



BEACON FEN ENERGY PARK – EN010151

Section 51 advice regarding draft application documents submitted by Beacon Fen Energy Park Limited

On 19 April 2024, Beacon Fen Energy Park Limited submitted the following draft document for review by the Planning Inspectorate as part of its Pre-application Service¹:

Consultation Report

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate’s review of the draft application document listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

Consultation Report		
Ref No.	Paragraph/ Section/ Table/ Appendix	Comment/Question
1.	General	It is noted that parts of the draft Consultation Report (CR) is incomplete and missing internal referencing. The observations provided as part of this feedback table is based on the submitted draft information only.
2.	General	The Applicant may wish to review the CR and associated appendices as submitted to ensure consistency and assess any typographical errors prior to submission.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Consultation Report		
Ref No.	Paragraph/ Section/ Table/ Appendix	Comment/Question
3.	General	It is noted that several of the appendices have not been provided as part of the draft CR submitted. It has therefore not been possible to review or provide feedback on Appendices 2, 3, 7 and 10, however the Applicant is reminded to ensure consistency between the final CR and associated appendices prior to submission.
4.	General	It would assist if the notification letter in relation to Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 could be submitted as part of the final Consultation Report and signposted within the CR and associated appendices.
5.	General	It is noted that there are several incomplete references to feedback, including feedback received at consultation and whether feedback has altered the proposals. Details of the regard the Applicant has had to the consultation feedback, including whether feedback has altered the proposals, has not been provided as part of the submitted draft information and should be submitted with the final application.
6.	General	The Applicant is reminded that prior to making its submission, application documents should be clearly referenced and/or document reference numbers provided to ensure effective cross-referencing across the suite of application documents. Please refer to Advice Note 6 for further guidance.
7.	Table 5.4 and Paragraph 6.6.14	It is noted that paragraph 6.6.14 refers to a 45-day period for consultation, however Table 5.4 refers to a total of 42 days. The Applicant is reminded to take note of feedback provided at Ref. No 2 above.
8.	Chapter 7, paragraph 7.2.1	The Applicant is reminded of s49 of the Planning Act 2008, where it is necessary to demonstrate via evidence that consultation responses have been taken into account. It is unclear in paragraph 7.2.1 whether the Marine Management Organisation (MMO) has been consulted or whether the Applicant is of the view that consultation with the MMO is not applicable. The Applicant, may wish to review Advice Note 14 for further advice in compiling the CR.



Consultation Report		
Ref No.	Paragraph/ Section/ Table/ Appendix	Comment/Question
9.	Chapter 7	It is noted that a list of consultees under section 42(d) has not been clearly signposted. Please ensure that a full list of all section 44 consultees consulted is provided and clearly signposted in Chapter 7 and Appendix 1. The Applicant, may wish to refer to sections 3 and 4 of Advice Note 14 for further advice.
10.	Chapter 7, paragraph 7.3.5	It is stated that “examples of the different letters sent to Section 42(a) consultees, local authorities and non-prescribed consultees along with the plans are included at Appendix 7.4”. It was not possible to review the letters as Appendix 7 was not provided as part of the draft information submitted. The letters should be submitted with the final application.
11.	Chapter 8	Chapter numbering for Chapter 8 of the CR is not consistent with the rest of the document.
12.	Chapter 8, paragraph 1.2.6	It would assist if a copy of the letter to EIA consultation bodies could be provided and signposted here.
13.	Chapter 7 and Chapter 9	It would be helpful, in respect of Section 42(d), if the full methodology for identifying section 44 consultees could be signposted.
14.	Table 9.3 and Table 9.4	It is noted that table 9.2 includes a column for the deadline for feedback. It would be useful if tables 9.3 and 9.4 could also include a column that states the deadline for feedback.
15.	Appendix 1	There appears to be incomplete/missing signposting to appendices in the ‘where addressed in the Consultation Report’ column. For example, the list of consultees (Section 42) and the final Statement of Community Consultation (Section 47) are not signposted.



Consultation Report		
Ref No.	Paragraph/ Section/ Table/ Appendix	Comment/Question
16.	Appendix 1	It is unclear why compliance in respect of the targeted consultation is not consistently included in the 'Where addressed in the Consultation Report' column, particularly at Section 42, Section 45, Section 46 and Section 47. Evidence of compliance should be included or an explanation of why compliance is not considered applicable in respect of the targeted consultation.
17.	Appendix 1 and Appendix 5	The Applicant may wish to review all cross-referencing. It is noted that there are a number of referencing errors, particularly to documents in Appendix 5.
18.	Appendix 8, page 4	Appendix 8.1 is displaying as 81.

General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: "*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*"