed of the results. The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested.”</p>	<p>developing its proposals and highlights key changes made in response to feedback received through formal consultation.</p> <p>The consultation booklet (Appendix G-2: Phase Two Consultation materials and advertising [EN010149/APP/5.2]) published as part of Phase Two Consultation provided updates and changes made following Phase One Consultation. The documents were written in clear, accessible and non-technical language.</p> <p>Outside of formal phases of consultation, the Applicant undertook a number of meetings with stakeholders and the local community to discuss consultation feedback as outlined in Chapter 3 of the Consultation Report [EN10149/APP/5.1].</p> <p>Following acceptance of the Application, the Applicant will produce a summary note to highlight key changes to the Proposed Development and feedback from consultation, and provide a link to the Consultation Report.</p>

Section	Topic	Applicant's response
026	“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 effects, or whether a targeted response would be more appropriate.”	The Applicant has undertaken meetings with stakeholders and the local community to discuss feedback from formal consultation. Detail of how the Applicant has engaged with technical consultees on feedback received to consultation, including the development of Statements of Common Ground and agreement of protective provisions is outlined in Chapter 3 of the Consultation Report [EN010149/APP/5.2] .

Appendix M-2: Compliance with the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report, August 2024



Appendix M-2: Compliance with the Planning Inspectorate's Advice Note Fourteen: Compiling the Consultation Report, August 2024

Table M-2: Compliance with 'Advice Note Fourteen: Compiling the Consultation Report' (since updated to be 'Nationally Significant Infrastructure Projects: Advice on the Consultation Report' (August 2024))²

Advice	Evidence of compliance
<p>Introductory text should provide an overview including:</p> <ul style="list-style-type: none">• A summary of the consultation activities undertaken; and• a table or timeline summarising both statutory and non-statutory consultation in chronological order. <p>This section should explain the relationship between any initial strategic options stage, any subsequent non-statutory consultation that may have taken place, and the statutory consultation carried out under the PA 2008.</p>	<p>Chapter 1 (sections 1.1 to 1.3) of the Consultation Report [EN010149/APP/5.1] outlines the phases of consultation undertaken by the Applicant from the launch of the Proposed Development to submission of the Application and describes the progression of the Proposed Development, including the relationship between phases of consultation. Table 1-1 summarises pre-application consultation and engagement activities undertaken by the Applicant, which is also shown in Figure 1-1.</p>
<p>Many NSIPs evolve over an extended period with previous proposals, or elements of proposals, that may have been consulted on then abandoned.</p>	<p>The Applicant carried out a multi-phase consultation programme on the Proposed Development, which is presented chronologically in the Consultation Report [EN010149/APP/5.1].</p>

² Consultation was conducted and completed under previous Advice Note Fourteen, however the Applicant has also complied with the updated advice. Where PINS advice has been amended or added against the previous iteration, this text is shown in blue.

Advice

Where this is the case a brief description of any historic consultation activity, including any information available about the general content of the consultation and the number of responses at that time, can be helpful. However, a detailed planning history of the site is not necessary.

It is helpful if each stage of non-statutory and statutory consultation is presented and explained chronologically in separate chapters or sections of the report. This can also include separate summary schedules of consultation responses for each round of consultation, which could be included as an appendix to the report.

Evidence of compliance

Chapter 2 details Phase One Consultation, which was conducted between 24 January – 7 March 2023, **Chapters 5 and 6** outline Phase Two Consultation conducted between 11 January and 22 February 2024, and **Chapter 7** describes additional targeted consultation carried out between 17 July – 16 August 2024.

The Applicant has included separate summary schedules of consultation responses for each phase of consultation, which are included as **Appendices A-4, J-1, J-2 and K-3** to the Consultation Report [EN010149/APP/5.2]:

Appendix A-4: Summary of responses to Phase One Consultation and consideration by topic sets out feedback received to Phase One Consultation and the Applicant's response.

Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and **J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic** set out feedback received from Phase Two Consultation and the Applicant's response.

Appendix K-3: Summary of responses to targeted consultation and consideration by topic sets out feedback received to targeted consultation and the Applicant's response.

