

XLINKS' MOROCCO-UK POWER PROJECT

Consultation Report

**Annex M: Compliance with guidance and advice notes
Appendices M-1 to M-2**

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XLINKS' MOROCCO – UK POWER PROJECT

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Glossary

Term	Meaning
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (having regard to the changes made in The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024)
EIA Regulations 2017	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017)
MP Regulations	The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024
Planning Act 2008	The Planning Act 2008
The Applicant	Xlinks 1 Ltd
The Project	The Morocco-UK Power Project
The Proposed Development	The parts of the Morocco-UK Power Project located within the UK
The Section 35 direction	The Secretary of State for Energy Security and Net Zero's direction under Section 35 of the Planning Act 2008 that the Proposed Development should be considered as Nationally Significant

Acronyms

Acronym	Meaning
AC	Alternating Current
AIL	Abnormal indivisible load

XLINKS' MOROCCO – UK POWER PROJECT

Acronym	Meaning
ALC	Agricultural land classification
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity net gain
CEA	Cumulative Effects Assessment
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DC	Direct Current
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
ES	Environmental Statement
GHG	Greenhouse gas
HDD	Horizontal Directional Drilling
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
LEMP	Landscape and Ecology Management Plan
LNR	Local Nature Reserve
MHCLG	Ministry of Housing, Communities and Local Government
On-CEMP	Onshore Construction Environmental Management Plan
PA 2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
PINS	The Planning Inspectorate
PRoW	Public Right of Way
SoCC	Statement of Community Consultation
SSSI	Site of Special Scientific Interest
STEM	Science, technology, engineering and mathematics
TRO	Traffic Regulation Order
TTRO	Temporary Traffic Regulation Order
UKCP	UK Climate Protections

Units

Units	Meaning
GW	Gigawatt
kV	Kilovolt
KM	Kilometre
M	Miles
MW	Megawatt
NM	Nautical mile

1 APPENDIX M-1: COMPLIANCE WITH PLANNING ACT 2008: GUIDANCE ON THE PRE-APPLICATION STAGE FOR NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS, APRIL 2024

1.1 Introduction

1.1.1 This appendix sets out compliance with the Ministry of Housing, Communities and Local Government’s Planning Act 2008: The pre-application stage for Nationally Significant Infrastructure Projects, April 2024 (MHCLG, 2024).

1.2 Evidence of compliance

1.2.1 Table M-1 below sets out evidence of compliance with the Ministry of Housing, Communities and Local Government’s Planning Act 2008: The pre-application stage for Nationally Significant Infrastructure Projects, April 2024 (MHCLG, 2024).

Table M-1: Compliance with the Ministry of Housing, Communities and Local Government’s Planning Act 2008: The pre-application stage for Nationally Significant Infrastructure Projects, April 2024

Section	Topic	Applicant’s response
019	<p>“Applicants are responsible for consulting on proposed applications for Development Consent Orders (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 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 	<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 (Document Ref: 5.1).</p> <p>The Applicant publicised the proposed application in accordance with section 48 of the</p>

	<p>2009 (APFP Regulations), as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 (MP Regulations);</p> <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 Statement of Community Consultation (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 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (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>Planning Act 2008 (PA 2008) and APFP Regulations, as set out in section 6.5 of the Consultation Report. Copies of s48 notices as published are available in Appendix I-1 of the Consultation Report (Document Ref: 5.2).</p>
<p>019</p>	<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 6 of the Consultation Report (Document Ref: 5.1) sets out the Applicant’s approach to statutory consultation.</p> <p>More information about the phases of consultation (non-statutory, statutory and targeted consultation) conducted by the Applicant can be found in chapters 3, 5, 6 and 8 of the Consultation Report (Document Ref: 5.1).</p> <p>Feedback from consultees and local communities has helped to influence the Proposed Development. Chapters 3 and 7 of the Consultation Report</p>

		(Document Ref: 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. A summary of the regard had by the Applicant to consultation is set out in Appendices J-1 to J-5 of the Consultation Report (Document Ref: 5.2).
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, including two phases of non-statutory consultation prior to the designation of the Proposed Development as nationally significant, statutory consultation and targeted consultation. This was complemented by an ongoing programme of stakeholder and community engagement to involve the local community, host authorities and statutory consultees at the earliest possible opportunity.</p> <p>Chapters 3, 5, 6 and 8 of the Consultation Report (Document Ref: 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 prior to the designation of the Proposed Development as nationally significant.</p>
019	“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	The Consultation Report (Document Ref: 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

