

Booth, Elliott

From: Cook, Robert
Sent: 22 May 2024 15:23
To: Kretschmer, Naomi
Cc: Fosse Green Energy
Subject: The Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024 – Section 42 consultation

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Dear Naomi

The Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024 came into force on 30 April 2024 and amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP)) Regulations 2009. The transitional provisions at Regulation 4 of the MP Regulations 2024 confirm that the recently amended APFP Regulations 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 Planning Act 2008 before 30 April 2024. The Inspectorate is contacting you as it understands that consultation under Section 42 for the Fosse Green Energy had not commenced prior to 30 April 2024.

The Inspectorate would like to inform you that as the scoping opinion request for Fosse Green Energy was received prior to 30 April 2024, the list of consultation bodies notified and consulted by the Planning Inspectorate before adopting the scoping opinion (as set out in the 'Regulation 11 list' provided to the Applicant as per Regulation 11(1)b of the Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017), will not reflect the recent amendments to the APFP Regulations. The Applicant is therefore advised to review the transitional provisions in Regulation 4 of the MP Regulations 2024, together with the amendments to the APFP Regulations, and consider whether any new or different consultation bodies should be included in the consultations for the project. Please be aware that it is the responsibility of the Applicant to ensure their consultation fully accords with the requirements of the Planning Act 2008 and associated regulations and guidance. The Regulation 11 list has been compiled by the Planning Inspectorate on behalf of the Secretary of State in its duty to notify the consultation bodies in accordance with Regulation 11(1)(a) of the EIA Regulations and, whilst it can inform the Applicant's own consultation, it should not be relied upon for that purpose.

Kind regards

Robert Cook



The Planning
Inspectorate

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