Advice

The report should include a list of all persons and consultation bodies that were consulted.

The applicant should provide a sample of the letter sent to each type of consultee which includes the date it was sent, and the deadline given for responses. These can be included as an appendix. The applicant should list the consultees in the order suggested below. For each type of consultee, the applicant should include the dates they were consulted.

The report should include details of when the applicant notified the Planning Inspectorate of their intention to submit a NSIP application and carry out statutory consultation. As required by section 46 of the Planning Act the applicant must

Evidence of compliance

A list of persons and bodies consulted under s42(1)(a) and (b) during Phase Two Consultation is provided in **Appendix E-1: List of prescribed consultees consulted under section 42(1)(a) and (b) during Phase Two Consultation [EN010149/APP/5.2]**.

A list of persons and bodies consulted during targeted consultation can be found in **Appendix K-1: List of prescribed consultees consulted during targeted consultation [EN010149/APP/5.2]**.

A full list of persons falling within section 44 of the PA 2008 is included within the **Book of Reference [EN010149/APP/4.3]** submitted with the Application.

Samples of letters which show the date it was sent, and confirming the deadline for receipt issued to consultees as part of Phase Two Consultation is provided in **Appendix F-1: Sample letters sent to consultees under s42(1)(a), (b) and (d) and non-prescribed consultees [EN010149/APP/5.2]**.

Samples of the letters issued as part of the targeted consultation which includes the date it was sent and states the deadline for receipt of responses is included in **Appendix K-2: Targeted consultation materials [EN010149/APP/5.2]**.

The Applicant wrote to the Secretary of State on 5 January 2024 in advance of s42 consultation commencing on 11 January 2024 to notify it of the consultation and set out where the consultation documents could be accessed. A copy of this letter is provided

Advice

notify the Planning Inspectorate before commencing consultation under section 42. The report should confirm when the full suite of consultation documents was provided to the Planning Inspectorate and include a list of those documents.

The list of the prescribed consultees should follow the order they are presented in **Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009** (the APFP Regulations 2009). Any variations between the applicant's list of prescribed consultees and the list set out in Schedule 1 of the APFP Regulations 2009 should be justified. Where relevant, the list of prescribed consultees should also include the Marine Management Organisation (section 42(1)(aa)) and the Greater London Authority (section 42(1)(c)). **The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024** introduced transitional provisions where the applicant has started to consult under section 42 before 30 April 2024.

Evidence of compliance

in **Appendix G-1.1: Section 46 notification [EN010149/APP/5.2]**.

The Applicant received an acknowledgement of receipt of information concerning the proposed application from the Planning Inspectorate on 8 January 2024. A copy of this letter is provided in **Appendix G-1.2: Acknowledgement of receipt of s46 notification [EN010149/APP/5.2]**.

Phase Two Consultation for the Proposed Development was completed prior to 30 April 2024, and therefore the Applicant consulted the prescribed consultees as listed within the APFP Regulations 2009. However, the Applicant reviewed the updated list of statutory bodies in Schedule 1 of the APFP Regulations and confirmed that all relevant statutory bodies or their successors were consulted by the Applicant where their statutory function was relevant to the Proposed Development.

Appendix E-1: List of prescribed consultees consulted under section 42(1)(a) and (b) during Phase Two Consultation [EN010149/APP/5.2] lists prescribed consultees consulted as part of Phase Two Consultation in the order they are presented in Schedule 1 of the APFP Regulations 2009.

The Applicant did not consult the Marine Management Organisation or Greater London Authority as part of Phase Two Consultation.

Appendix K-1: List of prescribed consultees consulted during targeted consultation [EN010149/APP/5.2] lists

Advice

Evidence of compliance

The report should include a short description of how section 43 of the Planning Act has been applied in identifying the relevant local authorities. This can be illustrated by a map showing the site and identifying the boundaries of the relevant local authorities.

The report should include the number of persons with an interest in the Order land who were consulted. This can be divided to show the numbers under each category set out in section 44 of the Planning Act. It is not necessary to list the names of all individuals identified in the Book of Reference.