	State whether the consultation is adequate.”	process in accordance with section 50 of the PA 2008.
020	“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>The Applicant conducted a multi-stage consultation on the Proposed Development. This included two phases of non-statutory consultation prior to the designation of the Proposed Development as nationally significant, a ‘statutory’ phase of consultation which discharged the obligations of sections 42, 47 and 48 of the PA 2008 concurrently, and a targeted consultation on proposed changes to the proposed Order limits.</p> <p>A summary of pre-application consultation and engagement milestones is presented in Table 2-1 of the Consultation Report (Document Ref: 5.1).</p>
020	“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 Document supplied by the applicant to the Planning Inspectorate for the Inception Meeting.”	<p>The Applicant held an Inception Meeting with the Planning Inspectorate on 6 November 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 Inception Meeting took place prior to the introduction of programme documents. The Applicant provided a Programme Document once the updated guidance was introduced. The Applicant has set out how it has had regard to advice received under section 51 of PA 2008 as part of these meetings in section 3.7 of the Consultation Report (Document Ref: 5.1).</p>
020	“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.	<p>The Applicant conducted thorough, effective and proportionate consultation on the Proposed Development. This included two rounds of non-statutory</p>

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.”

consultation prior to the designation of the Proposed Development as nationally significant, as well as a period of statutory consultation. The statutory consultation period significantly exceeded the 28-day minimum laid down in PA 2008.

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 consultation is available in Chapters 3 and 6 of the Consultation Report (Document Ref: 5.1).

Given the limited nature of proposed changes consulted on as part of the targeted consultation, consultation ran for 30 days. More information about how the Applicant carried out targeted consultation is set out in Chapter 8 of the Consultation Report (Document Ref: 5.1).

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.”

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 the non-statutory and statutory consultations are set out in Chapters 3 and 7 of the Consultation Report (Document Ref: 5.1).

Where changes to the Proposed Development required additions to the Order limits, the Applicant conducted an additional, targeted consultation on the proposed changes. No design changes were requested by respondents to this

		<p>consultation, as set out in Chapter 8 of the Consultation Report (Document Ref: 5.1).</p>
<p>020</p>	<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 needing to be consulted under section 42 of the Planning Act have been identified, but such targeted consultation will not require the production of Preliminary Environmental Information provided proportionate and appropriate information on environmental implications of any changes, where necessary, is provided.”</p>	<p>Changes made to the Proposed Development following the statutory consultation required minor additions to be made to the Order limits, so the Applicant conducted a further, targeted, consultation on the changes. The Applicant designed a consultation that was proportionate to the likely effects of the proposed changes - given 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.</p> <p>More information about the targeted consultation is detailed in Chapter 8 of the Consultation Report (Document Ref: 5.1).</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 PA 2008 and the APFP Regulations. Details of how the Applicant identified and consulted with prescribed consultees where their statutory function was relevant to the Proposed Development during statutory consultation is included in Chapter 6 of the Consultation Report (Document Ref: 5.1). Details of how the Applicant identified and consulted with relevant prescribed consultees during targeted consultation is included in Chapter 8 of the Consultation Report (Document Ref: 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 section 47 of the PA 2008. In addition, the Applicant sought the views of a range of groups which were not statutory consultees but could have a potential interest in the Proposed Development (see Chapter 6 of the Consultation Report (Document Ref: 5.1)).</p>
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</p>	<p>The Applicant identified and consulted with consultees identified the new table of persons prescribed for the purpose of section 42(1)(a) of the Planning Act (duty to consult). Identified consultees are set out in Appendix E-1 of the Consultation Report (Document Ref: 5.2). No bodies identified in the APFP Regulations 2009 as amended by the MP Regulations had ceased to exist at the time of statutory consultation.</p>

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.”

