

Beacon Fen Energy Park – EN010151

Beacon Fen Energy Park Limited

Section 51 Advice Log

Version: 15 January 2025

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Beacon Fen Energy Park Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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<u>November 2024</u>	Advice on the Programme Document
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Advice on the Programme Document

Topic

Programme Document Feedback

The applicant supplied the Inspectorate with its initial Programme Document in line with the Expression of Interest process, after the publication of the 2024 Pre-application Prospectus. Having reviewed the document, the Inspectorate considers overall that it covers the expected content as set out in the government's pre-application guidance at paragraph 10, namely setting out expected programme timescales, the main issues and risks and related information on its pre-application activities. However, in updating its Programme Document, the applicant should:

- include whether the Programme Document has been shared with relevant local authorities, statutory consultees and others and whether they are content with the proposed programme;
- include dates for the consultation with relevant local authorities on its draft Statement of Community Consultation (SoCC) and publication of final SoCC, any Evidence Plan activities and anticipated project update meetings with the Inspectorate, and provide information about any other consents or permissions being sought;
- reasons why the Adequacy of Consultation Milestone is not being set three-months before the expected submission of the application in line with guidance and any effects on additional engagement that might be needed;
- whether the applicant will use an Issues Tracker and whether it will be shared with local authorities, statutory consultees and others, indicating whether these parties agree with the status of the issues raised and any possible mitigation.

It would also be helpful if the applicant could provide any details on the progress of developing its application documents and any issues arising. The updated Programme Document needs to be published on the applicant's website as soon as practicable and updated throughout the pre-application stage when needed.

January 2025	Advice on the Adequacy of Consultation Milestone (AoCM)
Section 1.1.	<p>The concerns from some local authorities expressed about the limited engagement undertaken by the applicant in their view following the Preliminary Environmental Information Report (PEIR) as well as their uncertainty on the extent of regard the applicant has had to consultation responses in shaping the application or project design, are noted (appendix 1.1.). In response to these comments, we also note how the applicant proposes to provide a further opportunity for engagement with these councils with a briefing to take place on 15 January 2025, to discuss the recent scheme evolution and its assessment methodologies (paragraph 1.1.11). The applicant should describe the non-statutory phases and engagement undertaken to the same level of detail as the statutory consultation in its Consultation Report at acceptance stage, alongside how it has executed its consultation duties under the Planning Act 2008, including the regard given to consultation responses under section 49, as explained in our advice on draft application documents.</p>
Paragraph 5.1.10	<p>It is unclear 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 is advised to ensure that all relevant statutory consultees are consulted, and where the applicant has considered it unnecessary to include a specific statutory consultee, to provide an explanation as to why.</p>
Paragraph 5.1.10	<p>It would be helpful if an explanation of how section 44 category 3 persons were identified and a brief explanation of the applicant's ongoing commitment to due diligence in relation to identification of persons with an interest in land could be provided in the AoCM.</p>
General	<p>It is expected that, where applicable, the AoCM confirms that a copy of the section 48 notice been sent to the Environmental Impact Assessment (EIA) consultation bodies and to any person notified to the applicant in accordance with regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p>