The applicant must demonstrate that diligent enquiry was undertaken to identify persons under section 44 and to ensure that an up-to-date Book of Reference is submitted with the application. It should also set out the methodology for

prescribed consultees as part of targeted consultation in the order they are presented in Schedule 1 of the APFP Regulations 2009.

The Applicant has set out how it identified the relevant local authorities as prescribed in s43 of the PA 2008 in **Chapter 5** (paragraph 5.4.5) of the **Consultation Report [EN010149/APP/5.1]**, which includes maps (**Figures 5-1 and 5-2**) showing the administrative boundaries of the relevant local authorities and **Table 5-1** which lists the relevant local authorities and their category within section 43 of the PA 2008.

The Applicant has set out how it identified and consulted persons within one or more categories set out in section 44 of the PA 2008 in **Chapters 5** (paragraphs 5.4.7 – 5.4.13) and **7** (section 7.2) of the **Consultation Report [EN010149/APP/5.1]**, including confirmation of the number of persons consulted under each category.

A full list of persons falling within section 44 of the PA 2008 is included within the **Book of Reference [EN010149/APP/4.3]** submitted with the Application.

A full list of persons falling within section 44 of the PA 2008 is included in the **Book of Reference [EN010149/APP/4.3]** submitted with the Application.

The Applicant has sought to identify all land interests and ensure that the **Book of Reference [EN010149/APP/4.3]** remains up to

Advice

identifying persons in Category 3 (those who may make a relevant claim).

If changes to the red line boundary of the project were made during the pre-application stage, and as a result additional persons with an interest in land were identified and consulted, the applicant should describe:

- how many additional persons with an interest in land were consulted
- how and when they were consulted
- what information they were provided with

The applicant should explain how they have dealt with any new interests in land that have emerged after the statutory consultation has concluded.

Evidence of compliance

date. During the pre-application stage, the Applicant conducted regular refreshes of sources of information (every six months, or at significant milestones in the pre-application stage, whichever came first).

The Applicant has set out how it identified and consulted persons within one or more categories set out in section 44 of the PA 2008 in **Chapter 5** (paragraphs 5.4.7 – 5.4.13) of the **Consultation Report [EN010149/APP/5.1]**, including confirmation of the number of persons consulted under each category.

Following Phase Two Consultation, the Applicant carried out a targeted consultation between 17 July – 16 August 2024, which identified 21 new land interests as a result of minor amendments to the proposed Order Limits. **Chapter 7** of the **Consultation Report** (section 7.2) **[EN010149/APP/5.1]** details how additional new interests were identified and consulted on the Proposed Development.

No new land interests were identified between targeted consultation (17 July – 16 August 2024) and submission of the Application. The Applicant will continue to carry out diligent inquiry through the examination stage to ensure that the **Book of Reference [EN010149/APP/4.3]** remains up to date. All data relating to the Book of Reference is stored in a live electronic database and will be kept up to date as the Application progresses.

Advice

The Planning Inspectorate will need to be satisfied that the applicant has complied with the Statement of Community Consultation (SOCC) preparation process. The report should include evidence which shows:

- which local authorities were consulted about the content of the draft SOCC
- what the local authorities' comments were
- confirmation that the local authorities were given 28 days to provide their comments
- a description of how the applicant had regard to the local authorities' comments. [For example, where a local authority identified digitally disadvantaged groups the applicant should explain what mitigation was put in place to allow those people to engage, such as providing a telephone helpline](#)
- [where appropriate, an explanation of why the applicant did not act on a response from a local authority](#)

Evidence of compliance

Chapter 4 of the Consultation Report [EN010149/APP/5.1] details the Applicant's process for preparing the SoCC, including the local authorities consulted about its content (the host authorities for the Proposed Development). The host authorities were given 28 days to provide comments after first being given the opportunity to provide comments informally. Feedback from the host authorities and how the Applicant has had regard to it is included in **Appendices C-2: Regard had to host authority informal feedback on draft SoCC** and **C-4: Regard had to host authority formal feedback on draft SoCC [EN010149/APP/5.2]**.