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 Proposed Development went through an extensive formative stage prior to its designation as nationally significant. This included two stages of non-statutory consultation as set out in Chapter 3 of the Consultation Report (Document Ref: 5.1). These informed the Inception Meeting on 6 November 2023. The Inception Meeting took place prior to the introduction of programme documents. The Applicant provided a Programme Document once these were introduced.</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 how they will show how they have responded to their issues of concern.”</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 statutory consultation. In preparing the SoCC, the Applicant considered how to ensure the consultation was accessible to people likely to have an interest in the Proposed Development. The SoCC included 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 5 of the Consultation Report (Document Ref: 5.1).</p>

022	<p>“Local communities may need support to help them to input to the Nationally Significant Infrastructure Project (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>Chapters 5 and 6 of the Consultation Report (Document Ref: 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, including:</p> <ul style="list-style-type: none"> • Consultation booklet (Appendix G-2): an accessible, 40-page non-technical overview of the Proposed Development (print and digital); • Consultation questionnaire (Appendix G-2): the main mechanism for collecting feedback (print and digital); • Consultation maps (Appendix G-2): including an updated masterplan, along with separate maps showing each part of the Proposed Development; • Exhibition banners (Appendix G-2): an accessible summary of the Proposed Development, EIA process, the consultation and planning process, approaching to community benefit and next steps displayed at the in-person public events, with digital versions available to view and download;
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- Preliminary Environmental Information Report 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 Preliminary Environmental Information Report (PEIR) included a non-technical summary of the preliminary assessment of effects.

Appendix G-2 of the Consultation Report is available as Document Reference 5.2. Formal stages of consultation supplemented by an ongoing programme of stakeholder and community engagement which took place throughout the pre-application stage. This included individual meetings with near neighbours to inform on the design of the Proposed Development. Information about community engagement outside of formal consultation is detailed in Chapter 3 of the Consultation Report (Document Ref: 5.1).

023

“Applicants must:

- 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

During statutory 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, is included in Chapter 6 of the Consultation Report (Document Ref: 5.1). A full list of section 42 consultees consulted on

- 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.”
- the Proposed Development is available in Appendices E-1 and E-2 of the Consultation Report (Document Ref: 5.2).
- The Applicant publicised the proposed application in accordance with section 48 of the PA 2008 and APFP Regulations, as set out in section 6.5 of the Consultation Report (Document Ref: 5.1). Copies of s48 notices as published are available in Appendix I-1 of the Consultation Report (Document Ref: 5.2).
- The Applicant has set out how it has had regard to consultation responses from consultees under sections 42, 47 and 48 of the PA 2008 in Appendices J1-J5 (Document Ref: 5.2) of the Consultation Report.
- The Applicant conducted targeted consultation on minor additions to the Order limits between 6 September 2024 and 7 October 2024. The Applicant designed a consultation that was proportionate to the likely effects of the proposed changes - given 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. In compiling a list of relevant prescribed consultees to be consulted, the Applicant had regard to the list of prescribed consultees listed in the updated Schedule 1 of the APFP Regulations.
- Information about how the Applicant identified and consulted with consultees for the targeted consultation is set out in Chapter 8 of the Consultation Report (Document Ref: 5.1). A full list of consultees for the targeted consultation is available in Appendix K-1 of the Consultation

		<p>Report (Document Ref: 5.2). The Applicant did not publicise the targeted consultation in accordance with section 48 of the PA 2008 due to the targeted nature of the consultation, given the limited nature of the changes and that they introduced no changes to the preliminary environmental information published by the Applicant during the statutory consultation.</p>
<p>023</p>	<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 the EIA undertaken for the Proposed Development is included in the ‘Further engagement’ section of each relevant chapter for each topic of the Environmental Statement (Document Ref: 6.1 – 6.4).</p> <p>As part of its statutory consultation, the Applicant invited comments on a Preliminary Environmental Information Report. A summary of feedback received to statutory consultation and the Applicant’s consideration by topic is provided in Appendices J-1 to J-5 of the Consultation Report (Document Ref: 5.2).</p>
<p>024</p>	<p>“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>	<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 (Document Ref: 5.1) and the relevant chapters of the Environmental Statement (Document Ref: 6.1 – 6.4). This included entering into Planning Performance Agreements with the host authorities, and entering into a cost recovery arrangement with Natural England to ensure engagement with technical specialists throughout the Proposed Development.</p>