Key changes made include:

- Revising the boundary of the inner zone to follow a 2-kilometre buffer around the proposed Site boundary, extending in some areas to consider the wider effects of the Proposed Development.
- Changing the location of a deposit point from Waddington Bar Library to The Venue, Navenby.
- Adding an additional public event at The Venue, Navenby.
- Moving four public events forward to week 2 of the consultation.

Advice

The applicant should provide evidence that the SOCC:

- was available for inspection online, Evidence could include a screenshot of the relevant webpage showing the published SOCC and including the full website address, relevant telephone number for enquiries, and confirmation that the public could access the webpage free of charge
- was published in the local press, Evidence should include a scanned copy of the published notice as it appeared, and details of the local newspapers it was published in and when

Where it is not possible to provide a clear scanned copy of a notice the applicant should provide the best available scanned copy and a document containing the text of the notice. If it was not possible to place the SOCC in a printed local newspaper the applicant should provide a screenshot of the notice as it was published in an online local newspaper. The screenshot should include the full website address, relevant telephone number for enquiries and the date of publication.

Where a SOCC was subject to one or more updates, the updated versions of each SOCC should be included. The report should explain why the SOCC was reviewed and updated from the previous version.

Where there are inconsistencies between the SOCC and the consultation carried out by the applicant, this should be

Evidence of compliance

The Section 47 notice publicising the availability of the SoCC was published in the Lincolnshire Echo, and a copy of this notice as it appeared is included in **Appendix D-2: Section 47 notice [EN010149/APP/5.2]**.

A screenshot of the project website showing availability of the SoCC is included in **Appendix D-3: Screenshot of Springwell Solar Farm website with availability of the SoCC [EN010149/APP/5.2]**.

The Applicant did not update the SoCC following its publication on 11 December 2023. A copy of the final SoCC is included at **Appendix D-1: Final SoCC [EN010149/APP/5.2]**.

The Applicant has set out how it conducted its consultation in line with the commitments in the SoCC in **Appendix D-4:**

Advice

clearly explained and justified. For example, where additional consultation took place that was not included in the SOCC.

Appendices should be used to provide evidence that demonstrates compliance with the requirements of the Planning Act, government guidance and the advice of the Planning Inspectorate and other statutory consultees.

The appendices should be clearly referenced in the report. The applicant should use a referencing system that corresponds to the chapters or sections of the report. A chronological approach which demonstrates the journey through the consultation should be used.

A separate appendix should be provided for each element of the section 42 statutory consultation and the section 48 publicity. For multi-stage statutory consultations, the appendices should be ordered chronologically with a separate appendix for each stage that is subdivided into the different elements of the consultation.

Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.

The summary of responses table for each stage of consultation can also be included as an appendix.

Evidence of compliance

Compliance with the SoCC [EN010149/APP/5.2]. In short, the Applicant complied with all its commitments set out in the SoCC.

The appendices for the **Consultation Report [EN010149/APP/5.1]** have been structured chronologically and are signposted clearly in the Report and throughout the text. This includes separate appendices for each phase of consultation.

The Applicant has included separate summary schedules of consultation responses for each phase of consultation, which are included as **Appendices A-4, J-1, J-2 and K-3** to the **Consultation Report [EN010149/APP/5.2]**:

Appendix A-4: Summary of responses to Phase One Consultation and consideration by topic sets out feedback received to Phase One Consultation and the Applicant's response.

Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and **J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic** set out feedback received from Phase Two Consultation and the Applicant's response.

Appendix K-3: Summary of responses to targeted consultation and consideration by topic sets out feedback received to targeted consultation and the Applicant's response.

Advice

The report should include a scanned copy of the section 48 notice as it appeared in the local and national newspapers and journals. *Where it is not possible to provide a clear scanned copy of the notice then the applicant should provide the best available scanned copy and a document containing the text of the notice. The scanned copy of the notice should clearly show the publication's name and the date of publication.*

Where it was not possible to place the notice in printed newspapers and journals, a screenshot of the notice as it was published in online publications should be provided. The screenshot should include the full website address, relevant telephone number for enquiries and the date of publication.

The report should confirm where and when the notice was published, and the time period given for responses.

The report should confirm that the section 48 notice was sent to the Environmental Impact Assessment (EIA) consultation bodies at the same time as it was published. See Regulation 13 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017).

The applicant should provide a summary of the individual responses received. The responses should be categorised in an appropriate way.

It may be appropriate for the applicant to group responses under headline issues. The applicant must not present

Evidence of compliance

Chapter 5 (Table 5.8) within the **Consultation Report [EN010149/APP/5.1]** includes the details of newspapers with the section 48 notice was published. Copies of the published section 48 notice for the Phase Two Consultation are included at **Appendix I-1: Newspaper notices published in compliance with s48 of PA 2008 [EN010149/APP/5.2]**.

Chapter 5 (section 5.7.4) of the **Consultation Report [EN010149/APP/5.1]** confirms that in accordance with Regulation 13 of the EIA Regulations on 11 January 2024 the Applicant enclosed a copy of the s48 notice to the consultation bodies as part of the s42 consultation letters. Samples of letters issued to consultees as part of Phase Two Consultation is provided in **Appendix F-1: Sample letters sent to consultees under s42(1)(a), (b) and (d) and non-prescribed consultees [EN010149/APP/5.2]**.

The Applicant has included separate summary schedules of consultation responses for each phase of consultation, which are included as **Appendices A-4, J-1, J-2 and K-3** to the **Consultation Report [EN010149/APP/5.2]**:

Advice	Evidence of compliance
<p>responses in a misleading way or out of context from the original views in the response.</p> <p>The applicant should provide an explanation of the method used (coding) to group and organise responses, including any safeguarding and cross-checking processes.</p> <p>The summary of responses should identify:</p> <ul style="list-style-type: none">• comments that are relevant (directly or indirectly) to changes made to the project during the pre-application stage. For example, changes to siting, route, design, or scale of the scheme itself, or to mitigation or compensatory measures proposed• comments that led to no change, including an explanation of why the applicant considered that no change to the project was required• comments that were received after deadlines set by the applicant and the process used to deal with these	<p>Appendix A-4: Summary of responses to Phase One Consultation and consideration by topic sets out feedback received to Phase One Consultation and the Applicant's response.</p> <p>Appendices J-1: Summary of s42(1)(a), (b) and (d) responses to Phase Two Consultation and consideration by topic and J-2: Summary of s47 responses to Phase Two Consultation and consideration by topic set out feedback received from Phase Two Consultation and the Applicant's response.</p> <p>Appendix K-3: Summary of responses to targeted consultation and consideration by topic sets out feedback received to targeted consultation and the Applicant's response.</p> <p>The Applicant has set out the method used to group and organise responses in Chapter 6 (paragraph 6.1.3) of the Consultation Report [EN010149/APP/5.1].</p>
<p>The report should provide evidence that demonstrates how the applicant has had regard to the government's guidance on the Pre-application stage. The report should illustrate how the relevant guidance has been followed. If the applicant has diverged from the guidance this should be explained and justified.</p>	<p>The Applicant has set out how it has complied with the government's guidance on the pre-application stage in Appendix M-1: Compliance with PA 2008: Guidance on the pre-application stage for NSIPs, April 2024 [EN010149/APP/5.2].</p>
<p>The applicant's consultation report should include evidence which demonstrates how they have had regard to the section</p>	<p>Chapter 3 (section 3.3) of the Consultation Report [EN010149/APP/5.1] demonstrates how the Applicant has had</p>

Advice	Evidence of compliance
<p>51 pre-application advice from the Planning Inspectorate and advice from the other statutory consultees which provide advice on behalf of the government.</p> <p>Provision of this evidence will:</p> <ul style="list-style-type: none">• support the applicant’s case to demonstrate that they have complied with the requirements of Part 5, Chapter 2 of the Planning Act• give confidence to stakeholders that the applicant has considered the statutory advice received and made all reasonable efforts to submit a well-prepared application <p>There is no prescribed format for providing this evidence however it may be best presented in a table appended to the consultation report.</p>	<p>regard to s51 pre-application advice from the Planning Inspectorate.</p>
<p>The adequacy of consultation milestone is a requirement established in the government’s guidance on the Pre-application stage.</p> <p>The Planning Inspectorate’s Pre-application Prospectus gives further details about the adequacy of consultation milestone procedure.</p> <p>The applicant should summarise how they have discharged the adequacy of consultation milestone procedure in the consultation report. This should include how the applicant has had regard to any comments received from local authorities,</p>	<p>The Applicant conducted Phase One Consultation and Phase Two Consultation before guidance (introducing the requirement for an adequacy of consultation milestone) was published.</p> <p>However, the Applicant acknowledged the value of engagement with host authorities on some elements of the AoCM prior to submitting the Application.</p> <p>Pre-submission engagement for the AoCM focused on agreeing engagement undertaken with host authorities up to August 2024 and confirming that the Applicant had complied with its commitments set out in the SoCC - including how feedback from host authorities helped to shape the SoCC.</p>

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statutory consultees and the Planning Inspectorate in relation to the adequacy of consultation milestone.

The applicant may have undertaken early non-statutory consultation. For example, with statutory consultation bodies when identifying options, or in advance of statutory consultation.

The applicant may also have been engaged in non-statutory consultation after the statutory consultation. For example, when changes have been made to the project.

The applicant should describe the non-statutory consultation that took place to the same level of detail as the statutory

Evidence of compliance

The Applicant wrote to the host authorities on 10 September 2024 setting out the Applicant's proposed approach to engagement on the AoCM, ahead of a meeting on 12 September 2024. Following the meeting, the Applicant shared a draft of **Appendix D-4: Compliance with the SoCC [EN010149/APP/5.2]** with the host authorities on 13 September 2024.

The Applicant received letters from the host authorities on 26 and 27 September 2024 confirming that, based on the documents provided and engagement undertaken to date, consultation undertaken on the Proposed Development was adequate and met the commitments set out in the SoCC.

The letter to the host authorities, and copies of the letters received from the host authorities is included at **Appendix B-3: Early engagement on Adequacy of Consultation [EN010149/APP/5.2]**.

Chapter 2 of the Consultation Report [EN010149/APP/5.1] details the initial, non-statutory Phase One Consultation conducted by the Applicant on its early plans and proposals. This includes detail on how the Applicant had regard to consultation responses to Phase One Consultation and how the feedback received influenced the Applicant's proposals.

Changes to the Proposed Development made following Phase One Consultation in response to feedback were detailed within the Phase Two Consultation materials (**Appendix G-2: Phase**

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consultation. While it is not necessary for the applicant to demonstrate how they have had regard to the non-statutory consultation comments, they should explain how comments received influenced the project.

The applicant should explain the nature and purpose of any targeted non-statutory consultation. For example, if it was geographically focused what consultees were included and what was the rationale for the geographic extent of the consultation. If a reduced number of prescribed consultees were consulted, the applicant should explain the rationale for the selection.

Where the applicant has made changes to the project, whether material or non-material. They should explain which consultees were informed about the change, the approach taken to selecting consultees and an explanation of how and when they were consulted.

Evidence of compliance

Two Consultation materials and advertising [EN010149/APP/5.2]).

The Applicant also undertook engagement with stakeholders and near neighbours prior to Phase Two Consultation to share changes made to the Proposed Development ahead of Phase Two Consultation. More detail is provided in **Chapter 3** of the **Consultation Report [EN010149/APP/5.1]**.

The Applicant did not undertake non-statutory consultation following Phase Two Consultation. The Applicant conducted targeted statutory consultation on minor additions to the proposed Order Limits between 17 July and 16 August 2024. Information about how the Applicant conducted targeted consultation, including how it identified relevant prescribed consultees is included in **Chapter 7** of the **Consultation Report [EN010149/APP/5.1]**. Detail about how the Applicant has engaged with stakeholders and the community following Phase Two Consultation is included in **Chapter 3** of the **Consultation Report [EN010149/APP/5.1]**.



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