024	<p>“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>	<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>Statutory consultation: Section 6.2.5 – 6.2.8 of the Consultation Report (Document Ref: 5.1) sets out how the Applicant identified and consulted with section 44 consultees. A full list of people consulted under section 44 of the PA 2008 is included in Appendix E-2 of the Consultation Report (Document Ref: 5.2).</p> <p>Targeted consultation: See 8.3 of the Consultation Report (Document Ref: 5.1) for details of the process used for identifying section 44 consultees for the targeted consultation and Appendix K-1 of the Consultation Report (Document Ref: 5.2) for the list of consultees. 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 statutory consultation.</p>
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 section 6.2.5 – 6.2.8 of the Consultation Report (Document Ref: 5.1).</p> <p>The Applicant confirms that the Book of Reference (Document Ref: 4.3) is sufficiently up to date and fully meets the requirements of the APFP Regulations.</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</p>	<p>The Applicant has submitted a Schedule of Negotiations and Powers Sough (Document Ref: 4.4) as part of the DCO Application</p>

	bodies and statutory undertakers affected by proposals for compulsory acquisition of land or rights and temporary possession.”	which will be updated during the examination stage as required.
024	“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, 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.”	The Applicant will continue to carry out diligent inquiry through the examination stage to ensure that the Book of Reference (Document Ref: 4.3) remains up to date.
024	“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.”	The Applicant carried out a targeted consultation between 6 September and 7 October 2024, which identified 35 land interests as a result of minor amendments to the Order limits. Chapter 8 of the Consultation Report (Document Ref: 5.1) details how additional new interests were consulted on the Proposed Development.
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.”	The Applicant carried out a targeted consultation between 6 September and 7 October 2024, which identified 35 land interests as a result of minor amendments to the Order limits. Chapter 8 of the Consultation Report (Document Ref: 5.1) details how

		additional new interests were consulted on the Proposed Development.
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 held an Inception Meeting with the Planning Inspectorate on 6 November 2023, holding regular meetings to provide updates on the progress of the Proposed Development through the pre-application stage, including timings and methods for consultation. The Inception Meeting therefore took place before the requirement for a Programme Document was established.</p> <p>The Applicant has set out how it has had regard to advice received under section 51 of PA 2008 as part of these meetings in Chapter 3 of the Consultation Report (Document Ref: 5.1).</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 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</p>	<p>The timescales for the submission of this DCO application meant that the transitional provisions applied. The Applicant understands that the Adequacy of Consultation Milestone is optional under these provisions. Given the timing of the application submission, the Applicant did not consider that it would be possible to provide the Adequacy of Consultation Milestone Document no later than around 3 months before the intended date of submission. The Applicant did engage directly with local authorities to provide them with evidence of Adequacy of Consultation prior to the submission of the DCO application.</p>

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.”

026

“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 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.

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:

- 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);

The Consultation Report (Document Ref: 5.1) forms part of the DCO application for the Proposed Development and is submitted in accordance with section 37(3)(c) of PA 2008. It describes the 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.

The Consultation Report (Document Ref: 5.1) includes information required by this guidance, including:

- An overview of the consultation process and timeline, which can be found in Chapter 2 of the Consultation Report (Document Ref: 5.1).
- Detail of how the Applicant has complied with the statutory requirements of the PA 2008, relevant secondary legislation and this guidance in Appendices M-1 and M-2 (Document Ref: 5.2) and Chapter 6 of the Consultation Report (Document Ref: 5.1). Chapter 3 of the Consultation Report sets out how the Applicant has had regard to advice issued under section 51 of PA 2008.

- provide a description of how the proposed application for submission has been informed and influenced by taking account of those responses, showing any significant changes made as a result;
 - 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.”
- Detail as to how the Applicant has complied with requirements to consult local communities in accordance with the SoCC is provided in Appendix D-2 (Document Ref: 5.2).
 - Chapters 3, 7 and 8 of the Consultation Report (Document Ref: 5.1), alongside Appendices J-1 to J-5 and Appendix K-3 of the Consultation Report (Document Ref: 5.3) 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, as well as an explanation where the Applicant has not followed advice from statutory consultees and local authorities.

026

“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.”

The consultation booklet (see Appendix G-2 of Consultation Report (Document Ref: 5.2)) published as part of the statutory consultation provided updates and changes made following phase one consultation. The documents were written in clear, accessible and non-technical language.

Outside of formal phases of consultation, the Applicant undertook a number of meetings with stakeholders to discuss consultation feedback as outlined in Chapters 3 and 8 of the Consultation Report (Document Ref: 5.1).

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 (Document Ref: 5.1).
026	<p>“A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant effects, or whether a targeted response would be more appropriate.”</p>	<p>The Applicant has set out how it has had regard to all consultation responses in Appendices J-1 to J-5 of Consultation Report (Document Ref: 5.2). Where the technical nature of the response has required further engagement, 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 is outlined in Chapter 8 of the Consultation Report (Document Ref: 5.1), and where appropriate reflected in the responses given in Appendices J-1 to J-5 of the Consultation Report (Document Ref: 5.2).</p>

2 APPENDIX M-2: COMPLIANCE WITH THE PLANNING INSPECTORATE'S NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS: ADVICE ON THE CONSULTATION REPORT, AUGUST 2024

2.1 Introduction

2.1.1 This appendix sets out compliance with the Planning Inspectorate's Nationally Significant Infrastructure Projects: Advice on the Consultation Report, August 2024 (The Planning Inspectorate, 2024).

2.2 Evidence of compliance

2.2.1 Table M-2 below sets out evidence of compliance with the Planning Inspectorate's Nationally Significant Infrastructure Projects: Advice on the Consultation Report, August 2024 (The Planning Inspectorate, 2024).

Table M-2: Compliance with the Planning Inspectorate's Nationally Significant Infrastructure Projects: Advice on the Consultation Report, August 2024

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>Sections 2.1 to 2.4 of the Consultation Report (Document Ref: 5.1) outlines the consultation undertaken by the Applicant from the launch of the Proposed Development to the statutory consultations and describes the progression of the Proposed Development, including the relationship between phases of consultation. Section 2.3 summarises design development and explains the relationship between initial strategic options stages, non-statutory consultation which took place prior to the Section 35 direction, and statutory consultation carried out under PA 2008. Table 2-1 summarises pre-application consultation and engagement activities undertaken by the Applicant.</p>

Many NSIPs evolve over an extended period with previous proposals, or elements of proposals, that may have been consulted on then abandoned.

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.

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 notify the Planning Inspectorate before commencing consultation under section 42. The report should confirm when the full

The Applicant carried out a multi-phase consultation programme on the Proposed Development, including two stages of consultation prior to the designation of the Proposed Development as nationally significant, which is presented chronologically in the Consultation Report (Document Ref: 5.1).

Chapter 3 details non-statutory consultation and engagement prior to the designation of the Proposed Development as nationally significant, which took place between November 2022 and September 2023. Chapters 5 and 6 outline statutory consultation conducted between 16 May 2024 and 11 July 2024. Chapter 8 describes additional targeted consultation carried out between 6 September and 7 October 2024.

A list of persons and bodies consulted during the statutory consultation is provided in Appendices E-1, E-2 and H-1 of the Consultation Report (Document Ref: 5.2). A list of persons and bodies consulted during targeted consultation can be found in Appendix K-1 of the Consultation Report (Document Ref: 5.2).

Samples of letters which show the date it was sent, and confirming the deadline for receipt issued to consultees as part of statutory consultation is provided in Appendix F-1 of the Consultation Report (Document Ref: 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 of the Consultation Report (Document Ref: 5.2).

The Applicant wrote to the Secretary of State on 15 May 2024 in advance of section 42 consultation commencing on 16 May 2024 to notify them of the consultation and set out where the consultation documents could be accessed. A copy of this letter is provided in Appendix F-2 of the Consultation Report (Document Ref: 5.2).

<p>suite of consultation documents was provided to the Planning Inspectorate and include a list of those documents.</p>	<p>The Applicant received an acknowledgement of receipt of information concerning the proposed application from the Planning Inspectorate on 15 May 2024. A copy of this letter is provided in Appendix F-2 of the Consultation Report (Document Ref: 5.2).</p>
<p>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.</p>	<p>Appendix E-1 of the Consultation Report (Document Ref: 5.2) lists prescribed consultees consulted as part of statutory consultation in the order they are presented in Schedule 1 of the APFP Regulations. The Applicant did not consult the Greater London Authority as part of statutory consultation.</p>
<p>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.</p>	<p>The Applicant has set out how it identified the relevant local authorities as prescribed in section 43 of the PA 2008 in Section 6.2 of the Consultation Report (Document Ref: 5.1), which includes maps (Figures 6-1 and 6-2) showing the administrative boundaries of the relevant local authorities.</p>
<p>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.</p>	<p>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 paragraphs 6.2.5 – 6.2.8 of the Consultation Report (Document Ref: 5.1). The numbers consulted within each category is available in Appendix E-2 of the Consultation Report (Document Ref: 5.2).</p>
<p>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 identifying</p>	<p>The Applicant has sought to identify all land interests and ensure that the Book of Reference (Document Ref: 4.3) remains up to date. During the pre-application stage, the Applicant conducted regular refreshes of sources of information (every six months, or</p>

<p>persons in Category 3 (those who may make a relevant claim).</p> <p>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:</p> <ul style="list-style-type: none"> • how many additional persons with an interest in land were consulted • how and when they were consulted • what information they were provided with <p>The applicant should explain how they have dealt with any new interests in land that have emerged after the statutory consultation has concluded.</p>	<p>at significant milestones in the pre-application stage, whichever came first).</p> <p>Details of the Applicant’s approach to this for statutory consultation is summarised in paragraphs 6.2.5 – 6.2.8 of the Consultation Report (Document Ref: 5.1). The same process was carried out for the targeted consultation, with details provided about the consultation provided in Chapter 8 of the Consultation Report (Document Ref: 5.1), including how additional persons were identified (section 8.3). Consultation materials are included in Appendix K-2 of the Consultation Report (Document Ref: 5.2).</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>Chapter 5 of the Consultation Report (Document Ref: 5.1) details the Applicant’s process for preparing the SoCC, including the local authorities consulted about its content. The local authorities were given 28 days to provide comments after first being given the opportunity to provide comments informally. Feedback from the local authorities and how the Applicant has had regard to it is included in Appendices C-3 and C-4 of the Consultation Report (Document Ref: 5.2).</p>
<p>The applicant should provide evidence that the SOCC:</p> <ul style="list-style-type: none"> • was available for inspection online, Evidence could include a screenshot of 	<p>The Section 47 notice publicising the availability of the SoCC was published in the North Devon Gazette and a copy of this notice</p>

<p>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</p> <ul style="list-style-type: none"> 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 	<p>as it appeared is included in Appendix D-1 of the Consultation Report (Document Ref: 5.2).</p> <p>A screenshot of the Proposed Development website showing availability of the SoCC is included in Appendix L-1 of the Consultation Report (Document Ref: 5.2).</p>
<p>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.</p>	
<p>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.</p>	<p>The Applicant did not update the SoCC following its publication on 14 May 2024. A copy of the final SoCC is included at Appendix D-1 of the Consultation Report (Document Ref: 5.2). The Applicant has set out how it conducted its consultation in line with the commitments in the SoCC in Appendix D-2 of the Consultation Report (Document Ref: 5.2).</p>
<p>Where there are inconsistencies between the SOCC and the consultation carried out by the applicant, this should be clearly explained and justified. For example, where additional consultation took place that was not included in the SOCC.</p>	<p>The appendices for the Consultation Report (Document Ref: 5.1) have been structured chronologically and are signposted clearly in the Consultation Report and throughout the text. Evidence relating to consultation under section 42 of PA 2008 is included in Appendices E-1, E-2, E-3 and F-1 (Document Ref: 5.2). Evidence of publicity under section 48 of PA 2008 is included in Appendix I-1 (Document Ref: 5.2). Evidence of non-statutory consultation and engagement is assembled in Appendices A-1 – A-3 (Document Ref: 5.2).</p>
<p>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.</p>	<p>The appendices for the Consultation Report (Document Ref: 5.1) have been structured chronologically and are signposted clearly in the Consultation Report and throughout the text. Evidence relating to consultation under section 42 of PA 2008 is included in Appendices E-1, E-2, E-3 and F-1 (Document Ref: 5.2). Evidence of publicity under section 48 of PA 2008 is included in Appendix I-1 (Document Ref: 5.2). Evidence of non-statutory consultation and engagement is assembled in Appendices A-1 – A-3 (Document Ref: 5.2).</p>
<p>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.</p>	<p>The appendices for the Consultation Report (Document Ref: 5.1) have been structured chronologically and are signposted clearly in the Consultation Report and throughout the text. Evidence relating to consultation under section 42 of PA 2008 is included in Appendices E-1, E-2, E-3 and F-1 (Document Ref: 5.2). Evidence of publicity under section 48 of PA 2008 is included in Appendix I-1 (Document Ref: 5.2). Evidence of non-statutory consultation and engagement is assembled in Appendices A-1 – A-3 (Document Ref: 5.2).</p>

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.

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).

Table 6-7 within the Consultation Report (Document Ref: 5.1) includes the details of newspapers with the section 48 notice was published. Copies of the published section 48 notice are included at Appendix I-1 of the Consultation Report (Document Ref: 5.2).

Paragraph 6.5.6 of the Consultation Report (Document Ref: 5.1) confirms that in accordance with Regulation 13 of the EIA Regulations on 9 May 2024 the Applicant enclosed a copy of the section 48 notice to the consultation bodies as part of the section 42 consultation letters.

<p>The applicant should provide a summary of the individual responses received. The responses should be categorised in an appropriate way.</p>	<p>Responses to statutory consultation and how the Applicant had regard to them are summarised by topic in Appendices J-1 to J-5 of the Consultation Report (Document Ref: 5.2). These are grouped by type of consultee and by headline issue. The method used to code responses is described in paragraph 7.1.3 of the Consultation Report (Document Ref: 5.1). The summary identifies whether and how comments led to changes and if they did not lead to changes, why it was considered no change to the Proposed Development was required.</p>
<p>It may be appropriate for the applicant to group responses under headline issues. The applicant must not present responses in a misleading way or out of context from the original views in the response.</p>	<p>Responses to targeted consultation and how the Applicant had regard to them are summarised by topic in Appendix K-3 of the Consultation Report (Document Ref: 5.2).</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>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 of the Consultation Report (Document Ref: 5.2).</p>
<p>The applicant’s consultation report should include evidence which demonstrates how they have had regard to the section 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>Section 3.7 of the Consultation Report (Document Ref: 5.1) demonstrates how the Applicant has had regard to section 51 pre-application advice from the Planning Inspectorate.</p>

Provision of this evidence will:

- 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

There is no prescribed format for providing this evidence however it may be best presented in a table appended to the consultation report.

The adequacy of consultation milestone is a requirement established in the government's guidance on the Pre-application stage.

The Planning Inspectorate's Pre-application Prospectus gives further details about the adequacy of consultation milestone procedure.

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, 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 consultation. While it is not necessary for the applicant to demonstrate how they have

The timescales for the submission of this DCO application meant that the transitional provisions applied. The Applicant understands that the Adequacy of Consultation Milestone is optional under these provisions. Given the timing of the application submission, the Applicant did not consider that it would be possible to provide the Adequacy of Consultation Milestone Document no later than around 3 months before the intended date of submission. The Applicant did engage directly with local authorities to provide them with evidence of Adequacy of Consultation prior to the submission of the DCO application.

Chapter 3 of the Consultation Report (Document Ref: 5.1) details non-statutory consultation and engagement conducted by the Applicant prior to the designation of the Proposed Development as nationally significant. This includes detail on how feedback received influenced the Applicant's proposals. Changes to the Proposed Development made following non-statutory consultation in response to feedback were detailed within the statutory consultation materials (Appendix G-2 (Document Ref: 5.2)). The Applicant did not undertake non-statutory consultation following statutory consultation. The Applicant conducted targeted statutory consultation on minor

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.

changes to the Order limits between 6 September and 7 October 2024. Information about how the Applicant conducted targeted consultation, including how it identified relevant prescribed consultees is included in Chapter 8 of the Consultation Report (Document Ref: 5.1). Detail about how the Applicant has engaged with stakeholders and the community following phase two consultation is included in Chapter 8 of the Consultation Report (Document Ref: 5.1).

3 REFERENCES

Department for Energy Security and Net Zero (2024). National Policy Statement for electricity networks infrastructure (EN-5).

Ministry of Housing, Communities and Local Government (2024). The Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects.

The National Archives (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (having regard to the changes made in The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024).

The National Archives (2017). Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017).

The National Archives (2008). The Planning Act 2008.

The Planning Inspectorate (2024). Nationally Significant Infrastructure Projects: Advice on the Consultation Report.

The Planning Inspectorate (2024). Nationally Significant Infrastructure Projects - Advice Note Three: EIA notification and consultation.

The Planning Inspectorate (2020). Nationally Significant Infrastructure Projects - Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and ESs.

The Planning Inspectorate (2020). Nationally Significant Infrastructure Projects - Advice Note Twelve: transboundary impacts and process.

The Planning Inspectorate (2024). Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects.