

Lower Thames Crossing

5.1 Consultation Report

Appendix A

Compliance checklist

APFP Regulation 5(2)(q)

Infrastructure Planning
(Applications: Prescribed Forms and Procedure)
Regulations 2009

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Lower Thames Crossing

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Appendix A Compliance checklist

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Appendix A Compliance checklist

A.1.1 The following table demonstrates how the Applicant has complied with the relevant legislation and guidance when undertaking its pre-application Statutory Consultation on the Project proposals.

Table A.1 Compliance checklist

Reference	Requirement	Action taken	Date undertaken
Planning Act 2008			
Section 42 Duty to consult	The Applicant must consult the following about the proposed application: s42(1)(a) such persons as may be prescribed	<p>The Applicant carried out a Statutory Consultation on the Project between 10 October and 20 December 2018.</p> <p>A list of persons consulted under s42(1)(a) as part of this Statutory Consultation is provided at Appendix H of the Consultation Report (Application Document 5.1). The list was compiled using consultees listed in column 1 of the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and includes all those identified by the Planning Inspectorate (on behalf of the Secretary of State) in their Scoping Opinion.</p> <p>Pursuant to s42 of the Planning Act 2008, these consultees were sent a letter to inform them of the start of the Statutory Consultation. These letters were sent by First Class post on 4 October 2018 with a copy sent by email at the same time. The letter included the deadline for providing feedback to the consultation as well as instructions for how such feedback could be provided. It also included a summary of the proposals and direction to the Project website, where further information on the proposals and the consultation process could be accessed.</p>	<p>Letters were sent to all prescribed consultees on 4 October 2018 to make them aware of the commencement of Statutory Consultation on 10 October 2018.</p> <p>Letters were sent to the same set of prescribed consultees on 27 January 2020 to make them aware of the commencement of the non-statutory Supplementary Consultation on 29 January 2020.</p> <p>The same set of prescribed consultees were written to on: 29 June 2020 to notify them of the commencement of the non-statutory Design Refinement Consultation; 13 July 2021 to notify them of the commencement of the non-statutory Community Impacts Consultation; and 11 May 2022 to notify them of the commencement of the non-statutory Local Refinement Consultation.</p> <p>Two newly identified prescribed consultees, Thurrock Power Limited and London & Continental Railways Limited were consulted</p>

Reference	Requirement	Action taken	Date undertaken
		<p>A copy of that letter is provided at Appendix K of the Consultation Report.</p> <p>Between 29 January 2020 and 2 April 2020, the Applicant carried out a non-statutory Supplementary Consultation on a set of changes to the version of the Project that was presented at Statutory Consultation. All of the prescribed consultees identified for Statutory Consultation were written to again at the commencement of the Supplementary Consultation. A copy of that letter is provided at Appendix Q of the Consultation Report.</p> <p>Letters were sent on 29 June 2020 to prescribed consultees to make them aware of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020.</p> <p>Letters were sent on 13 July 2021 to prescribed consultees to make them aware of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021.</p> <p>Letters were sent on 11 May 2022 to prescribed consultees to make them aware of the non-statutory Local Refinement Consultation on 12 May 2022.</p> <p>Further organisations were identified as s42(1)(a) prescribed bodies after the Statutory Consultation, as set out below.</p> <p>London & Continental Railways Limited and Thurrock Power Limited were consulted under s42(1)(a) on 13 July 2020, in advance of the Design Refinement Consultation, and given at least 28 days to respond. A copy of the s48 notice published at Statutory Consultation was also enclosed with those letters, noting the requirements of the EIA Regulations.</p>	<p>under s42(1)(a) of the Planning Act 2008 by letters of 13 July 2020.</p> <p>Southern Water Services Limited was not formally consulted under s42(1)(a), given the late stage at which it was identified as a prescribed consultee. However, it was consulted under s42(1)(d), as a person with an interest in land, at Statutory Consultation by letter dated 9 October 2018. It was also written to on 27 January 2020 and 29 June 2020 with notification of the Supplementary Consultation and Design Refinement Consultation respectively. Southern Water has therefore been consulted under s42.</p> <p>Fourteen newly identified s42(1)(a) prescribed consultees were notified of their status on 13 July 2021. A further five bodies were notified of their status as s42(1)(a) prescribed consultees or s42(1)(b) local authorities on 11 May 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		<p>Southern Water Services Limited was identified as a s42(1)(a) consultee following the Design Refinement Consultation, which meant there was insufficient time to consult the organisation formally under s42(1)(a) prior to submission of the Development Consent Order application on 23 October 2020. However, Southern Water was consulted under s42(1)(d), as a person with an interest in land, at Statutory Consultation by letter dated 9 October 2018. It was also consulted on a non-statutory basis at Supplementary Consultation and at the Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation. Southern Water has therefore been consulted under s42. For completeness, the Applicant also wrote to Southern Water on 7 October 2020, to confirm its status as a relevant statutory undertaker, for the purposes of s42(1)(a), and to enclose a copy of the s48 notice published at statutory consultation. Southern Water is listed in Appendix H, and in Appendix J as it was also consulted as a person with an interest in land under s42(1)(d).</p> <p>In advance of the Community Impacts Consultation held in 2021, the Applicant identified fourteen additional organisations as s42(1)(a) prescribed bodies. These bodies are set out in Chapter 4 and in Appendix H of the Consultation Report. The Applicant formally notified these organisations of their status on 13 July 2021 and provided them with at least 28 days to respond to the Project proposals. A copy of this letter is provided in Appendix K of the Consultation Report.</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>In advance of the Local Refinement Consultation, the Applicant identified a further five bodies that were s42(1)(a) prescribed bodies or s42(1)(b) local authorities. These bodies are set out in Chapter 9 of the Consultation Report and in Appendix H.</p> <p>The Applicant formally notified these organisations of their status on 11 May 2022 and provided them with at least 28 days to respond to the Project proposals. A copy of this letter is provided in Appendix K of the Consultation Report.</p>	
	<p>s42(1)(aa) the Marine Management Organisation (MMO)</p>	<p>The MMO was identified as a prescribed consultee for the Statutory Consultation and was written to at the same stage as consultees identified under s42(1)(a), receiving the same information as those consultees.</p>	<p>On 4 October 2018, the MMO was notified of the commencement of Statutory Consultation on 10 October 2018.</p> <p>On 28 January 2020, the MMO was written to again and informed of the commencement of non-statutory Supplementary Consultation on 29 January 2020.</p> <p>A letter was sent on 29 June 2020 to inform the organisation of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020.</p> <p>Letters were sent on 13 July 2021 and 11 May 2022 to inform the MMO of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021 and non-statutory Local Refinement Consultation on 12 May 2022.</p>

Reference	Requirement	Action taken	Date undertaken								
	s42(1)(b) each local authority that is within s43	<p>The following organisations were identified as s43 local authorities. The list includes some local authorities that the Applicant chose to include on the basis that, although they did not qualify as 'host' or 'neighbouring' authorities under the Planning Act 2008, they could be potentially affected by the Project.</p> <p>Pursuant to s42 of the Planning Act 2008 these consultees were sent a letter to inform them of the start of the Statutory Consultation on 4 October 2018. The letter contained the same information as was provided to s42(1)(a) consultees.</p> <p>All of the local authorities listed below were also notified of the start of the non-statutory Supplementary Consultation and the non-statutory Design Refinement Consultation, non-statutory Community Impacts Consultation and non-statutory Local Refinement Consultation.</p> <table border="1" data-bbox="869 887 1547 1422"> <thead> <tr> <th data-bbox="869 887 1055 1007">Authority</th> <th data-bbox="1055 887 1205 1007">Provision</th> <th data-bbox="1205 887 1357 1007">Category for s.43(2)</th> <th data-bbox="1357 887 1547 1007">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="869 1007 1055 1422">Ashford Borough Council</td> <td data-bbox="1055 1007 1205 1422">s.43(2)</td> <td data-bbox="1205 1007 1357 1422">A</td> <td data-bbox="1357 1007 1547 1422">At statutory consultation, treated as a s42 authority on the basis they were consulted on the draft SoCC. Became a formal s.43(2)</td> </tr> </tbody> </table>	Authority	Provision	Category for s.43(2)	Description	Ashford Borough Council	s.43(2)	A	At statutory consultation, treated as a s42 authority on the basis they were consulted on the draft SoCC. Became a formal s.43(2)	<p>All of the identified local authorities were written to on 4 October 2018 to notify them of the commencement of Statutory Consultation on 10 October 2018.</p> <p>They were written to again on 28 January 2020 to inform them of the commencement of non-statutory Supplementary Consultation on 29 January 2020.</p> <p>A letter was sent on 29 June 2020 to inform the authorities of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020.</p> <p>Letters were sent on 13 July 2021 and 11 May 2022 to inform the organisations of the commencement of the non-statutory Community Impacts Consultation on 14 July 2021 and non-statutory Local Refinement Consultation on 12 May 2022.</p> <p>Ashford Borough Council and Tunbridge Wells Borough Council were notified of their status as s42(1)(b) local authorities on 11 May 2022.</p>
Authority	Provision	Category for s.43(2)	Description								
Ashford Borough Council	s.43(2)	A	At statutory consultation, treated as a s42 authority on the basis they were consulted on the draft SoCC. Became a formal s.43(2)								

Reference	Requirement	Action taken				Date undertaken
					authority as a result of proposals presented at the Local Refinement Consultation. Letter sent on 11 May 2022 confirming this.	
		Basildon Council	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'unitary council' for the purposes of s.43(3).	
		Braintree District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	

Reference	Requirement	Action taken				Date undertaken
		Brentwood Borough Council	s.43(1)	B	Land to which the proposed application relates is in the authority's area.	
		Cambridge-shire County Council	s.43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is an 'upper-tier county council' for the purposes of s.43(3).	
		Canterbury City Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	

Reference	Requirement	Action taken				Date undertaken
		Castle Point Borough Council	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'unitary council' for the purposes of s.43(3).	
		Chelmsford City Council	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'unitary council' for the purposes of s.43(3).	

Reference	Requirement	Action taken				Date undertaken
		Colchester Borough Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Dartford Borough Council	s.43(1)	B	Land to which the proposed application relates is in the authority's area.	
		Dover District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		East Sussex County Council	s.43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is an 'upper-tier	

Reference	Requirement	Action taken				Date undertaken
					county council' for the purposes of s.43(3).	
		Epping Forest District Council	s.43(2)	A	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Essex County Council	s.43(1)	C	Land to which the proposed application relates is in the authority's area.	
		Folkestone and Hythe District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Gravesham Borough Council	s.43(1)	B	Land to which the proposed application relates is in the	

Reference	Requirement	Action taken				Date undertaken
					authority's area.	
		Greater London Authority	s.42(1)(c)	n/a	Land to which the proposed application relates is in Greater London.	
		Harlow Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Hertfordshire County Council	s.43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is an 'upper-tier county council' for the purposes of s.43(3).	

Reference	Requirement	Action taken				Date undertaken
		Kent County Council	s.43(1)	C	Land to which the proposed application relates is in the authority's area.	
		London Borough of Barking and Dagenham	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'London borough council' for the purposes of s.43(3).	
		London Borough of Bexley	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local	

Reference	Requirement	Action taken				Date undertaken
					authority within s.43(1) that is a 'district council' for the purposes of s.43(3).	
		London Borough of Bromley	S.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'district council' for the purposes of s.43(3).	
		London Borough of Enfield	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority	

Reference	Requirement	Action taken				Date undertaken
					within s.43(1) that is a 'county council' for the purposes of s.43(3).	
		London Borough of Havering	s.43(1)	B	Land to which the proposed application relates is in the authority's area.	
		London Borough of Redbridge	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'London borough council' for the purposes of s.43(3).	

Reference	Requirement	Action taken				Date undertaken
		London Borough of Waltham Forest	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is a 'county council' for the purposes of s.43(3).	
		Maidstone Borough Council	s.43(1)	B	At Statutory Consultation , the borough council was categorised as an A authority but became a B host authority as a result of changes presented at the Local Refinement	

Reference	Requirement	Action taken				Date undertaken
					Consultation	
		Maldon District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Medway Council	s.43(1)	B	Land to which the proposed application relates is in the authority's area.	
		Rochford District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Sevenoaks District Council	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within	

Reference	Requirement	Action taken				Date undertaken
					s.43(1) that is a 'lower-tier district council' for the purposes of s.43(3).	
		Southend-on-Sea Borough Council	s.43(2A)	A	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is an 'upper-tier county council' for the purposes of s.43(3).	
		Suffolk County Council	s.43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of a local authority	

Reference	Requirement	Action taken				Date undertaken
					within s.43(1) that is an 'upper-tier county council' for the purposes of s.43(3).	
		Surrey County Council	s.43(2A)	D	Part of the boundary of the authority's area is also part of the boundary of a local authority within s.43(1) that is an 'upper-tier county council' for the purposes of s.43(3).	
		Swale Borough Council	s.43(2)	A	Part of the boundary of the authority's area is also part of the boundary of a local	

Reference	Requirement	Action taken				Date undertaken
					authority within s.43(1) that is a 'unitary authority' for the purposes of s.43(3).	
		Tendring District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Thanet District Council	n/a	n/a	Consulted under s42 on the basis that it was consulted on the SoCC.	
		Thurrock Council	s.43(1)	B	Land to which the proposed application relates is in the authority's area.	
		Tonbridge and Malling Borough Council	s.43(1)	B	At Statutory Consultation , the borough	

Reference	Requirement	Action taken				Date undertaken
					council was categorised as an A authority but became a B host authority as a result of changes presented at the Local Refinement Consultation .	
		Tunbridge Wells Borough Council	s.43(2)	A	At statutory consultation, treated as a s42 authority on the basis it was consulted on the draft SoCC. Became a formal s.43(2) authority as a result of proposals presented at the Local Refinement Consultation . Letter sent	

Reference	Requirement	Action taken				Date undertaken
					on 11 May 2022. confirming this.	
	s42(1)(c) the Greater London Authority (GLA) if the land is in Greater London; and	Uttlesford District Council	n/a	n/a	Consulted under s42 on the basis that they were consulted on the SoCC.	<p>The GLA was notified on 4 October 2018 of the commencement of Statutory Consultation on 10 October 2018.</p> <p>On 28 January 2020, the GLA was informed of the commencement of non-statutory Supplementary Consultation on 29 January 2020. A letter was sent on 29 June 2020 to inform the authority of the commencement of the non-statutory Design Refinement Consultation on 14 July 2020.</p> <p>Letters were sent on 13 July 2021 to inform the GLA of the commencement of the non--statutory Community Impacts Consultation on 14 July 2021 and on 11 May 2022 to inform them of the commencement of the</p>

Reference	Requirement	Action taken	Date undertaken
	s42(1)(d) each person who is within one or more of the categories set out in s44.	<p>In time for the launch of Statutory Consultation, the Applicant had researched and compiled a database of persons with an interest in the land potentially affected by the Project. These parties were consulted, in accordance with s42, at the start of the Statutory Consultation. Copies of the letters sent to persons with s44 land interests are provided in Appendix K of the Consultation Report.</p> <p>There were further phases of consultation with newly identified persons with an interest in land, held between the launch of Statutory Consultation and the submission of the application for development consent. In each instance, all such parties with an interest in land were provided with at least the 28-day statutory minimum to consider the proposals and submit a response.</p> <p>More information on the process of researching and compiling a database of land interests is provided in Section 4.3 of the Consultation Report. Information about the process of consulting with newly identified land interests is provided in Chapter 5, including details of the period of time provided for consultees to submit a response. Appendix J provides a list of the land interests that were identified, and Appendix O provides a list of additional recipients of consultation notification letters.</p>	<p>non-statutory Local Refinement Consultation on 12 May 2022.</p> <p>More than 4,500 persons with an interest in land have been consulted under s42 since the launch of the statutory consultation. The most significant tranches of consultation with persons with an interest in land under s42 were as follows:</p> <ul style="list-style-type: none"> • Prior to the launch of statutory consultation, by letters dated 9 October 2018 • In the Summer of 2019, by letters dated 15 August 2019 • Prior to the launch of supplementary consultation, by letters dated 27 January 2020 • Prior to the launch of the design refinement consultation, by letters dated 29 June 2020 • Prior to the launch of the community impacts consultation, by letters dated 13 July 2021 • Prior to the launch of the local refinement consultation, by letters dated 11 May 2022 <p>As noted, further consultation with persons with an interest in land has been undertaken pursuant to s42, in addition to those tranches listed above. Full details can be found in</p>

Reference	Requirement	Action taken	Date undertaken
			Appendix J of the Consultation Report, which is supported by the commentary in Chapter 5 of the Consultation Report.
Section 45 Timetable for consultation under Section 42	<p>s45(1) The applicant must, when consulting a person under s42, notify the person of the deadline for the receipt by the applicant of the person's response to the consultation.</p> <p>s45(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The Statutory Consultation took place between 10 October and 20 December 2018, a period which substantially exceeded the 28-day minimum required under s45 of the Planning Act 2008. All statutory consultees under s42 were notified of the deadline for submitting a response to the consultation in time for the commencement of the consultation, as described above.</p> <p>Following the Statutory Consultation further consultation under s42 has been undertaken. This has included further consultation with persons with an interest in land as new interests and rights have been identified over the course of time. Full details of additional consultation under s42 with persons with an interest in land can be found in Chapter 5 and Appendix J of the Consultation Report. Appendix J confirms that all additional consultation with persons with an interest in land has provided at least a period of 28 days for those consultees to respond to the Project proposals. More information on the process of researching and compiling a database of land interests is provided in Section 4.3 of the Consultation Report.</p> <p>In addition, a small number of prescribed consultees (within the meaning of s42(1)(a)) and local authorities (within the meaning of s42(1)(b)) have been identified and consulted under s42 at subsequent points in the pre-application process. Full details of this can be found in Chapter 4 and</p>	<p>Statutory Consultation period: 10 October to 20 December 2018 (71 days).</p> <p>Further consultation under s42 undertaken at a number of different times within the pre-application process, as is set out in Chapters 4 and 5 and Appendices H and J.</p>

Reference	Requirement	Action taken	Date undertaken
		Appendix H. In each case, Chapter 4 confirms that these additional consultees were provided a period of at least 28 days to respond to the Project proposals.	
Section 46 Duty to notify Secretary of State of proposed application	s46(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with s42 if the applicant were required by that section to consult the Secretary of State about the proposed application. s46(2) The applicant must comply with subsection (1) on or before commencing consultation under s42.	Pursuant to s46, the Applicant provided notification to the Planning Inspectorate on behalf of the Secretary of State on 9 October 2018 of the proposed application and provided electronic copies of the consultation material. A copy of this notice and the Planning Inspectorate's acknowledgement of receipt on 31 October 2018 are provided in Appendix L of the Consultation Report. On 28 January 2020, the Planning Inspectorate was notified of the Supplementary Consultation. On 3 July 2020, the Planning Inspectorate was notified of the Design Refinement Consultation. The Applicant notified the Planning Inspectorate on 13 July 2021 of the Community Impacts Consultation as part of ongoing engagement and in advance of the consultation's launch day. On 10 May 2022, a final letter was sent to the Planning Inspectorate, notifying them of the Local Refinement Consultation.	The Planning Inspectorate was notified by letter dated 9 October 2018. A letter notifying the Planning Inspectorate of the Supplementary Consultation was sent on 28 January 2020. A letter notifying the Planning Inspectorate of the Design Refinement Consultation was sent on 3 July 2020. The Applicant notified the Planning Inspectorate of the Community Impacts Consultation on 13 July 2021 as part of ongoing engagement and in advance of the consultation's launch day. A letter notifying the Planning Inspectorate of the Local Refinement Consultation was sent on 10 May 2022.
Section 47 Duty to consult local community	s47(1) The Applicant must prepare a statement setting out how the Applicant proposes to consult, about the proposed application, people living in the vicinity of the land.	During the planning stage of the Statutory Consultation, the Applicant prepared a SoCC that set out its proposals to consult with people living in the vicinity of the land potentially affected by the Project. The SoCC was published on 10 October 2018 and is provided at Appendix G of the Consultation Report.	The SoCC was prepared between July and September 2018. It was published on 10 October 2018. The Supplementary Consultation took place between 29 January and 2 April 2020. The non-statutory

Reference	Requirement	Action taken	Date undertaken
		<p>Although undertaken on a non-statutory basis, with therefore no requirement to repeat the SoCC exercise, the Applicant undertook equivalent consultation exercises with affected local authorities on its developing plans for all subsequent phases of pre-application consultation. Chapters 6-9 of the Consultation Report describe these processes and the way in which feedback from local authorities was considered and acted upon.</p>	<p>equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched.</p>
	<p>s47(2) Before preparing the statement, the Applicant must consult each local authority that is within s43(1) about what is to be in the statement.</p>	<p>Before finalising and publishing the SoCC, the Applicant carried out a consultation with each of the local authorities that are prescribed by s43(1) of the Planning Act 2008. Due to the wider regional significance of the Project, other local authorities potentially affected by the Project were also included in this consultation. More information on</p>	<p>An email and letter, both dated and sent on 1 August 2018, notified local authorities that formal consultation on the draft SoCC would take place between 1 August 2018 and 2 September 2018.</p>

Reference	Requirement	Action taken	Date undertaken
		this consultation is provided in Appendices D, E and F of the Consultation Report.	
	s47(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.	The draft SoCC was issued by email and by post to each of the identified local authorities on 1 August 2018. Copies of the relevant correspondence are provided in Appendix E of the Consultation Report. The letter stated that the deadline for returning comments on the draft SoCC was 2 September 2018, a period that exceeds the minimum 28 days prescribed by s47 of the Planning Act 2008.	Consultation on the draft SoCC took place between 1 August 2018 and 2 September 2018, and the deadline of 2 September was communicated to all of the identified local authorities at the start of that consultation.
	s47(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).	Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and the Applicant's consideration of them. As previously noted, the Applicant chose to undertake equivalents to the SoCC process for each subsequent phase of non-statutory consultation. Chapters 6-9 of the Consultation Report describe these processes, setting out the issues raised by local authorities and the way in which the Applicant considered and acted on them.	Consultation on the draft SoCC for the Statutory Consultation took place between September and October 2018. The Supplementary Consultation took place between 29 January and 2 April 2020. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched. The Design Refinement Consultation took place between 14 July and 12 August 2020. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version was published when the consultation launched. The Community Impacts Consultation took place between 14 July and 8 September 2021. The non-statutory equivalent to the

Reference	Requirement	Action taken	Date undertaken							
	<p>s47(6) Once the Applicant has prepared the statement the applicant must-</p> <p>(za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land</p>	<p>The Applicant published the SoCC on the Project's consultation website on 10 October 2018. It was subsequently made available for inspection for the duration of the Statutory Consultation (10 October – 20 December 2018) at the following locations:</p> <table border="1" data-bbox="869 820 1543 1347"> <thead> <tr> <th data-bbox="869 820 1543 874">Deposit locations</th> </tr> </thead> <tbody> <tr> <td data-bbox="869 874 1543 959">Brentwood Library, New Road, Brentwood, CM14 4BP</td> </tr> <tr> <td data-bbox="869 959 1543 1043">Grays Library, Thameside Complex, Orsett Road, Grays, RM17 5DX</td> </tr> <tr> <td data-bbox="869 1043 1543 1128">Romford Central Library, St Edwards Way, Romford, RM1 3AR</td> </tr> <tr> <td data-bbox="869 1128 1543 1182">Tilbury Hub, Civic Square, Tilbury, RM18 8AD</td> </tr> <tr> <td data-bbox="869 1182 1543 1267">Dartford Library, Central Park, Market Street, Dartford, DA1 1EU</td> </tr> <tr> <td data-bbox="869 1267 1543 1347">Gravesend Library, Windmill Street, Gravesend, DA12 1BE</td> </tr> </tbody> </table>	Deposit locations	Brentwood Library, New Road, Brentwood, CM14 4BP	Grays Library, Thameside Complex, Orsett Road, Grays, RM17 5DX	Romford Central Library, St Edwards Way, Romford, RM1 3AR	Tilbury Hub, Civic Square, Tilbury, RM18 8AD	Dartford Library, Central Park, Market Street, Dartford, DA1 1EU	Gravesend Library, Windmill Street, Gravesend, DA12 1BE	<p>SoCC was consulted on in advance and a finalised version published when the consultation was launched.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022. The non-statutory equivalent to the SoCC was consulted on in advance and a finalised version published when the consultation was launched.</p> <p>Throughout the Statutory Consultation period: 10 October – 20 December 2018.</p>
Deposit locations										
Brentwood Library, New Road, Brentwood, CM14 4BP										
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Dartford Library, Central Park, Market Street, Dartford, DA1 1EU										
Gravesend Library, Windmill Street, Gravesend, DA12 1BE										

Reference	Requirement	Action taken	Date undertaken
		<p>Maidstone Library, Kent History and Library Centre, James Whatman Way, Maidstone, ME14 1LQ</p> <p>Rochester Library, Rochester Community Hub, Eastgate, Rochester, ME1 1EW</p> <p>Details of the opening times of these venues can be found in Section 4.5 of the Consultation Report.</p> <p>The SoCC was also available for reference at each of the Public Information Events carried out during the Statutory Consultation period. It could also be downloaded from Project's consultation website throughout the consultation period and after it.</p> <p>More information on these events, including their dates and locations, can be found in Section 4.5 of the Consultation Report.</p> <p>By making the SoCC available through these channels, the Applicant ensured that it was reasonably convenient for people living in the vicinity of the land potentially affected by the Project to access the document.</p>	
	<p>s47(6)(a) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p>	<p>The Applicant published a s47 notice explaining where the SoCC and other consultation documents could be inspected, along with other information on the Statutory Consultation. The notice was published in four local newspapers circulating in the vicinity of the land potentially affected by the Project, as well as in one national newspaper and one trade journal serving the fishing industry.</p>	<p>Dates are included in the table under 'Publication date'.</p>

Reference	Requirement	Action taken	Date undertaken																						
		<table border="1"> <tr> <th colspan="2">Publication of the s47 statutory notice</th> </tr> <tr> <th>Names</th> <th>Publication date</th> </tr> <tr> <th colspan="2">National Newspaper</th> </tr> <tr> <td>The Times</td> <td>10 October 2018</td> </tr> <tr> <th colspan="2">Local newspapers</th> </tr> <tr> <td>Essex Chronicle</td> <td>4 October 2018</td> </tr> <tr> <td>Kent Messenger</td> <td>4 October 2018</td> </tr> <tr> <td>Thurrock Gazette</td> <td>4 October 2018</td> </tr> <tr> <td>Yellow Advertiser</td> <td>12 October 2018</td> </tr> <tr> <th colspan="2">Trade journals</th> </tr> <tr> <td>Fishing News</td> <td>11 October 2018</td> </tr> </table>	Publication of the s47 statutory notice		Names	Publication date	National Newspaper		The Times	10 October 2018	Local newspapers		Essex Chronicle	4 October 2018	Kent Messenger	4 October 2018	Thurrock Gazette	4 October 2018	Yellow Advertiser	12 October 2018	Trade journals		Fishing News	11 October 2018	
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	s47(6)(b) publish the statement in such a manner as may be prescribed.	As yet no publication requirements have been prescribed. Therefore, there is no test for this section of the Planning Act 2008. Notwithstanding this, as set out above, the Applicant has published the SoCC in accordance with the statutory requirements.																							
	s47(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.	The Applicant carried out its Statutory Consultation in accordance with the proposals set out in the published SoCC. Appendix G of the Consultation Report includes a checklist of the proposals included in the SoCC and an explanation of how each was fulfilled through Statutory Consultation.	10 October – 20 December 2018																						
Section 48 (Duty to publicise) and Regulation 4 of the APFP	s48(1) The applicant must publicise the proposed application in the prescribed manner.	The Applicant publicised the proposed application in accordance with the requirements of s48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations. More information on that process is provided in subsequent rows of this table.	The first of the s48 notices publicising the proposed application was published on 4 October 2018 and the last was published on 17 October 2018.																						

Reference	Requirement	Action taken	Date undertaken
Regulations 2009 (Publicising a proposed application)		Copies of all s48 notices that were published in newspapers and trade journals are included in Appendix N of the Consultation Report.	
	Regulation 4(3)(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	The s48 notice was published for two successive weeks in four local newspapers circulating in the vicinity of the land. Appendix N of the Consultation Report includes a table indicating the dates and publications used for statutory notices.	The s48 statutory notice was published, as follows: <ul style="list-style-type: none"> • The Times on 10 October 2018 • The Essex Chronicle on 4 October and 11 October 2018 • The Kent Messenger on 4 October and 11 October 2018 • The Thurrock Gazette on 4 October and 11 October 2018 • The Yellow Advertiser (Havering) on 12 October and 19 October 2018 • The London Gazette on 11 October 2018 • Lloyd's List on 10 October 2018 • Fishing News on 11 October 2018
	Regulation 4(3)(b) once in a national newspaper;	The s48 notice was published in The Times newspaper. Appendix N of the Consultation Report contains copies of the s48 statutory notice.	
	Regulation 4(3)(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette;	The s48 notice was published in the London Gazette. Appendix N of the Consultation Report includes a table indicating the dates and publications used for statutory notices.	
	Regulation 4(3)(d) where the proposed application relates to offshore development – <ul style="list-style-type: none"> • once in Lloyd's List; and • once in an appropriate fishing trade journal. 	The s48 notice was published in Lloyd's List and in Fishing News. Appendix N of the Consultation Report includes a table indicating the dates and publications used for statutory notices.	
Section 49 Duty to take account of responses to consultation and publicity	s49(1) Subsection (2) applies where the applicant- <ul style="list-style-type: none"> • has complied with s42, s47 and s48 • proposes to go ahead with making an application for an 	The Applicant has had regard to relevant responses received during the Statutory Consultation period. Chapter 11 of the Consultation Report provides a summary of the matters raised by consultees, noting the consultee strands (for example, s42 local authorities) that raised each matter in their responses. It also provides an explanation of how	

Reference	Requirement	Action taken	Date undertaken
	<p>order granting development consent (whether or not in the same terms as the proposed application).</p> <p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) 'relevant response' means –</p> <ul style="list-style-type: none"> • a response from a person consulted under s42 that is received by the applicant before the deadline imposed by s45 in that person's case; • a response to consultation under s47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under s47, or • a response to publicity under s48 that is received by the applicant before the deadline imposed in accordance with s48(2) in relation to that publicity. 	<p>the Applicant has had regard to each issue, in accordance with s49 of the Planning Act 2008.</p> <p>Chapter 12 of the Consultation Report also outlines the responses received through the Supplementary Consultation undertaken between 29 January 2020 and 2 April 2020. It provides a summary of the issues raised by consultees, notes the consultee strands making each point, and provides an explanation of how the Applicant has had regard to them.</p> <p>Chapter 13 of the Consultation Report provides a summary of the issues raised by consultees in response to the Design Refinement Consultation undertaken between 14 July 2020 and 12 August 2020. It notes the consultee strands making each point, and provides an explanation of how the Applicant has had regard to them.</p> <p>Chapter 14 of the Consultation Report provides a summary of the issues raised by consultees in response to the Community Impacts Consultation undertaken between 14 July 2021 and 8 September 2021. It notes the consultee strands making each point, and provides an explanation of how the Applicant has had regard to them.</p> <p>Chapter 15 of the Consultation Report provides a summary of the issues raised by consultees in response to the Local Refinement Consultation undertaken between 12 May 2022 and 20 June 2022. It notes the consultee strands making each point, and provides an explanation of how the Applicant has had regard to them.</p>	

Reference	Requirement	Action taken	Date undertaken
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)			
Regulation 3 Prescribed consultees	The persons prescribed for the purposes of s42 (1)(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.	<p>A list of persons consulted under s42(1)(a) as part of the Statutory Consultation is provided in Appendix H of the Consultation Report. The list was compiled with reference to the consultees listed in column 1 of the table in Schedule 1 of the APFP Regulations and also included those identified by the Secretary of State in the Scoping Opinion.</p> <p>Copies of the letters issued to s42(1)(a) consultees are provided in Appendix K of the Consultation Report.</p> <p>Three organisations were identified as s42(1)(a) prescribed bodies after the statutory consultation. London & Continental Railways Limited and Thurrock Power Limited were consulted under s42(1)(a) on 13 July 2020, in advance of the Design Refinement Consultation, and given at least 28 days to respond. A copy of the s48 notice published at Statutory Consultation was also enclosed with those letters, noting the requirements of the EIA Regulations. Both entities are listed in Appendix H of the Consultation Report.</p> <p>Southern Water Services Limited was identified as a s42(1)(a) consultee following the Design Refinement Consultation, which meant there was insufficient time to consult the organisation formally under s42(1)(a) prior to submission of the Development Consent Order application in October 2020. However, Southern Water was consulted under s42(1)(d), as a person with an interest in land, at Statutory Consultation by letter dated 9 October 2018 and was also consulted on a non-statutory basis at the Supplementary Consultation, the</p>	<p>Notification letters were issued to all s42(1)(a) consultees on 4 October 2018.</p> <p>The same consultees were issued with a notification letter concerning the Supplementary Consultation on 27 January 2020.</p> <p>The same consultees were also issued a notification letter concerning the Design Refinement Consultation on 29 June 2020, with two new consultees being written to on 13 July 2020.</p> <p>All of these consultees were issued with a notification letter concerning the Community Impacts Consultation on 13 July 2021 and the Local Refinement Consultation on 11 May 2022.</p> <p>Two newly identified prescribed consultees – Thurrock Power Limited and London & Continental Railways – were consulted under s42(1)(a) of the Planning Act 2008 by letters of 13 July 2020.</p> <p>Southern Water Services Limited was not formally consulted under s42(1)(a), given the late stage at which they were identified as a prescribed consultee. However, it was consulted under s42, as a</p>

Reference	Requirement	Action taken	Date undertaken
		<p>Design Refinement Consultation, the Community Impacts Consultation and the Local Refinement Consultation. Southern Water has therefore been consulted under s42. For completeness, the Applicant also wrote to Southern Water on 7 October 2020, to confirm its status as a relevant statutory undertaker for the purposes of s42(1)(a) and to enclose a copy of the s48 notice published at statutory consultation. In advance of the Community Impacts Consultation held in 2021, the Applicant identified fourteen additional organisations as s42(1)(a) prescribed bodies. These bodies are set out in Chapter 8 of the Consultation Report and in Appendix H. The Applicant formally notified these organisations of their status on 13 July 2021 and provided them with at least 28 days to respond to the Project proposals. A copy of this letter is provided in Appendix K of the Consultation Report.</p> <p>In advance of the Local Refinement Consultation, the Applicant identified a further three bodies that were s42(1)(a) prescribed consultees. These bodies are set out in Chapter 9 of the Consultation Report and in Appendix H. The Applicant formally notified these organisations of their status on 11 May 2022 and provided them with at least 28 days to respond to the Project proposals. A copy of this letter is provided in Appendix K of the Consultation Report.</p>	<p>person with an interest in land, at Statutory Consultation by letter dated 9 October 2018 and was also written to on 27 January 2020 and 29 June 2020 with notification of the Supplementary Consultation and Design Refinement Consultation respectively. Southern Water has therefore been consulted under s42.</p> <p>Fourteen newly identified s42(1)(a) prescribed consultees were notified of their status on 13 July 2021. A further three bodies were notified of their status as s42(1)(a) prescribed consultees on 11 May 2022.</p>
Regulation 4	(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application	<p>The Applicant publicised the proposed application in accordance with the requirements of s48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations. More information on the methods used is included in subsequent rows of this table.</p> <p>Copies of all s48 notices published in newspapers</p>	<p>The s48 statutory notice was published, as follows:</p> <ul style="list-style-type: none"> • The Times on 10 October 2018 • The Essex Chronicle on 4 October and 11 October 2018

Reference	Requirement	Action taken	Date undertaken
		and trade journals are included in Appendix N of the Consultation Report.	<ul style="list-style-type: none"> The Kent Messenger on 4 October and 11 October 2018 The Thurrock Gazette on 4 October and 11 October 2018 The Yellow Advertiser (Havering) on 12 October and 19 October 2018 The London Gazette on 11 October 2018 Lloyd's List on 10 October 2018 Fishing News on 11 October 2018
	<ul style="list-style-type: none"> for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated; 	<p>The s48 notice was published in four local newspapers circulating in the vicinity of the land for two successive weeks.</p> <p>Copies of all s48 notices published in newspapers and trade journals are included in Appendix N of the Consultation Report.</p>	As above
	<ul style="list-style-type: none"> once in a national newspaper; 	<p>The s48 notice was published in The Times newspaper.</p> <p>Copies of all s48 notices published in newspapers and trade journals are included in Appendix N of the Consultation Report.</p>	
	<ul style="list-style-type: none"> once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; 	<p>The s48 notice was published in the London Gazette.</p> <p>Copies of all s48 notices published in newspapers and trade journals are included in Appendix N of the Consultation Report.</p>	

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> where the proposed application relates to offshore development- <ul style="list-style-type: none"> once in Lloyd's List; and once in an appropriate fishing trade journal. 	<p>The s48 notice was published in Lloyd's List and in Fishing News.</p> <p>Copies of all s48 notices published in newspapers and trade journals are included in Appendix N of the Consultation Report.</p>	
	<p>(3) The matters which the notice must include are:</p> <ul style="list-style-type: none"> (a) the name and address of the applicant; (b) a statement that the applicant intends to make an application for development consent to the Secretary of State; (c) a statement as to whether the application is EIA development; (d) summary of the main proposals, specifying the location or route of the proposed development; (e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the 	<p>The s48 notice was drafted to include all of the matters listed in paragraph 3 of Regulation 4.</p> <p>A copy of the notice is included at Appendix N of the Consultation Report.</p> <p>This notification pre-dated the insertion of Regulation 4(3)(ea)-(ec) into the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. This came into force on 31 December 2020 as a result of the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020. However, the s48 notice did provide the information that is required by Regulation 4(3)(ea)-(ec).</p>	<p>As above.</p> <p>The first of the s48 notices publicising the proposed application was published on 4 October 2018 and the last was published on 17 October 2018.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>vicinity of the proposed development) and times set out in the notice;</p> <ul style="list-style-type: none"> • (f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i)); • (g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge; • (h) details of how to respond to the publicity; and • (i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published. <p>The following amendment to Regulation 4(3) was made from 31 December 2020, i.e. after the notification for this Project was made in 2018.</p> <p>(ea) the address of the website where the documents, plans and maps may be inspected;</p>		

Reference	Requirement	Action taken	Date undertaken
	<p>(eb) the place on the website where the documents, plans and maps may be inspected;</p> <p>(ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;</p>		
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)			
<p>Regulation 8 Procedure for establishing whether environmental impact assessment is required</p>	<p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under s42 (duty to consult) either –</p> <p>(a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p> <p>(3) A request or notification under paragraph (1)(a) must be accompanied by:</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a description of the development, including in particular -</p>	<p>On 2 November 2017 the Applicant notified the Secretary of State under Regulation 8(1)(b) of the EIA Regulations that an Environmental Statement would be prepared and submitted alongside the application for development consent. This notification can be found in Appendix C of the Consultation Report.</p> <p>This notification pre-dated the insertion of Regulation 8(3A) into the EIA Regulations. This came into force on 1 October 2018 as a result of the Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018.</p> <p>Notwithstanding this, the Project has complied with Regulation 8(3A), because the Regulation 8(1)(b) notification on 2 November 2017 also included an application for a scoping opinion under Regulation 10 of the EIA Regulations. The application was accompanied by an EIA Scoping Report which included (amongst other</p>	<p>2 November 2017</p>

Reference	Requirement	Action taken	Date undertaken
	<p>(i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;</p> <p>(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</p> <p>(c) a description of the aspects of the environment likely to be significantly affected by the development; and</p> <p>(d) to the extent the information is available, a description of any likely significant effects of the development on the environment resulting from –</p> <p>(i) the expected residues and emissions and the production of waste, where relevant; and</p> <p>(ii) the use of natural resources, in particular soil, land, water and biodiversity.</p> <p>The following amendment to Regulation 8 was made from 1 October 2018, i.e. after the notification for this Project was made in 2017.</p> <p>(3A) A person notifying the Secretary of State under paragraph (1)(b) must provide,</p>	<p>things) the information required under Regulation 8(3)(a) and (b).</p> <p>More information on this process can be found in Chapter 10 of the Consultation Report.</p>	

Reference	Requirement	Action taken	Date undertaken
	at the same time as giving notification, the information listed in paragraph (3)(a) and (b).		
Regulation 10 Application for a scoping opinion	<p>(1) A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement.</p> <p>(3) A request under paragraph (1) must include-</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a description of the proposed development, including its location and technical capacity;</p> <p>(c) an explanation of the likely significant effects of the development on the environment; and</p> <p>(d) such other information or representations as the person making the request may wish to provide or make.</p>	<p>On 2 November 2017 the Applicant submitted an application for a scoping opinion under Regulation 10(3). The application was accompanied by an EIA Scoping Report which included the information required under Regulation 10(3).</p> <p>More information on this process can be found in Chapter 10 of the Consultation Report.</p>	2 November 2017
Regulation 12	The consultation statement prepared under s47 (duty to	Paragraph 15 of the SoCC prepared by the Applicant explains that the Project 'constitutes 'Environmental Impact Assessment (EIA)	The SoCC was published at the start of the Statutory Consultation period, on 10 October 2018. It had

Reference	Requirement	Action taken	Date undertaken
Consultation statement requirements	<p>consult local community) must set out –</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>development' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017'.</p> <p>Paragraph 16 explains that a preliminary environmental information report (PEIR) would be prepared and included among the material included in the Statutory Consultation, as the means by which preliminary environmental information would be publicised and consulted on.</p> <p>A copy of the SoCC is provided in Appendix G of the Consultation Report.</p>	<p>been shared with host and neighbouring local authorities for comment in advance of that date.</p>
Regulation 13 Pre-application publicity under section 48 (duty to publicise)	<p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under s48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with Regulation 11(1)(c).</p>	<p>A copy of the s48 notice was sent to all the relevant 'consultation bodies' (as defined by Regulation 3). The list of bodies written to was consistent with the list of those persons identified by the Planning Inspectorate on behalf of the Secretary of State, for the purposes of Regulations 10 and 11(1)(a). The Planning Inspectorate's letter of 13 December 2017 (Appendix C of the Consultation Report) confirms that it did not identify any persons for the purposes of Regulation 11(1)(c).</p> <p>The Applicant's letter of 4 October 2018 for s42(1)(a)-(c) notified the recipients of the start of the Statutory Consultation period and explained that they had been identified as s42 consultees.</p> <p>The fifth paragraph of that letter explains why a s48 notice was also enclosed.</p> <p>A copy of the letter sent to all s42(1)(a)-(c) consultees is included in Appendix K of the Consultation Report.</p>	<p>4 October 2018</p>

Reference	Requirement	Action taken	Date undertaken
Department for Communities and Local Government Guidance¹			
Paragraph 17 ²	When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for purposes of consultation.	<p>The material produced for Statutory Consultation made clear that its purpose was to enable consultees to provide an informed response to the consultation and that the proposals it described were at a formative stage. Where appropriate, the materials explained the process through which consultation would lead to an updated version of the proposals that the Applicant planned to use as the basis of an application for consent to build the Project.</p> <p>Copies of consultation material or links to the website where they can be viewed are provided in Appendix M of the Consultation Report.</p> <p>The Applicant applied a similar approach to the preparation of materials for subsequent phases of non-statutory consultation. Chapters 6-9 of the Consultation Report describe the material produced for those consultations and Appendices Q-T provide either copies of or links to each.</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>
Paragraph 18	<p>Early involvement of local communities, local authorities and statutory bodies can bring about significant benefits for all parties, by:</p> <ul style="list-style-type: none"> helping the applicant identify and resolve issues at the earliest stage, which can help reduce the overall risk to the Project further down the 	<p>Engagement with stakeholder organisations, including community groups, and with the affected communities has been undertaken throughout the development of the Project proposals. This has included periods of formal consultation as well as bilateral and multilateral meetings with stakeholders and ongoing correspondence.</p> <p>Chapter 3 of the Consultation Report describes the development of the Project proposals up to the point of launching a Statutory Consultation. It describes</p>	Ongoing.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

Reference	Requirement	Action taken	Date undertaken
	<p>line as it becomes more difficult to make changes once an application has been submitted;</p> <ul style="list-style-type: none"> • enabling members of the public to influence proposed Projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides; • helping local people understand the potential nature and local impact of the proposed Project, with the potential to dispel misapprehensions at an early stage; • enabling Applicants to obtain information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options; • enabling potential mitigating measures to be considered and, if appropriate, built into the Project before an application is submitted; and • identifying ways in which the Project could, without 	<p>phases of consultation beginning in 2009, including consultation held by the Department for Transport as well as the Applicant’s consultation in 2016 that generated more than 40,000 responses from stakeholder organisations and the public. The chapter also describes the ways in which these early phases of non-statutory consultation have given rise to positive developments in the proposals, including the route alignment and junctions.</p> <p>Statutory Consultation held under s47 of the Planning Act 2008 included extensive engagement activities aimed at raising awareness of the Project proposals in the communities in the immediate vicinity of the Project and the wider region. The consultation concluded in December 2018, allowing sufficient time for the responses received to inform every aspect of the Project proposals that form the application for development consent.</p> <p>Chapter 4 of the Consultation Report describes the delivery of that consultation and Chapter 11 sets out the issues raised by consultees along with explanations of how the Applicant has had regard to them.</p> <p>Engagement with stakeholder groups and organisations continued throughout the pre-application period, including periods of non-statutory public consultation. Chapters 6-9 of the Consultation Report describe the delivery of those consultations, including overviews of meetings and briefings with stakeholder groups. Appendices Q-T provide further evidence of this engagement.</p> <p>The Statement of Engagement (Application Document 5.2) and the Statements of Common</p>	

Reference	Requirement	Action taken	Date undertaken
	significant costs to promoters, support wider strategic or local objectives.	Ground (Application Document 5.4) provide extensive descriptions of the Applicant's engagement with stakeholder organisations.	
Paragraph 20	<ul style="list-style-type: none"> • Experience suggests that, to be of most value, consultation should be: • based on accurate information that gives consultees a clear view of what is being proposed including any options; • shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and • engaging and accessible in style, encouraging consultees to react and offer their views. 	<p>In preparing material for Statutory Consultation, the Applicant sought to ensure that it fulfilled all relevant legislation, guidance and best practice. Consideration was also given to the need to make the material suitable for different audiences, and therefore produced explanations of its proposals that covered the respective topics at varying degrees of technical complexity and detail. Where appropriate, infographics, maps and other visual aids were used to illustrate the proposals. Appendix M of the Consultation Report provides copies of consultation material or links to the website on which they can be viewed.</p> <p>Statutory Consultation was held while the consultation proposals were at a formative stage and the potential for change as a result of consultee feedback remained high. Changes were made to the Project proposals as a result of Statutory Consultation and, where appropriate, these were included in subsequent phases of non-statutory consultation, as described in Chapter 4 of the Consultation Report.</p> <p>The Applicant applied a similar approach to the delivery of subsequent phases of non-statutory consultation. Chapters 6-9 of the Consultation Report describe the material produced for those consultations and Appendices Q-T provide either copies of or links to each. The proposals set out in each phase of consultation were shared while still at a formative stage and in each case changes were</p>	n/a

Reference	Requirement	Action taken	Date undertaken
		made as a result of consultation feedback. Evidence of the Applicant's consideration of consultation responses is provided in Chapters 11-15 of the Consultation Report.	
Paragraph 21	Compliance with this guidance alone will not guarantee that the Secretary of State will conclude that the Applicant has complied with the pre-application consultation requirements introduced by the Planning Act 2008. Applicants should satisfy themselves that they have complied with all statutory requirements and applicable guidance (including this guidance) so they can reasonably expect that their application will not be rejected on the grounds of inadequate consultation. Where an Applicant has not been able to follow this guidance, they should provide comments setting out why this is not the case, in the Consultation Report.	The Applicant has complied with all statutory requirements and applicable guidance in carrying out Statutory Consultation and preparing a Consultation Report. The Applicant has also sought to apply the requirements and principles that apply to statutory consultation to each phase of non-statutory consultation. For example, the Applicant chose to consult host local authorities on its developing plans for public consultation, thereby mirroring the requirement under s47 of the Planning Act 2008 to prepare and consult on a draft SoCC.	n/a
Paragraph 23	In brief, during the pre-application stage Applicants are required to: <ul style="list-style-type: none"> • notify the Secretary of State of the proposed application; 	The Applicant has fulfilled all of the requirements described in Paragraph 23 of the Guidance, as described in this Appendix A of the Consultation Report and evidenced in the chapters or appendices that it refers to.	n/a

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> • identify whether the Project requires an environmental impact assessment; where it does, confirm that they will be submitting an environmental statement along with the application, or that they will be seeking a screening opinion ahead of submitting the application; • produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities, which describes how the Applicant proposes to consult the local community about the Project and then carry out consultation in accordance with that Statement; • make the Statement of Community Consultation available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by s47 of the Planning Act and Regulations; 		

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> • identify and consult statutory consultees as required by s42 of the Planning Act and Regulations; • publicise the proposed application in accordance with Regulations; • set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication; • have regard to relevant responses to publicity and consultation; • prepare a consultation report and submit it to the Secretary of State. 		
Paragraph 24	<p>The requirements of the Planning Act 2008 and associated Regulations form the framework for the pre-application consultation process. The Government recognises that major infrastructure Projects and the communities and environment in which they are located will vary considerably. A 'one-size-fits-all' approach is not, therefore, appropriate. Instead, Applicants, who are best placed to understand the</p>	<p>The Applicant involved all host and neighbouring local authorities at a formative stage in the plans for Statutory Consultation on the Project proposals. Many local authorities provided detailed feedback on their recommended approach for ensuring that the planned consultation would be accessible to different community groups, including 'hard to reach' groups. The Applicant considered each suggestion and acted on them whenever it was deemed possible and appropriate.</p> <p>Further information on the SoCC can be found in Chapter 4 of the Consultation Report, with further information and evidence provided in Appendices D to G of the Consultation Report.</p>	<p>Consultation on a draft SoCC took place between August and September 2018.</p> <p>Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>detail of their specific Project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the Project and where its impacts will be experienced.</p>	<p>Statutory Consultation was carried out in accordance with the provisions set out in the SoCC. It provided a range of opportunities for all interested parties to participate in the consultation, while fulfilling all of the relevant statutory duties.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.</p>	<p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>
Paragraph 25	<p>Consultation should be thorough, effective and proportionate. 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 need to go beyond the statutory minimum timescales laid down in the Planning Act 2008 to ensure enough time for consultees to understand Project proposals and formulate</p>	<p>Consultation on the Project has followed a multi-phase approach, with continuity between the initial non-statutory consultation, the Statutory Consultation and each subsequent phase of non-statutory consultation. This approach has enabled consultees to influence early decisions on the general characteristics of the proposed Project and later on points of detail related to the route and its structures as well as matters such as charging policies.</p> <p>The initial non-statutory consultation was extensively publicised across the South East region and beyond. It was held over eight weeks and included a range of ways for people to engage with the different route options and other information that was provided for consideration.</p>	n/a

Reference	Requirement	Action taken	Date undertaken
	<p>a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>More than 47,000 responses were submitted to that consultation, making it one of the largest consultations on a road scheme ever undertaken in this country.</p> <p>Statutory Consultation on the Project was held over ten weeks, which is considerably longer than the statutory minimum outlined in s45 of the Planning Act 2008. Ten weeks was deemed by the Applicant to be proportionate to the complexity of the proposals taken into consultation, the anticipated level of interest by local communities and relevant organisations, and the range of engagement activities being undertaken.</p> <p>A similar approach has been taken when deciding the duration of non-statutory phases of consultation held after the Statutory Consultation. The duration of the non-statutory consultations was considered reasonable and proportionate:</p> <ul style="list-style-type: none"> • To the volume and complexity of the accompanying consultation material and to the engagement activities that were planned to facilitate public participation. • In the context of a multi-stage consultation programme. <p>As described in Section 4.5 of the Consultation Report, the consultation provided a wide range of material and engagement activities aimed at encouraging participation from across a spectrum of potentially interested parties. These included detailed technical reports aimed at, among other parties, statutory environmental bodies and local authorities, as well as shorter summary documents</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>aimed at non-technical audiences and those with limited time to consider the proposals.</p> <p>The consultation was also promoted through a number of different channels including leaflet deliveries, print, out-of-home and digital advertising, social media and media relations to ensure maximum awareness of the exercise and its purpose. It was also possible to respond to the consultation through different channels – for example, in hardcopy through a Freepost address as well as online – so that there were no restrictions on who might respond.</p> <p>By working closely with all of the relevant local authorities as part of the development of a SoCC, the Applicant ensured that the Statutory Consultation would be accessible to the widest possible range of interested parties across the affected area.</p> <p>Statutory Consultation generated a very high degree of participation, in terms of responses submitted as well as attendance at public events and visits to the consultation website. The Applicant considers this to demonstrate that the consultation as a whole was effective in its aim of raising awareness and stimulating engagement.</p> <p>The Applicant carried out a further four phases of public consultation on the Project. Although delivered on a non-statutory basis, the Applicant ensured that each of these phases was planned and delivered so that all interested parties would be aware of the process and able to meaningfully engage with the consultation proposals. In each case the duration of consultation exceeded the 28</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>day minimum that applies to statutory consultation, and was proportionate to the scale, impact and anticipated level of public interest.</p> <p>A range of engagement methods were applied to non-statutory consultation, including the delivery of leaflets to all properties within a defined area around the Project proposals as well as letters to directly affected parties, adverts and public notices in local newspapers, social media campaigns and a range of digital or in-person events and webinars.</p> <p>Chapters 6-9 of the Consultation Report describe the delivery of each phase of non-statutory consultation, and Appendices Q-T provide further evidence.</p>	
Paragraph 26	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the</p>	<p>The Applicant has identified and consulted with all parties prescribed by s42, s43 and s44 of the Planning Act 2008, and has also consulted extensively with the local community, as prescribed in s47. A full explanation of the way in which that consultation was delivered can be found in Chapter 4 of the Consultation Report, and in the appendices referred to throughout that chapter. This includes an explanation of the ways in which the Applicant fulfilled or exceeded its statutory obligations in respect of delivering consultation. As described in Chapter 5 of the Consultation Report, identification and formal notification of s42(1)(d) persons with an interest in land continued throughout the pre-application period.</p> <p>The Applicant also ensured that statutory consultees were aware of subsequent phases of non-statutory consultation. Letters were sent at the beginning of each phase of consultation. In the event of new</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018. Notification letters were sent on 4 October 2018 to s42(1)(a) consultees and on 9 October 2018 to s42(1)(d) consultees.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>Planning Act sets out the Applicant's statutory duty to consult local communities. In addition, Applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>s42(1)(a) prescribed consultees or s42(1)(b) local authorities being identified, each was formally consulted at the earliest possible stage. This is described further in Chapters 4, 8 and 9 of the Consultation Report, as well as Appendices H and K.</p>	
<p>Paragraph 27</p>	<p>The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an Applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and</p>	<p>The Applicant has engaged with prescribed bodies and other technical bodies over an extended period and well in advance of the Statutory Consultation. This included a non-statutory consultation on an earlier stage of the Project as well as further engagement with many of the same organisations. More information is provided in Chapter 3 of the Consultation Report.</p> <p>The ten-week duration of Statutory Consultation was provided in part to enable technical bodies and any other interested party to review the detailed technical information on different elements of the proposals and provide an informed response. These elements included the predicted social and environmental impacts of the Project as well as the plans to reduce negative impacts and maximise positive ones.</p> <p>Engagement with technical and statutory bodies has continued in the period between the end of Statutory Consultation and the submission of an application for development consent. This has included further opportunities, through successive phases of non-statutory consultation (as covered by Chapters 6-9</p>	

Reference	Requirement	Action taken	Date undertaken
	<p>after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.</p>	<p>of the Consultation Report), to respond to an updated version of the Project, as well as a series of bi-lateral and multi-lateral meetings where points of technical detail were discussed. The Statement of Engagement (Application Document 5.2) provides a detailed summary of engagement with a wide range of stakeholders.</p> <p>The Applicant has consulted and engaged with all relevant bodies and associated stakeholders that would be involved in granting non-planning consents necessary for the construction of the Project.</p>	
Paragraph 29	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with</p>	<p>More information on this can be found in the Project's Consents and Agreements Position Statement (Application Document 3.3).</p>	

Reference	Requirement	Action taken	Date undertaken
	consultees for the provision of such inputs.		
Paragraph 35	<p>The applicant has a duty under s47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear Projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.</p>	<p>During the planning stage of Statutory Consultation, the Applicant prepared a SoCC that set out its proposals to consult with people living in the vicinity of the land potentially affected by the Project. The SoCC was published on 10 October 2018 and is provided at Appendix G of the Consultation Report.</p> <p>Before finalising and publishing the SoCC, the Applicant carried out a consultation with each of the local authorities that are prescribed under s43(1) of the Planning Act 2008. Other local authorities across the region potentially affected by the Project were also included in this consultation, owing to the wider regional significance of the Project. More information on this consultation is provided in Appendix D and Appendix E of the Consultation Report.</p> <p>The draft SoCC was issued to each of the identified local authorities by email on or before 1 August 2018. Copies of the relevant correspondence are provided in Appendix E. The letter stated that the deadline for returning comments on the draft SoCC was 2 September 2018, a period that exceeded the minimum 28 days prescribed by s47 of the Planning Act 2008.</p>	<p>Formal consultation on the draft SoCC took place between 1 August 2018 and 2 September 2018, with local authorities formally notified by email on 1 August 2018.</p> <p>It was amended in light of feedback from local authorities in September 2018 and published at the commencement of Statutory Consultation, on 10 October 2018.</p>
Paragraph 36	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local</p>	<p>The draft SoCC issued to local authorities for their feedback included information about the range of activities proposed for the delivery of the Statutory Consultation. These activities included a leaflet drop to all addresses within a set of postcode areas in the wider region surrounding the land proposed for the</p>	<p>Formal consultation on the draft SoCC took place between 1 August 2018 and 2 September 2018, with local authorities formally notified by email on 1 August 2018.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>authority's area – for example if the development was located close to a neighbouring authority. Where an Applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the SoCC.</p>	<p>Project. It also included a set of public information events, the deposit locations where information on the consultation would be stored, and the location of 'information points' at which consultation documents could be viewed.</p> <p>Local authorities provided feedback on various aspects of these proposals and the Applicant considered each comment. A summary of the comments provided by local authorities and the Applicant's response is provided at Appendix F of the Consultation Report.</p> <p>Appendix 2 of the final SoCC (provided at Appendix G of the Consultation Report) includes a map of the postcode areas in which leaflets about the consultation were sent to each address included on Royal Mail databases. It extends beyond the immediate vicinity of the land potentially affected by the proposals to include conurbations and rural communities across the wider region.</p> <p>This was accompanied by a series of public information events, mobile information centres and regional awareness events at which it was possible for members of the public from across Kent and Essex to meet with members of the Project team, discuss issues of importance to them and take away written information on the consultation proposals.</p> <p>These awareness-raising activities were described in the SoCC, which is provided at Appendix G of the Consultation Report. More information on the process the Applicant followed to bring the consultation to the awareness of the wider community is provided in Chapter 4 of the Consultation Report.</p>	<p>It was finalised and published on 10 October 2018.</p> <p>The Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		<p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.</p>	
Paragraph 37	<p>In its role as a consultee on the SoCC, the local authority should focus on how the Applicant should consult people in its area. The comments that a local authority provides on the SoCC are separate from any views that authority may have on the merits of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the Applicant's consultation on their proposed SoCC within 28 days of receipt of the request. However, prior to submitting their draft SoCC Applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design.</p>	<p>Before finalising and publishing the SoCC, the Applicant carried out a consultation with each of the local authorities that are prescribed by s43(1) of the Planning Act 2008. Other local authorities across the region potentially affected by the Project were also included in this consultation, owing to the wider regional significance of the Project. More information on this consultation is provided in Appendix D and Appendix E of the Consultation Report.</p> <p>The draft SoCC was issued to each of the identified local authorities on or before 1 August 2018. Copies of this correspondence are provided in Appendix E of the Consultation Report. The letter stated that the deadline for returning comments on the draft SoCC was 2 September 2018, a period that exceeds the minimum 28 days prescribed by s47 of the Planning Act 2008.</p> <p>Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points</p>	<p>Consultation with local authorities on the SoCC took place between 1 August and 2 September 2018, with local authorities formally notified by email on 1 August 2018. The SoCC was revised throughout September 2018 in light of the comments received.</p> <p>The final SoCC was published on 10 October 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>An Applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>	<p>made in those responses and the Applicant's consideration of them.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.</p>	<p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>
<p>Paragraph 38</p>	<p>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the Applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people</p>	<p>The draft SoCC was issued to each of the identified local authorities on or before 1 August 2018. Copies of this correspondence are provided in Appendix E of the Consultation Report. The letter stated that the deadline for returning comments on the draft SoCC was 2 September 2018, a period that exceeds the minimum 28 days prescribed by s47 of the Planning Act 2008.</p> <p>Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and the Applicant's consideration of them.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered</p>	<p>Consultation with local authorities on the SoCC took place between 1 August and 2 September 2018, with local authorities formally notified by email on 1 August 2018. The SoCC was revised throughout September 2018 in light of the comments received.</p> <p>The final SoCC was published on 10 October 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p>

Reference	Requirement	Action taken	Date undertaken
	affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed Project.	all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.	The Community Impacts Consultation took place between 14 July and 8 September 2021. The Local Refinement Consultation took place between 12 May and 20 June 2022.
Paragraph 39	<p>Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area); the appropriateness of various consultation techniques, including electronic-based ones; the design and format of consultation materials; issues which could be covered in consultation materials; suggestions for places/timings of public events as part of the consultation; local bodies and representative groups who should be consulted; and timescales for consultation. 	<p>All of the issues outlined in paragraph 39 were included within the scope of the draft SoCC issued for comment to the identified local authorities. The comments provided by participating local authorities covered a wide range of topics and the Applicant considered each.</p> <p>Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and the Applicant's consideration of them.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.</p>	<p>Consultation with local authorities on the SoCC took place between 1 August and 2 September 2018, with local authorities formally notified by email on 1 August 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
Paragraph 41	Where a local authority raises an issue or concern on the SoCC which the Applicant feels unable to address, the Applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.	Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and the Applicant's consideration of them.	Consultation with local authorities on the SoCC took place between 1 August and 2 September 2018, with local authorities formally notified by email on 1 August 2018. The Applicant considered the responses it received throughout September 2018 before finalising and publishing the SoCC on 10 October 2018.
Paragraph 42	Where a local authority decides that it does not wish to respond to a consultation request on the SoCC, the Applicant should make reasonable efforts to ensure that all affected communities are consulted. If the Applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the Applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their Project and, once satisfied, to proceed with the consultation. Provided that Applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest	<p>The Applicant received responses to its consultation on the draft SoCC from sixteen local authorities, including all of the 'host' authorities.</p> <p>Appendix F of the Consultation Report sets out the responses received to the consultation on the draft SoCC. It includes a summary of the key points made in those responses and the Applicant's consideration of them.</p> <p>The Applicant has made reasonable endeavours to ensure that all affected communities were consulted on its proposals as part of the Statutory Consultation undertaken between October and December 2018. A full account of the delivery of that consultation is provided in Chapter 4 of the Consultation Report.</p>	<p>Consultation with local authorities on the SoCC took place between 1 August and 2 September 2018, with local authorities formally notified by email on 1 August 2018. The Applicant considered the responses it received throughout September 2018 before finalising and publishing the SoCC on 10 October 2018.</p> <p>Statutory Consultation took place between 10 October and 20 December 2018.</p>

Reference	Requirement	Action taken	Date undertaken
	or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.		
Paragraph 43	Local authorities are also themselves statutory consultees for any proposed major infrastructure Project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.	<p>The Applicant has engaged on a continuous basis with host, neighbouring and other local authorities throughout the development of the Project proposals.</p> <p>Evidence of the process followed to consult with local authorities through the Statutory Consultation period is provided in Chapter 4 of the Consultation Report.</p> <p>Evidence of the way in which the Applicant planned and carried out further phases of non-statutory consultation is provided in Chapters 6-9 of the Consultation Report.</p> <p>The Statement of Engagement (Application Document 5.2) and the Statements of Common Ground (Application Document 5.4) provide further evidence of engagement with stakeholders, including periods outside of formal consultation exercises.</p>	Ongoing
Paragraph 44	Local authorities will be able to provide an informed opinion on a wide number of matters, including how the Project relates to Local Plans. Local authorities may also make suggestions for requirements to be included in the draft Development Consent	Local authorities have been engaged with extensively as part of the non-statutory phase of the Project, the Statutory Consultation and the period leading up to the submission of an application for development consent. Feedback has been encouraged and facilitated on every aspect of the Project's development, including how the Project may relate to Local Plans.	Ongoing

Reference	Requirement	Action taken	Date undertaken
	Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed Project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.	Chapter 11 of the Consultation Report includes a breakdown of each separate point made through responses and how they have been addressed by the Applicant. Local authorities were also invited to participate in subsequent phases of non-statutory consultation and the Applicant has had regard to the feedback provided in each case. Evidence of this is provided in Chapters 12-15 of the Consultation Report. A summary of the engagement with local authorities outside of the Statutory Consultation is provided in the Statement of Engagement (Application Document 5.2).	
Paragraph 47	A statement of common ground is a written statement prepared jointly by the Applicant and another party or parties, setting out any matters on which they agree. A statement of common ground is useful to ensure that the evidence at the examination focuses on the material differences between the main parties.	Statements of Common Ground are provided in Application Document 5.4.	Ongoing
Paragraph 48	Local authorities are encouraged to discuss and work through issues raised by the proposed development with Applicants well before an application is submitted. Agreements reached between an Applicant and relevant local authorities can be documented		Ongoing

Reference	Requirement	Action taken	Date undertaken
	<p>in a statement of common ground. This will contain agreed factual information about the application and can accompany the application. The statement of common ground can also set out the matters where agreement has not been reached. This can then be looked at during examination.</p>		
Paragraph 49	<p>Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a Project in such a way that they may be able to make claim for compensation. This will give such parties early notice of Projects, and an opportunity to express their views regarding them.</p>	<p>Under s42(1)(d) of the Planning Act 2008, individuals and organisations with land and other interests were identified through diligent inquiry and provided with an opportunity to comment on the proposals through a formal consultation process. The majority of these people were notified of the Statutory Consultation that took place between 10 October and 20 December 2018.</p> <p>There were subsequent phases of consultation for newly identified persons with an interest in land. The approach taken to identifying land interests and a description of all relevant phases of consultation are provided in Section 4.3 and throughout Chapter 5 of the Consultation Report.</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018. Consultation with s44 consultees has also been ongoing since the Statutory Consultation period.</p> <p>A summary of the subsequent phases of consultation, including the dates in which they occurred, is provided in Section 4.3 and throughout Chapter 5 of the Consultation Report.</p>
Paragraph 50	<p>It is the Applicant's responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and Applicants should make every reasonable effort to ensure that the Book of Reference (which records and</p>	<p>The Applicant has carried out – and continues to carry out – a process of diligent inquiry into the land interests affected by the Project. This has resulted in multiple phases of consultation with s44 consultees, beginning with Statutory Consultation between 10 October and 20 December 2018.</p> <p>A copy of the land referencing methodology for the Project is provided in Annex C of the Statement of</p>	Ongoing

Reference	Requirement	Action taken	Date undertaken
	categorises those land interests) is up to date at the time of submission.	Reasons (Application Document 4.1). A summary of that methodology and a description of the different phases of consultation with s44 consultees is included in Section 4.3 of the Consultation Report.	
Paragraph 51	However, it is understood that land interests change over time and that 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.	There were subsequent phases of consultation for newly identified persons with an interest in land. The approach taken to identifying land interests and a description of all relevant phases of consultation are provided in Chapter 5 of the Consultation Report.	

Reference	Requirement	Action taken	Date undertaken
Paragraph 52	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>In accordance with s42(1)(d) of the Planning Act 2008, individuals and organisations with land and other interests were identified through diligent inquiry and provided with an opportunity to comment on the proposals through a formal consultation process. The majority of these people were notified of the Statutory Consultation that took place between 10 October and 20 December 2018.</p> <p>There were subsequent phases of consultation for newly identified persons with an interest in land. The approach taken to identifying land interests and a description of all relevant phases of consultation are provided in Chapter 5 of the Consultation Report.</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018. Consultation with s44 consultees has also been ongoing since the Statutory Consultation period.</p> <p>A summary of the subsequent phases of consultation, including the dates in which they occurred, is provided in Chapter 5 of the Consultation Report.</p>
Paragraph 53	Local people have a vital role to play at the pre-application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with Project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other	<p>The Applicant has consulted extensively on the Project proposals, and there has been an emphasis at each stage on engaging meaningfully with local communities.</p> <p>A description of the non-statutory consultation undertaken by the Applicant in 2016 is provided in Chapter 3 of the Consultation Report. It details the series of information events held at community venues in the vicinity of the land potentially affected by the proposals, as well as the various other ways in which the consultation was made accessible to local people. Copies of the consultation material produced for that non-statutory consultation are included in Appendix B of the Consultation Report.</p> <p>Chapter 4 and Appendix M of the Consultation Report provide equivalent information on the delivery of the Statutory Consultation undertaken between October and December 2018. Chapter 4 includes a summary of the face-to-face engagement</p>	Ongoing

Reference	Requirement	Action taken	Date undertaken
	<p>opportunities might exist for meeting the Project's objectives.</p>	<p>between the Project team and local communities, including a series of public information events, the communities visited by a 'mobile information centre', and a further series of regional awareness events.</p> <p>In addition to the events, there were a series of deposit locations and information points where members of the public could either read reference copies of consultation material or take them away.</p> <p>These events and deposit locations were complemented by the delivery of consultation information leaflets to each address within a set of postcode areas that extends considerably further than the immediate vicinity of the land potentially affected by the proposals.</p> <p>A supplementary round of consultation was carried out between 29 January 2020 and 2 April 2020. A description of the engagement activities associated with that consultation is provided in Chapter 6 of the Consultation Report. It included a series of public information events, the delivery of another leaflet to addresses across the region as well as various other communication methods.</p> <p>A Design Refinement Consultation was also carried out between 14 July 2020 and 12 August 2020. A description of the engagement activities associated with that consultation is provided in Chapter 7 of the Consultation Report.</p> <p>A Community Impacts Consultation was also carried out between 14 July 2021 and 8 September 2021. A description of the engagement activities associated with that consultation is provided in Chapter 8 of the Consultation Report.</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>A further consultation, the Local Refinement Consultation, was carried out between 12 May 2022 and 20 June 2022. A description of the engagement activities associated with that consultation is provided in Chapter 9 of the Consultation Report.</p> <p>Outside of formal consultation periods, the Applicant has sought to develop and maintain its relationship with affected communities through different formats. These include a round of information events undertaken throughout the summer of 2019, with the intention of updating people about the interim results of the Statutory Consultation and the anticipated path towards a DCO application.</p>	
Paragraph 54	<p>In consulting on Project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>The range of methods used to ensure that a wide range of audiences was able to take part in the Statutory Consultation are described in Chapter 4 of the Consultation Report. Corresponding information on the delivery of the Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation is provided in Chapter 6 to Chapter 9 of the Consultation Report. These methods were devised through consultation with local authorities (as described in Section 4.2 and Appendices E-G of the Consultation Report) and there was a shared intention to make sure that the needs of 'hard to reach' groups were actively considered and factored into the plans.</p> <p>As part of the Statutory Consultation, the Applicant ensured that the following core principles were followed:</p> <ul style="list-style-type: none"> All written information distributed to consultees was written in plain English 	<p>Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		<ul style="list-style-type: none"> • All meetings and public information events were held at times and places convenient and accessible to as many people as possible • Posters publicising the consultation were displayed at appropriate public locations • Media releases about the consultation were issued to local and regional press • Advertisements were placed in local newspapers/publications • Information was sent directly to people’s homes in the consultation zone • Paper copies of documents and information were made easily available at information points and public information events • The Applicant was prepared to provide key information documents in alternative formats on request • Social media was used to disseminate information on the consultation, including the dates and times of events. <p>The Applicant carried out a further four phases of public consultation on the Project. Although delivered on a non-statutory basis, the Applicant ensured that each of these phases was planned and delivered -so that all interested parties would be aware of the process and able to meaningfully engage with the consultation proposals. In each case the duration of consultation exceeded the 28-day minimum that applies to statutory consultation, and was proportionate to the scale, impact and anticipated level of public interest.</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>A range of engagement methods were applied to non-statutory consultation, including the delivery of leaflets to all properties within a defined area around the Project proposals as well as letters to directly affected parties, adverts and public notices in local newspapers, social media campaigns and a range of digital or in-person events and webinars.</p> <p>Chapters 6-9 of the Consultation Report describe the delivery of each phase of non-statutory consultation including the measures taken to ensure 'hard to reach' groups were given opportunities to participate, and Appendices Q-T provide further evidence.</p>	
Paragraph 55	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the Project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the Project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and</p>	<p>The material produced for Statutory Consultation, including documents hosted on the Project website and display boards used at public information events, made clear the purpose of the consultation and the different elements of the Project that it encompassed.</p> <p>The core consultation document – 'Your Guide to Consultation' – presented the Project in a series of short chapters that explained the Applicant's intentions for, among other topics, different sections of the route, its approach to user-charging, and plans for construction of the route. It was written in plain English and made use of infographics wherever this was deemed helpful in simplifying technical aspects of each section. The guide included references to other documents within the suite of consultation material as well as prompts to the appropriate questions on the consultation response form where it was possible to provide</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p>feedback on specific aspects of the Project proposals.</p> <p>Summaries were produced of longer technical reports such as the Preliminary Environmental Information Report and the Traffic Forecasting Report to make it easier for non-technical audiences to understand the core messages and evidence that underpinned the consultation material.</p> <p>The consultation response form included a series of questions that clearly described the specific issues on which the Applicant was seeking feedback. The response form also included a question for 'other comments' to ensure that any feedback that fell outside the scope of the other questions could be captured.</p> <p>Copies of core consultation materials and a description of the full suite of consultation documents (including display boards used at events) can be found in Appendix M of the Consultation Report.</p> <p>Similar principles were applied to the material produced for Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation. Copies of the core documents from those consultations are provided in Appendix Q to Appendix T.</p>	
Paragraph 56	<p>Applicants are required to set out in their SoCC how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this</p>	<p>Appendix 2 of the SoCC provided a map of the postcode sectors in which each address on Royal Mail databases would be sent a leaflet at the start of the Statutory Consultation period. It extends for considerable distances beyond the immediate scope of the proposed route of the Project and was</p>	<p>The SoCC was published on 10 October and was available through the channels referred to in the Consultation Report throughout the Statutory</p>

Reference	Requirement	Action taken	Date undertaken
	<p>where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).</p>	<p>intended to generate public awareness of the consultation across the region.</p> <p>As described in Section 4.5 of the Consultation Report, the Applicant used a number of other far-reaching publicity methods to ensure that the scope of the consultation included not only the land in the immediate vicinity of the Project proposals. These methods included an email campaign that included all of the Applicant's database of people who had registered to pay the Dart Charge and agreed to receive group communications.</p> <p>An extensive series of public information events included many in the communities closest to the proposed route but also many others in towns across the South East region. These events are also described in Section 4.5 of the Consultation Report.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback provided by local authorities and the Applicant's responses.</p> <p>A range of engagement methods were applied to non-statutory consultation, including the delivery of leaflets to all properties within a defined area around the Project proposals as well as letters to directly affected parties, adverts and public notices in local</p>	<p>Consultation period, from 10 October to 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		newspapers, social media campaigns and a range of digital or in-person events and webinars.	
Paragraph 57	The SoCC should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The SoCC should be made available online, at any exhibitions or other events held by Applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.	<p>The SoCC published on 10 October 2018 included a schedule of the public information events to be held throughout the consultation period. It included the dates and opening times of those events.</p> <p>The SoCC also included the locations and opening times of the deposit locations where consultation material could be accessed.</p> <p>Copies of the SoCC were available at each public information event and it was also published on the Project consultation website.</p> <p>Much of the information contained in the SoCC – including the dates and locations of public information events – was used in other documents and publicised through different media to ensure that local communities had an opportunity to access it. For example, the statutory notices published in local and national newspapers and the leaflets sent to each address in postcode areas across the wider region all included information derived from the SoCC.</p> <p>The equivalents of the SoCC produced for subsequent phases of non-statutory consultation were either published and made available in full or their contents were added to the Applicant's consultation website or printed materials such as publicity leaflets.</p>	<p>The SoCC was published on 10 October and was available through the channels referred to in the Consultation Report throughout the Statutory Consultation period, from 10 October to 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>
Paragraph 58	Applicants are required to publicise their proposed application under s48 of the Planning Act and the	The s48 notice for the Statutory Consultation was published in four local newspapers, as well as one national newspaper, the London Gazette and two trade journals. The first publication of the s48 notice	The s48 notice was published between 4 October and 19 October 2018.

Reference	Requirement	Action taken	Date undertaken																																							
	<p>Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process.</p> <p>Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities.</p> <p>However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.</p>	<p>in all four local newspapers occurred on or before the launch date of the consultation, as in the following table.</p> <table border="1" data-bbox="869 355 1541 1257"> <thead> <tr> <th colspan="3" data-bbox="869 355 1541 403">Publication of the s48 statutory notice</th> </tr> <tr> <th data-bbox="869 403 1048 491">Names</th> <th data-bbox="1048 403 1301 491">Publication date – week 1</th> <th data-bbox="1301 403 1541 491">Publication date – week 2</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="869 491 1541 539">National Newspaper</td> </tr> <tr> <td data-bbox="869 539 1048 595">The Times</td> <td data-bbox="1048 539 1301 595">10 October 2018</td> <td data-bbox="1301 539 1541 595">/</td> </tr> <tr> <td colspan="3" data-bbox="869 595 1541 643">Local newspapers</td> </tr> <tr> <td data-bbox="869 643 1048 730">Essex Chronicle</td> <td data-bbox="1048 643 1301 730">4 October 2018</td> <td data-bbox="1301 643 1541 730">11 October 2018</td> </tr> <tr> <td data-bbox="869 730 1048 818">Kent Messenger</td> <td data-bbox="1048 730 1301 818">4 October 2018</td> <td data-bbox="1301 730 1541 818">11 October 2018</td> </tr> <tr> <td data-bbox="869 818 1048 906">Thurrock Gazette</td> <td data-bbox="1048 818 1301 906">4 October 2018</td> <td data-bbox="1301 818 1541 906">11 October 2018</td> </tr> <tr> <td data-bbox="869 906 1048 994">Yellow Advertiser</td> <td data-bbox="1048 906 1301 994">12 October 2018</td> <td data-bbox="1301 906 1541 994">19 October 2018</td> </tr> <tr> <td data-bbox="869 994 1048 1082">London Gazette</td> <td data-bbox="1048 994 1301 1082">11 October 2018</td> <td data-bbox="1301 994 1541 1082">/</td> </tr> <tr> <td colspan="3" data-bbox="869 1082 1541 1129">Trade journals</td> </tr> <tr> <td data-bbox="869 1129 1048 1185">Lloyd's List</td> <td data-bbox="1048 1129 1301 1185">10 October 2018</td> <td data-bbox="1301 1129 1541 1185">/</td> </tr> <tr> <td data-bbox="869 1185 1048 1257">Fishing News</td> <td data-bbox="1048 1185 1301 1257">11 October 2018</td> <td data-bbox="1301 1185 1541 1257">/</td> </tr> </tbody> </table> <p data-bbox="869 1273 1541 1337">A copy of the s48 notice as it appeared in each publication is provided in Appendix N.</p>	Publication of the s48 statutory notice			Names	Publication date – week 1	Publication date – week 2	National Newspaper			The Times	10 October 2018	/	Local newspapers			Essex Chronicle	4 October 2018	11 October 2018	Kent Messenger	4 October 2018	11 October 2018	Thurrock Gazette	4 October 2018	11 October 2018	Yellow Advertiser	12 October 2018	19 October 2018	London Gazette	11 October 2018	/	Trade journals			Lloyd's List	10 October 2018	/	Fishing News	11 October 2018	/	
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Paragraph 67	In addition to relevant local authorities and their communities, prospective Applicants for development consent for certain types of Projects are required to consult and engage with the Marine Management Organisation. They will also be able to advise on what, and with whom, additional consultation might be appropriate. Additional guidance is available from the Inspectorate on transboundary consultations.	The Marine Management Organisation was treated as a s42 consultee, meaning it was written to at the start of the Statutory Consultation period and invited to participate. A copy of the letter is included in Appendix K of the Consultation Report and a list of all organisations treated as s42 consultees is included in Appendix H.	The Marine Management Organisation was sent a s42 notification letter on 4 October 2018. Engagement with the Marine Management Organisation predated the Statutory Consultation period and is ongoing.
Paragraph 68	To realise the benefits of consultation on a Project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a Project to be able to recognise and understand the benefits.	Statutory Consultation was held while the consultation proposals were at a formative stage and the potential for change as a result of consultee feedback remained high. Changes were made to the Project proposals as a result of Statutory Consultation and, where appropriate, these were included in subsequent phases of non-statutory consultation, as described in Chapter 5 of the Consultation Report. In preparing material for Statutory Consultation, the Applicant sought to ensure that it fulfilled all relevant legislation, guidance and best practice. Consideration was also given to the need to make the material suitable to different audiences, and therefore produced explanations of its proposals that covered the respective topics at varying degrees of technical complexity and detail. Where appropriate, infographics, maps and other	Statutory Consultation was held between 10 October and 20 December 2018. The Supplementary Consultation took place between 29 January and 2 April 2020. The Design Refinement Consultation took place between 14 July and 12 August 2020. The Community Impacts Consultation took place between 14 July and 8 September 2021. The Local Refinement Consultation took place between 12 May and 20 June 2022.

Reference	Requirement	Action taken	Date undertaken
		<p>visual aids were used to illustrate the proposals. Appendix M of the Consultation Report provides copies of consultation material or links to the website on which they can be viewed.</p> <p>The Applicant applied a similar approach to the delivery of subsequent phases of non-statutory consultation. Chapters 6-9 of the Consultation Report describe the material produced for those consultations and Appendices Q-T provide either copies of or links to each. The proposals set out in each phase of consultation were shared while still at a formative stage and in each case changes were made as a result of consultation feedback. Evidence of the Applicant's consideration of consultation responses is provided in Chapters 11-15 of the Consultation Report.</p>	
Paragraph 69	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when Project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, Applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the Project properly.</p>	<p>Consultation on the Project has taken place at formative phases in the development of proposals. This includes the non-statutory consultation in 2016, at which point different route options and their characteristics were presented for consideration and feedback. More information on the 2016 consultation is provided in Section 3.1 of the Consultation Report. Statutory Consultation was undertaken at a stage when a preferred route had been established (as an outcome of the non-statutory consultation) and sufficient technical information had been compiled to present at a level of detail sufficient for technical and non-technical audiences, how the Project could be constructed and how it would operate. More information on the Statutory Consultation is included in Chapter 4 of the Consultation Report.</p>	<p>Statutory Consultation was held between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		<p>The Statutory Consultation enabled the Applicant to achieve greater certainty over many aspects of its plans for the Project, but it was considered appropriate to hold further phases of consultation over certain remaining elements. The rationale for holding a Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation, and information on the topics they included are provided in Chapter 6 to Chapter 9 of the Consultation Report.</p>	
Paragraph 70	<p>To manage the tension between consulting early, but also having Project proposals that are firm enough to enable consultees to comment, Applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large Projects with long development periods. For example, Applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the Applicant in establishing a preferred option on which to undertake Statutory Consultation.</p>	<p>Consultation on the Project has followed a multi-phase approach, with continuity between the initial non-statutory consultation, the Statutory Consultation, the Supplementary Consultation, the Design Refinements Consultation, the Community Impacts Consultation and the Local Refinement Consultation. This approach has enabled consultees to influence early decisions on the general characteristics of the Project and later, on points of detail related to the route and its structures as well as matters such as charging policies.</p> <p>More information on the non-statutory consultation is provided in Chapter 3 of the Consultation Report; the Statutory Consultation is described in Chapter 4; the Supplementary Consultation in Chapter 6; the Design Refinement Consultation in Chapter 7; the Community Impacts Consultation in Chapter 8 and the Local Refinement Consultation in Chapter 9.</p>	<p>Statutory Consultation was held between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

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Paragraph 71	Where an iterative consultation is intended, it may be advisable for Applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their Project proposals in sufficient detail to identify affected land interests.	<p>Consultation with persons with an interest in the land potentially affected by the Project took place under s42(1)(d) of the Planning Act 2008 as part of the Statutory Consultation undertaken between 10 October and 20 December 2018. At this stage in the development of the Project, its plans had reached a stage where the understanding of land impacts was sufficiently advanced that individual land interests could be identified.</p> <p>Section 4.3 of the Consultation Report provides further information on the processes followed by the Applicant to consult with persons with an interest in land. Chapter 5 of the Consultation Report sets out the various points throughout the pre-application period when the Applicant has identified and notified persons with an interest in land.</p>	<p>Statutory Consultation was held between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>
Paragraph 72	The timing and duration of consultation will be likely to vary from Project to Project, depending on size and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for Projects which are straightforward and uncontroversial in nature. But many Projects, particularly larger or more controversial ones, may require longer consultation periods than this.	<p>The Statutory Consultation took place between 10 October and 20 December 2018, meaning ten full weeks were provided for feedback to be provided on the proposals. Consideration was given to the duration of the consultation and local authorities were provided with an opportunity to influence this factor as part of the consultation on a draft SoCC undertaken between August and September 2018.</p> <p>A log of the feedback received on the draft SoCC and the Applicant response to it is provided at Appendix F of the Consultation Report.</p> <p>The Applicant considered a consultation period of ten weeks to be proportionate to the scale of the Project and the complexity of the information presented at consultation.</p>	<p>Statutory Consultation took place between 10 October and 20 December 2018.</p> <p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed Project. It is also important that consultees do not withhold information that might affect a Project, and that they respond in good time to Applicants. Where responses are not received by the deadline, the Applicant is not obliged to take those responses into account.</p>	<p>Responses submitted and received after the stated consultation period were not included in the analysis provided in the section of the report beginning in Section 11.4 of the Consultation Report.</p> <p>An explanation of how late responses were reviewed and taken into account by the Project team and a summary of the issues they contain, is provided in Section 11.7.</p> <p>The Applicant carried out a further four phases of public consultation on the Project. Although delivered on a non-statutory basis, the Applicant ensured that each of these phases was planned and delivered to ensure that all interested parties would be aware of the process and able to meaningfully engage with the consultation proposals. In each case the duration of consultation exceeded the 28-day minimum that applies to statutory consultation, and was proportionate to the scale, impact and anticipated level of public interest.</p>	
Paragraph 73	<p>Applicants are not expected to repeat consultation rounds set out in their SoCC unless the Project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or</p>	<p>A Supplementary Consultation on the Project was held between 29 January 2020 and 2 April 2020, and the non-statutory Design Refinement Consultation was held between 14 July and 12 August 2020. A description of those consultations is provided in Chapters 6 and 7 of the Consultation Report. Chapter 8 describes the non-statutory Community Impacts Consultation held between 14 July and 8 September 2021, and Chapter 9 describes the non-statutory Local Refinement Consultation held between 12 May and 20 June 2022.</p> <p>In preparing for these non-statutory consultations, the Applicant considered the scale of change</p>	<p>The Supplementary Consultation took place between 29 January and 2 April 2020.</p> <p>The Design Refinement Consultation took place between 14 July and 12 August 2020.</p> <p>The Community Impacts Consultation took place between 14 July and 8 September 2021.</p> <p>The Local Refinement Consultation took place between 12 May and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>invalid for some reason. When considering the need for additional consultation, Applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>	<p>between the proposals at Statutory Consultation and those envisaged for these subsequent phases. It was determined through this process that the scale of change associated with the proposals covered by each consultation did not require a repeat round of Statutory Consultation because the Project proposals were fundamentally unchanged, with only refinements to discrete parts of it being considered.</p> <p>In making this decision, the Applicant also considered the scale of the impact the proposed changes could have on the surrounding communities. Although undertaken on a non-statutory basis, each round of consultation held after the Statutory Consultation has offered the affected communities a range of opportunities to learn about the proposed changes, engage with members of the Project team and prepare a response.</p>	
Paragraph 75	<p>If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an Applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for</p>	<p>The Applicant made changes to the proposals included in its Statutory Consultation and assessed the potential for further consultation to be undertaken on a statutory or non-statutory basis. It was determined that the proposed changes and the nature of their associated impacts were of a scale that would not justify Statutory Consultation and that non-statutory consultation was appropriate.</p> <p>The Supplementary Consultation held between January and April 2020, the Design Refinement Consultation held between July and August 2020, the Community Impacts Consultation held between July and September 2021 and the Local Refinement Consultation held between May and June 2022</p>	<p>Supplementary Consultation was held between 29 January and 2 April 2020.</p> <p>Design Refinement Consultation was held between 14 July and 12 August 2020.</p> <p>Community Impacts Consultation was held between 14 July 2021 and 8 September 2021.</p> <p>Local Refinement Consultation, was carried out between 12 May 2022 and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>further consultation. Instead, the Applicant should ensure that all affected statutory consultees and local communities are informed of the changes.</p>	<p>provided opportunities for local communities and stakeholder organisations to understand the nature of the proposed changes and the reasons for their inclusion. Although undertaken on a non-statutory basis, these consultations made use of notification and engagement methods that were a feature of the earlier Statutory Consultation and provided consultees with a substantively similar experience. More information on those consultations is provided in Chapters 6-9 of the Consultation Report, and the Applicant's response to the issues raised by consultees is provided in Chapter 12 for the Supplementary Consultation, Chapter 13 for the Design Refinement Consultation, Chapter 14 for the Community Impacts Consultation and Chapter 15 for the Local Refinement Consultation.</p>	
<p>Paragraph 76</p>	<p>In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer's Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant</p>	<p>Paragraph 28 of the Project's SoCC stated that <i>'Where we consider it appropriate, and before submitting our DCO application, we may choose to consult further on certain changes to the Project made in response to consultation feedback. The form of this consultation would be determined by the scale and impact of the proposed changes.'</i> Although undertaken on a non-statutory basis, the Applicant chose to produce equivalents to the draft SoCC for each phase of public consultation that took place after the Statutory Consultation. In each case, host local authorities were invited to comment on the draft approach and the Applicant considered all feedback before finalising its plans. Chapters 6-9 of the Consultation Report describe the application of this process to each phase of non-statutory consultation, including records of the feedback</p>	<p>Supplementary Consultation was held between 29 January and 2 April 2020. Design Refinement Consultation was held between 14 July and 12 August 2020. Community Impacts Consultation was held between 14 July 2021 and 8 September 2021. Local Refinement Consultation, was carried out between 12 May 2022 and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
	individuals and organisations are included.	provided by local authorities and the Applicant's responses. Chapters 6-9 of the Consultation Report provide descriptions of the Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation.	
Paragraph 77	Consultation should also be fair and reasonable for Applicants as well as communities. To ensure that consultation is fair to all parties, Applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the Project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.	The Applicant considers that the consultation it has undertaken is proportionate to the impacts of the proposed Project, and has responded to anticipated levels of local, regional and national interest. Details of the approach and how it was implemented for the Statutory Consultation are provided in Chapter 4 of the Consultation Report. Chapters 6-9 describe the way in which subsequent non-statutory consultations were prepared and delivered to provide meaningful opportunities for all interested parties to participate.	Statutory Consultation took place between 10 October and 20 December 2018. Supplementary Consultation was held between 29 January and 2 April 2020. Design Refinement Consultation was held between 14 July and 12 August 2020. Community Impacts Consultation was held between 14 July 2021 and 8 September 2021. Local Refinement Consultation was carried out between 12 May 2022 and 20 June 2022.
Paragraph 78	Applicants are required under s37 of the Planning Act 2008 to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.	A Consultation Report has been prepared to support the Applicant's application for development consent and as required by s37(3)(c) of the Planning Act 2008.	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
Paragraph 80	Therefore the consultation report should: <ul style="list-style-type: none"> provide a general description of the consultation process undertaken, which can helpfully include a timeline; 	The executive summary of the Consultation Report provides an overview of the consultation process and a timeline of consultation activities is included in Section 2.6 of that report.	
	<ul style="list-style-type: none"> set out specifically what the Applicant has done in compliance with the requirements of the Planning Act 2008, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate; 	This checklist (Appendix A of the Consultation Report) provides an overview of the ways in which the Applicant has complied with all of the relevant legislative, policy and regulatory requirements. It includes references to sections of the Consultation Report or other DCO application documents where further evidence of the Applicant's compliance is provided.	
	<ul style="list-style-type: none"> set out how the Applicant has taken account of any response to the consultation with local authorities on what should be in the Applicant's SoCC; 	Section 4.1 of the Consultation Report provides an overview of the process through which the Applicant developed a draft SoCC, provided local authorities with a formal consultation period to comment on that SoCC and then reviewed the feedback it received in order to finalise it. Appendices D to G of the Consultation Report provide evidence of this process, including letters sent by the Applicant to local authorities, feedback provided by those authorities and a log of the way in which the Applicant considered their comments.	
	<ul style="list-style-type: none"> set out a summary of relevant responses to consultation (but not a complete list of responses); 	Chapter 11 of the Consultation Report provides a summary of the responses submitted to the Statutory Consultation. It includes analysis of responses to closed questions on the consultation	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be assessed; 	<p>response form (those asking for a level of agreement/disagreement with different elements of the Project proposals) as well as the geographic distribution of consultation responses across the country.</p> <p>Section 11.4 sets out each of the points made in response to the Statutory Consultation, including a statement of how the Applicant has had regard to those points.</p>	
	<ul style="list-style-type: none"> provide an explanation as to why responses advising on major changes to a Project were not followed, including advice from statutory consultees on impacts; 	<p>Those statements include explanations as to why the Applicant has in some instances not made major changes to the Project that were recommended in the relevant responses.</p> <p>There is an equivalent set of statements in Chapter 12, covering points made in responses to Supplementary Consultation, in Chapter 13 for responses to the Design Refinement Consultation, in Chapter 14 for responses to the Community Impacts Consultation and in Chapter 15 for responses to the Local Refinement Consultation.</p>	
	<ul style="list-style-type: none"> where the Applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and 	<p>A log of the responses received through consultation on the draft SoCC, and the Applicant's consideration of the comments it received, is provided in Appendix F of the Consultation Report. This includes an explanation of any feedback that the Applicant did not apply to its final SoCC.</p> <p>The Applicant considers the consultation it has conducted to be compliant with all of the relevant guidance and advice notes published by the Ministry of Housing, Communities and Local Government (previously Department for Communities and Local Government (DCLG)) or the Planning Inspectorate.</p>	

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters. 	<p>The Consultation Report sets out clearly and comprehensively how the Applicant has planned and undertaken Statutory Consultation on the Project.</p> <p>Chapter 11 of the report includes explanations of how the Applicant has sought to address significant effects predicted or raised by consultees.</p>	
Paragraph 81	It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by Applicants has been used to shape and influence the Project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.	Throughout the development of the Project, the Applicant has sought to inform people on how consultation feedback has helped shape the proposals. For example, a Consultation Report and other collateral material was produced to support the Preferred Route Announcement in April 2017, explaining how consultation feedback had generated decisions on the future of the Project and how it would inform ongoing development of the plans. All consultation respondents who had provided relevant contact details were communicated with at this point to ensure they had the best possible opportunity to hear about the developments.	On submission of the application.
Paragraph 82	As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with highly technical interests may seek more detailed information on what impacts and risks have	In July 2019 the Applicant published a Project update, which provided preliminary analysis of the responses to that consultation. This made use of a summary report of responses to the consultation prepared by Traverse, which is the external agency commissioned by the Applicant to analyse the responses on its behalf. This summary document was published as part of the summer update, at which point all respondents to the Statutory	

Reference	Requirement	Action taken	Date undertaken
	<p>been identified, and how they are proposed to be mitigated or managed.</p>	<p>Consultation who had provided relevant contact details were notified.</p>	
<p>Paragraph 83</p>	<p>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. If helpful, this could be supplemented by events in the local area.</p>	<p>Update events were held in a series of community venues in the summer of 2019, at which it was possible to speak with the Lower Thames Crossing Project team and discuss the findings of the Project update.</p> <p>A copy of the Project update and the Traverse summary report are provided in Appendix U of the Consultation Report. More information on the series of update events is included in Section 3.2.</p> <p>In addition to the Consultation Report, the Applicant commissioned Traverse to produce a report (which is more detailed than the summary report published in the summer) that explains the key themes and issues identified when analysing responses to the consultation. It is intended to provide non-technical audiences with a clear and approachable description of the responses and to accompany the full Consultation Report.</p> <p>A copy of Traverse's full summary report is included as Appendix U of the Consultation Report.</p> <p>As part of the Community Impacts Consultation in 2021, the Applicant produced and consulted on a 'You Said, We Did' document, in which feedback from three preceding rounds of consultation and the Applicant's responses to it was set out. A similar document was produced for the Local Refinement Consultation. In preparing to submit an application for development consent, the Applicant has also produced and published a document summarising feedback to the Local Refinement Consultation. At the same time, a new web page making use of</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>ArcGIS StoryMap technology was published. The resource – ‘How You Have Shaped the Lower Thames Crossing’ – is an interactive webpage that allows readers to understand the different ways in which consultation feedback has generated changes to the Project proposals. Both resources have been publicised using the Applicant’s database of contacts, including all parties who responded to pre-application consultations and provided consent to be contacted.</p> <p>In the event that the DCO application is accepted by the Planning Inspectorate for Examination, the Applicant will write to all respondents to the Statutory Consultation, Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation to inform them of the publication of the Consultation Report. Any questions or suggestions made about the Project proposals or the Consultation Report would be dealt with by the Applicant in an appropriate manner.</p>	
Paragraph 84	<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 impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified</p>	<p>Section 11.4 of the Consultation Report provides summaries of points made in response to the Statutory Consultation, including those from bodies such as statutory environmental bodies and local authorities. That section also includes a statement that summarises the ways in which the Applicant has responded to the points raised.</p> <p>Chapters 12-15 provide equivalent sections dealing with feedback from responses to the subsequent phases of non-statutory consultation.</p> <p>The Statement of Engagement (Application Document 5.2) and the Statements of Common</p>	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.	Ground (Application Document 5.4) provide extensive records of engagement with stakeholder bodies. The Applicant is committed to continuing this process of engagement as its application for development consent is considered.	
Paragraph 88	It is important to stress that any pre-application consultation is a statutory duty for Applicants, and it should, as this guidance makes clear, be carried out to a certain standard. Issues about the adequacy of consultation should be considered prior to the Inspectorate (on behalf of the Secretary of State) accepting an application for examination. Where any interested party feels that consultation was inadequately carried out, they should approach the Applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the	<p>The Applicant considers the consultation it has undertaken to be compliant with all statutory requirements, as demonstrated by the Consultation Report and this Appendix. Comments made in response to consultation about the appropriateness or adequacy of consultation on the Project are addressed in Chapter 11 (for responses to Statutory Consultation) and Chapters 12-15 (for responses to subsequent non-statutory consultations).</p> <p>In addition, following the withdrawal of an initial application for development consent in November 2020, the Applicant has carefully considered the feedback provided by local authorities in their adequacy of consultation representations to the Planning Inspectorate. A record of that process is provided in Chapter 8 of the Consultation Report and in Appendix V.</p>	Statutory Consultation took place between 10 October and 20 December 2018.

Reference	Requirement	Action taken	Date undertaken
	Applicant to address the issues if appropriate. In all cases, the final decision as to whether pre-application consultation was adequately carried out rests with the Secretary of State.		
Preliminary Environmental Information			
Paragraph 90	Most major infrastructure Projects will fall within the scope of the Environmental Impact Assessment Directive and will require an environmental statement to be prepared and submitted as part of the application. At an early stage the Applicant needs to either inform the Secretary of State of their intention to submit an environmental statement along with its application, or where the developer is unsure whether an environmental statement is needed, that they intend to seek a screening opinion. A screening opinion should be sought as early as is possible for the environmental effects of the proposed development to be properly considered. The Secretary of State can also, through a scoping opinion, advise Applicants on the content of	Under Regulation 8(1) of the EIA Regulations 2017, the Applicant submitted a Regulation 8 Notification to the Planning Inspectorate on 2 November 2017, informing them of the intention to submit an Environmental Statement for the Project. An application for a Scoping Opinion (Regulation 10) was prepared and submitted at that time. The Planning Inspectorate provided its Scoping Opinion on 13 December 2017 and this informed the Project's development of its proposals. Chapter 10 of the Consultation Report provides more information about this process.	A Regulation 8 Notification was submitted by the Applicant to the Planning Inspectorate on 2 November 2017.

Reference	Requirement	Action taken	Date undertaken
	any required environmental statement. The scoping opinion will be based on advice received from statutory consultees and other relevant organisations.		
Paragraph 91	<p>For major infrastructure Projects, the environmental impact assessment process is governed by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. These Regulations make the preapplication publicity and consultation requirements for the environmental impact assessment process consistent with those of the Planning Act 2008:</p> <ul style="list-style-type: none"> Regulation 10 requires that the Applicant's Statement of Community Consultation must state whether the Project falls within the scope of the Directive, and, if it does, how the Applicant intends to publicise and consult on the preliminary environmental information (see paragraphs 93 and 94) for requirements in relation to preliminary environmental information); and 	<p>Paragraph 15 of the Project's SoCC stated that '<i>The Project constitutes "Environmental Impact Assessment (EIA) development"</i>' and that the consultation would provide a Preliminary Environmental Impact Report (PEIR) that would be publicised using the range of engagement methods described elsewhere in the SoCC.</p> <p>A copy of the SoCC is provided in Appendix G of the Consultation Report.</p> <p>The Project's s48 notice explained that the Project constituted an EIA development and a copy of this notice was issued to all prescribed consultees, including statutory environmental bodies.</p> <p>A list of the prescribed consultees is provided in Appendix H of the Consultation Report and a copy of the s42 letter of notification and accompanying s48 notice is provided in Appendix K of the Consultation Report.</p>	<p>The SoCC was published at the commencement of Statutory Consultation, on 10 October 2018. S42 notices and s48 notices were issued to prescribed consultees on 4 October 2018.</p>

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> Regulation 11 requires that publicity of Project proposals under s48 of the Planning Act 2008 must also encompass the requirements of the environmental impact assessment process and at the time of publishing the proposed application, Applicants must notify all environmental consultation bodies. 		
Paragraph 92	To ensure consultation is meaningful, the pre-application consultation process for major infrastructure Projects encourages Applicants to give consultees as much information as possible on the characteristics of the proposed Project. However, it may not be possible for Applicants to share their environmental statements during the consultation process. It may also not be the most appropriate way to present the potential environmental impacts and mitigation steps.	The Project's PEIR, as published for the Statutory Consultation, was an appropriately detailed description of the environmental impacts of the proposals at that stage in their development. An update to the PEIR was published as part of the Project's Supplementary Consultation, and a further update as part of the Design Refinement Consultation. Information on environmental impacts and mitigations related to the updated Project proposals were also included in the Community Impacts Consultation and Local Refinement Consultation. More information on those consultations is provided in Chapters 6-9 of the Consultation Report.	n/a
Paragraph 93	For the pre-application consultation process, Applicants are advised to include sufficient preliminary environmental information to	A PEIR was included as part of the material published for Statutory Consultation. It included sufficient preliminary information to enable consultees to develop an informed view of the Project.	The Statutory Consultation was held between 10 October 2018 and 20 December 2018.

Reference	Requirement	Action taken	Date undertaken
	<p>enable consultees to develop an informed view of the Project. The information required may be different for different types and sizes of Projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the Applicant considers this to be appropriate (and more cost-effective) it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The Applicant's SoCC must include a statement about how the Applicant intends to consult on preliminary environmental information.</p>	<p>A non-technical summary of the PEIR was also developed and available during the consultation to highlight the key content of the PEIR for non-specialist consultees. More information on the predicted environmental impacts of the Project and the way in which those impacts would be mitigated was also included in other material produced for the consultation, including the 'Guide to Consultation' document.</p> <p>Further information in respect of how the PEIR was publicised and consulted on is included in Chapter 4 of the Consultation Report.</p> <p>Paragraph 16 of the Project's SoCC explained that a PEIR would be produced for the consultation and that it would be made available on the Project's website and at deposit locations. It also explained that comments related to the PEIR could be provided through the consultation response form.</p> <p>A copy of the SoCC is included in Appendix G of the Consultation Report.</p> <p>The changes proposed to the Project since Statutory Consultation, along with external changes such as updated standards, guidance and assessment methodology, have inevitably meant that the assessment of impacts has evolved. To address this, each subsequent consultation was supported by the provision of environmental information (Environmental Information updates at Supplementary Consultation and Design Refinement Consultation, and within the documentation as appropriate at the Community Impacts Consultation and Local Refinement Consultation). The environmental information</p>	<p>Supplementary Consultation was held between 29 January and 2 April 2020.</p> <p>Design Refinement Consultation was held between 14 July and 12 August 2020.</p> <p>Community Impacts Consultation was held between 14 July 2021 and 8 September 2021.</p> <p>Local Refinement Consultation was carried out between 12 May 2022 and 20 June 2022.</p>

Reference	Requirement	Action taken	Date undertaken
		<p>provided at each consultation confirmed the effect of changes on the preliminary assessment conclusions set out in the PEIR and, where relevant, provided any updates to those preliminary conclusions to ensure that consultees were informed of the latest position throughout the pre-application process.</p> <p>Following the withdrawal of the application in October 2020, the Applicant prepared a proposal for a further consultation, the Community Impacts Consultation. This proposal set out a consultation focused on the impacts of construction on the community, and the associated controls. This proposal was shared with local authorities who provided feedback that local communities needed more information on how they would be impacted by the Project in operation as well. As a result, the scope of the consultation was developed to provide localised presentation of the impacts, and the scope was extended from the earlier proposals to provide information on operational as well as construction impacts. Ward scale assessments were provided for areas that would be directly impacted by construction, as well as wards adjacent to the existing Dartford Crossing which were included to show how the proposals would benefit the communities there. This meant that wards located away from the Project, which would only experience impacts associated with changing traffic flows, did not have ward summaries. The information on impacts in these areas was set out in the Operational Update document, which was included in the consultation, and which provided information on traffic flows and environmental impacts associated with the change in traffic.</p>	

Reference	Requirement	Action taken	Date undertaken
Habitats Regulations Assessment			
Paragraph 95	When considering whether a Project has the potential to significantly affect the integrity of certain European protected wildlife sites, the Applicant must provide a report which should include the site(s) that may be affected, together with sufficient information to enable the Secretary of State, as decision maker, to conclude whether an appropriate assessment is required, and, if so, to undertake such an assessment.	<p>The Applicant consulted with all of the prescribed statutory bodies in delivering its Statutory Consultation on the Project. A list of these bodies is provided in Appendix H of the Consultation Report and copies of the letters they received are in Appendix K of the Consultation Report.</p> <p>The Statement of Engagement (Application Document 5.2) and the Statements of Common Ground (Application Document 5.4) provide further information on the Applicant's engagement with stakeholder bodies, including statutory environmental bodies.</p> <p>The Habitats Regulations Assessment for the Project, which includes information on how the assessment was planned and carried out, has been submitted as part of the application for development consent (Application Document 6.5).</p>	On submission of the application.
Paragraph 96	It is the Applicant's responsibility to consult with the relevant statutory bodies and, if they consider it necessary, with any relevant non-statutory nature conservation bodies, in order to gather evidence for such a report (to support a Habitats Regulations Assessment). This consultation should take place as early as possible in the pre-application process. One way of doing this is for an Applicant to agree an evidence plan. The Planning Inspectorate can also comment on the Applicant's draft report in advance of formal submission		Statutory Consultation took place between 10 October and 20 December 2018.

Reference	Requirement	Action taken	Date undertaken
	<p>of the application if it is provided in good time. Further advice on Habitats Regulations Assessments for major infrastructure Projects is available from the Inspectorate's Advice Note 10.</p>		
The Planning Inspectorate's Advice note 14 – Compiling the consultation report			
	Introduction		
	<p>An application for a Development Consent Order (DCO) must include a Consultation Report, which describes the consultation process carried out by the Applicant prior to submission of the application. It should demonstrate how the Applicant's pre-application duties set down in the Planning Act 2008 (the PA2008) have been complied with. The Consultation Report should include information and evidence about:</p> <ul style="list-style-type: none"> • Who was consulted and how the consultation was carried out; • how, and when, the project was publicised; and • how the responses were taken into account. 	<p>A Consultation Report has been submitted with the application in accordance with s37 of the Planning Act 2008.</p> <p>Chapter 4 provides an account of the Statutory Consultation and its adherence to s42, s47 and s48 of the Planning Act 2008. It describes who the Applicant consulted and the way in which consultation was carried out, including information on the ways in which the consultation was publicised.</p> <p>Although undertaken on a non-statutory basis, further phases of consultation on the Project proposals were thorough and wide-ranging, with many of the same features that are required of statutory consultations. These consultations are described in Chapters 6-9 of the Consultation Report.</p> <p>Chapters 11-15 of the Consultation Report provide a summary of the relevant responses and the Applicant's response to the separate strands of consultation. This includes (in Chapter 12) a</p>	<p>On submission of the application.</p>

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	<p>The Consultation Report is used by the Planning Inspectorate to inform the decision as to whether pre-application procedures have been complied with adequately, such that an application is of a satisfactory standard to be accepted for examination. It may also be referred to during the Examination by the Examining Authority and by the Secretary of State when making a decision. Applicants should treat the Consultation Report as an important part of the evidence base that underpins an application</p>	<p>summary of the relevant responses and the Applicant's response to the Supplementary Consultation subsequently undertaken. Chapter 13 provides the equivalent information for the Design Refinement Consultation, Chapter 14 for the Community Impacts Consultation and Chapter 15 for the Local Refinement Consultation.</p> <p>Together, these sections of the Consultation Report set out how the Applicant has met its duty under s49(2) of the Planning Act 2008.</p>	
	<p>Purpose of a Consultation Report</p>		
	<p>The Consultation Report must explain how the Applicant has complied with the pre-application consultation requirements set down in the PA2008; in particular:</p> <ul style="list-style-type: none"> • The requirement to consult with prescribed consultees (section 42); • the requirement to consult with the community (section 47); • the requirement to publicise the proposed application (section 48); and 		

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	<ul style="list-style-type: none"> the requirement to have regard to consultation responses (section 49). 		
	<p>The report should also explain non-statutory consultation that takes place outside the requirements of the PA2008 so that the Secretary of State is given an understanding of all the consultation activity relevant to a particular project.</p>		
	<p>Applicants should additionally use the Consultation Report to demonstrate compliance with section 50 of the PA2008 (the duty to have regard to any statutory guidance issued by the Secretary of State) by illustrating how relevant statutory guidance has been followed. Where an applicant has diverged from any guidance this should be robustly justified in the Consultation Report.</p>	<p>Chapter 2 of the Consultation Report states that all relevant guidance has been followed by the Applicant, with evidence of this provided in Chapters 4,5 and 10 primarily. Further supporting evidence is provided in the appendices referred to in those chapters, including this checklist.</p>	<p>On submission of the application.</p>
	<p>Format and content of the Consultation Report</p>	<p>N/A</p>	<p>N/A</p>
	<p>Given the diversity of the projects that may use the PA2008 process it is not appropriate for the Planning Inspectorate to issue prescriptive 'one size fits all' advice. However, based on</p>		

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	experience the following advice sets down some guidelines about format and structure, which may be helpful.		
	<p>Introductory text</p> <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>The Executive Summary (Chapter 1) of the Consultation Report provides a summary of the pre-application consultation process, including an account of each phase of consultation.</p> <p>Chapter 2 of the Consultation Report includes a timeline of consultation on the Project.</p>	On submission of the application.
	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 PA2008.		
	Many Nationally Significant Infrastructure Projects (NSIP) evolve over an extended period of time with previous proposals that may have been consulted on then abandoned; in which case, a brief description of any historic consultation activity, including any information available about the scale and nature of the response at that time, would be of interest.	<p>Chapters 1 and 2 of the Consultation Report provide a brief overview of the pre-application consultation process, including consultations held before the Statutory Consultation and those held after it.</p> <p>Chapter 3 provides a more detailed account of consultation held before the Statutory Consultation, including information on its aims, the level of response, and outcomes.</p> <p>Chapter 4 describes the delivery of the Statutory Consultation. Chapter 5 describes the process of</p>	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	A detailed planning history of the site is not necessary in this report.	identifying and notifying persons with an interest in land under s44 of the Planning Act 2008, which took place on an ongoing basis from Statutory Consultation through to the period following the Local Refinement Consultation.	
	Multi-stage consultations Where the pre-application consultation included more than one stage of statutory consultation then it is usually helpful to reflect this in the structure of the report. In this way, each stage of consultation can be presented and explained chronologically in a separate chapter or section of the report, including any non-statutory consultation that took place. This can also include separate summary schedules of consultation responses.	Chapters 6-9 describe four phases of public consultation held on a non-statutory basis after the 2018 Statutory Consultation. Chapters 11-15 set out the issues raised through successive phases of pre-application consultation, beginning with the Statutory Consultation, and how the Applicant has considered and responded to them.	
	Duty to consult (s42) The report should include a list of all persons and bodies that were consulted, and when they were consulted.	Appendix H of the Consultation Report includes a list of all s42(1)(a), (aa) and (c) prescribed consultees. They are listed in the order they are presented in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). The Marine Management Organisation and the Greater London Authority were notified and consulted, and are included in Appendix H.	On submission of the application.
	It is helpful if the list is arranged according to the strand of section 42 consultee set out below, alongside the dates they were consulted. Specific advice about the nature of the information to be provided in respect of each strand is also set out below.		

Reference	Requirement	Action taken	Date undertaken
	<p><i>Prescribed consultees (s42(1)(a), s42(1)(aa) and s42(1)(c)</i></p> <p>The list of the prescribed organisations should follow the order they are presented in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). Any variations between the Applicant's list of prescribed consultees and the list of organisations set out in Schedule 1 of the APFP Regulations should be robustly justified.</p>		
	<p>Where relevant, the list of prescribed consultees should also include the Marine Management Organisation – s42(1)(aa) and the Greater London Authority – s42(1)(c).</p>		
	<p><i>Relevant local authorities – s42(1)(b)</i></p> <p>A short description of how s43 of the PA2008 has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</p>	<p>Section 4.3 of the Consultation Report includes an explanation of how s43 local authorities were identified for this consultation. It includes maps indicating the boundaries of the relevant authorities and their relationship to the Project.</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	<p><i>Persons with an interest in land – s42(1)(d)</i></p> <p>The Applicant must demonstrate that diligent enquiry was undertaken to identify persons under s44 of the PA2008 and to ensure that an up to date Book of Reference is submitted. In that context, it is useful to set out the methodology for identifying persons in Category 3 (those who may make a relevant claim).</p>	<p>Section 4.3 of the Consultation Report describes the processes used by the Applicant to identify and notify all persons under s44 of the Planning Act 2008. Chapter 5 explains how this process was carried out on an ongoing basis as diligent enquiry continued throughout the development of the Project proposals. It states the number of persons that were consulted and the number of persons consulted per category, the stage in the pre-application period at which they were consulted and the information they were invited to provide feedback on.</p>	<p>On submission of the application.</p>
	<p>The Consultation Report should explain how many persons with an interest in land were consulted, under which category and when. It is not necessary to list the names of all individuals identified in the Book of Reference.</p>	<p>Appendix J of the Consultation Report provides a list of all parties consulted under s42(1)(d) of the Planning Act 2008. It includes a breakdown of when such parties were consulted on the proposals, owing to the fact that some were identified and consulted after the start of the Statutory Consultation period of 10 October to 20 December 2018.</p>	
	<p>If additional persons with an interest in land were added and consulted following changes to the project boundary during the Pre-application stage, it is useful to describe:</p> <ul style="list-style-type: none"> • How many additional persons with an interest in land were consulted; • when they were consulted; • how they were consulted; and 		

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	<ul style="list-style-type: none"> what information they were consulted with. 		
	<p><i>Duty to consult the local community (s47)</i></p> <p>The Secretary of State needs to be satisfied that the Applicant has complied with the Statement of Community Consultation (SoCC) preparation process. Evidence should be submitted as part of the Consultation Report 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; and a description about how the Applicant had regard to the local authorities' comments. 	<p>Section 4.1 of the Consultation Report provides an explanation of the approach that was taken to developing, consulting on and finalising a SoCC. Appendices D to G of the Consultation Report provide further evidence of this process, including confirmation that the authorities were provided at least 28 days to respond, a record of the feedback provided by participating local authorities and the Applicant's responses to the issues raised.</p> <p>Although undertaken on a non-statutory basis, the Applicant chose to carry out equivalents to the SoCC on its emerging plans for public consultation. In each case host local authorities were able to provide feedback on those plans. Evidence of this feedback and of the Applicant's responses to the issues raised are provided in Chapters 6-9 of the Consultation Report.</p>	On submission of the application.
	<p>Following the coming into force of The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 (the 2020 Regulations) Applicants no longer need to place paper copies of the SoCC on deposit at locations in the vicinity of the Proposed Development. Instead, Applicants</p>	<p>The SoCC was made available for inspection at the Deposit Locations listed in Chapter 4 of the Consultation Report.</p> <p>Although undertaken before the amendment to the regulations was made, the Applicant published its SoCC on its consultation website, as is described in Chapter 4 of the Consultation Report.</p>	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	<p>should make the SoCC available for inspection online. Evidence that this has been done should be provided in the Consultation Report, for example, a screen shot of the relevant webpage showing the published SoCC (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations) and confirmation that the public could access the webpage free of charge.</p>		
	<p>Copies of the published SoCC notice as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when. If a scan of a notice is not clear, then it can be supplemented with a document containing the text of the notice. Where it was not possible to place the SoCC notice in a printed newspaper, then a screen shot of the notice as it was published in an online local newspaper publication should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020</p>	<p>Copies of the s47 notice, publicising where and when the SoCC could be inspected as well as information on the forthcoming consultation, are included in Appendix N of the Consultation Report. It also includes a list of all the local newspapers in which the notice was published and the dates on which those newspapers were published.</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	Regulations), ensuring the date of publication is visible.		
	Where more than one SoCC was prepared for a project, eg where a SoCC was subject to one or more updates, the updated SoCC or SoCCs should be included together with a narrative about why the preceding SoCC was reviewed and updated.	One SoCC was prepared for the Statutory Consultation, and a copy is provided in Appendix G of the Consultation Report, alongside a table in which compliance with the commitments it contains is described.	On submission of the application.
	Where there are any inconsistencies between the SoCC and the consultation carried out this should be clearly explained and justified eg where additional consultation took place that was not included in the SoCC or SoCCs.		
	<i>Duty to publicise (s48)</i> A scanned copy of the s48 notice as it appeared in the local and national newspapers and journals, clearly showing the publication's name and date of publication, should be included in the report. If the scan is of poor quality this should be supplemented with a copy of the text. A description of where the notice was published, and confirmation of the time period given for responses should be included in the report.	A copy of the s48 notice as it appeared in local and national newspapers is provided in Appendix N of the Consultation Report, along with a schedule of the relevant newspapers and the dates on which the notices were published in them. There were no instances where it was not possible to place the notice in printed newspapers.	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	<p>Where it was not possible to place the notice in printed newspapers, then screen shots of the notice as it was published in online newspaper publications should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations), ensuring the date of publication is visible.</p>		
	<p>Applicants should provide confirmation that the s48 notice was sent to the Environmental Impact Assessment (EIA) consultation bodies at the same time as the notice was published. See Regulation 13 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations.</p>	<p>Section 4.2 of the Consultation Report confirms that all prescribed consultees that were consulted as part of the Statutory Consultation in 2018 were issued with a copy of the s48 notice at the same time that it was published in local and national media. A copy of the letter sent to those consultees is provided in Appendix K of the Consultation Report.</p> <p>S42(1)(a) prescribed consultees that were identified and notified after the Statutory Consultation were provided with a copy of the original s48 notice. Copies of letters sent to these bodies are also provided in Appendix K.</p> <p>The consultation materials are described in Section 4.4 of the Consultation Report and copies are provided in Appendix M of the Consultation Report.</p>	<p>On submission of the application.</p>
	<p><i>Non-statutory consultation and engagement</i> Applicants may have been engaged in non-statutory consultation eg early consultation</p>	<p>Chapter 3 of the Consultation Report provides an account of consultation held before the Statutory Consultation, including information on its aims, the level of response, and outcomes.</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>with statutory bodies may have been undertaken when identifying options and in advance of statutory consultation under the provisions of the PA2008. Applicants may also have been engaged in non-statutory consultation that takes place after the statutory consultation following changes made to the project.</p>	<p>Chapter 5 describes the process of identifying and notifying persons with an interest in land under s44 of the Planning Act 2008, which took place on an ongoing basis from Statutory Consultation through to the period following the Local Refinement Consultation.</p> <p>Chapters 6-9 describe four phases of public consultation held on a non-statutory basis after the 2018 Statutory Consultation. Each chapter describes the proposals that were consulted on and the ways in which the Applicant sought to present them in consultation materials and associated engagement activities aimed at all consultees, including statutory consultees.</p>	
	<p>In circumstances where statutory consultees were informed of non-material changes to the project, this should also be reported. It would also be helpful to provide a brief rationale about why the changes were considered to be non-material and an explanation of how consultees were informed. Where only some consultees were selected to be informed about a change, please justify the approach taken.</p>	<p>Chapters 11-15 set out the issues raised through successive phases of pre-application consultation, beginning with the Statutory Consultation, and how the Applicant has considered and responded to them.</p>	<p>On submission of the application.</p>
	<p>Any consultation not carried out under the provisions of the PA2008 should be clearly indicated and identified separately. Applicants should describe the non-statutory consultation that took place to the same level of detail as the statutory consultation. While it is</p>	<p>Chapters 6-9 of the Consultation Report make clear that the phases of consultation they describe were undertaken on a non-statutory basis.</p> <p>Chapters 12-15 set out the issues raised through responses to non-statutory consultation and the Applicant's consideration of them. The same process that was applied to consideration of responses to the</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	not necessary for an Applicant to demonstrate how it has had regard to the consultees' comments made in response to non-statutory consultation, it is useful to understand how comments received influenced the project.	Statutory Consultation was also applied to responses to non-statutory consultation.	
	If targeted consultation takes place, please explain the nature and purpose of the consultation. For example, if it was geographically focused what consultees were included and the rationale for the geographic extent of the consultation. If a reduced number of prescribed consultees were consulted, please explain the rationale for the selection.	All phases of public consultation on the Project proposals were widely publicised in communities in or close to the Order Limits and were therefore not targeted. The only exception to this was where newly identified persons with an interest in land were consulted under s42 after the statutory consultation had ended.	On submission of the application.
	EIA Regulations consultation Consultation undertaken as part of the EIA process is separate to that required under the PA2008 eg statutory consultation on a Scoping Report following a Scoping Request to the Secretary of State. Applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to that consultation should be addressed separately from the statutory	The consultation undertaken pursuant to the EIA regime is explained in Chapter 6 of the Consultation Report.	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	consultation carried out under the provisions of the PA2008.		
	<p>Report appendices</p> <p>Appendices should be used to provide evidence that demonstrates compliance with the requirements of the PA2008. Careful consideration should be given to the structure and logic of the appendices so that they can be clearly signposted in the main body of the report. A helpful approach is to have separate appendices for each element of statutory consultation and publicity. Where multiple stages of consultation took place then it may be helpful to have a separate appendix for each stage, subdivided into the different strands of consultation.</p>	<p>Appendices to the Consultation Report are described in Chapter 2 of the Consultation Report, with clear explanations of the purpose of each appendix and its purpose. References are made throughout subsequent chapters of the report to appendices where relevant information can be found. There is an appendix for each of the phases of non-statutory consultation that took place after the Statutory Consultation.</p>	<p>On submission of the application.</p>
	<p>Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.</p>	<p>Appendices of the Consultation Report that contain information on non-statutory consultations are assembled in chronological order:</p> <p>Appendix Q provides evidence of the delivery of the Supplementary Consultation.</p> <p>Appendix R provides evidence of the delivery of the Design Refinement Consultation.</p> <p>Appendix S provides evidence of the delivery of the Community Impacts Consultation.</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
		Appendix T provides evidence of the delivery of the Local Refinement Consultation.	
	Using a referencing system that corresponds to the chapter or section headings in the report is also helpful.	References to chapters, sections and appendices within the Consultation Report have been checked for accuracy before submission.	On submission of the application.
	If a large volume of consultation responses were received and reported on, then it usually makes sense to include the summary response tables in an appendix or appendices. A chronological approach which demonstrates the journey through the consultation is usually easier for the reader to understand and navigate.	Chapters 11-15 of the Consultation Report set out the issues raised through successive phases of pre-application consultation. They are assembled in chronological order, with responses to Statutory Consultation addressed in Chapter 11, Supplementary Consultation in Chapter 12, the Design Refinement Consultation in Chapter 13, the Community Impacts Consultation in Chapter 14 and the Local Refinement Consultation in Chapter 15.	On submission of the application.
	<i>Reporting statutory consultation responses</i>		
	It is necessary to demonstrate compliance with section 49 of the PA2008 by providing evidence that consultation responses have been taken into account during the preparation of the application.	Compliance with s49 of the Planning Act 2008 is demonstrated in the Consultation Report, primarily in Chapters 11-15.	On submission of the application.
	<i>Issues-led approach</i> If the level of response was significant it may be appropriate to group responses under headline issues. Care must be taken to ensure that in doing this the responses are not presented in a misleading way or out of	The Applicant has grouped the responses it received through the Statutory Consultation according to a series of themes and sub-themes corresponding to the issues raised in those responses. The approach taken to analysing, categorising and considering issues in responses is described in Section 11.1 of the Consultation Report. The consideration of	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	context from the original views of the consultee. An explanation of the process by which consultation responses were grouped and organised (coded) is helpful, including any safeguards and cross checking that took place to ensure that the responses were grouped appropriately.	responses is set out in Chapter 11 of the Consultation Report. The same approach was applied to analysing, categorising and considering responses to subsequent phases of non-consultation, which are covered by Chapters 12-15.	
	Summary of responses A summary of the individual responses received should be provided and categorised in an appropriate way.	The Applicant considered all responses individually and assigned different categories to the issues they contained so that common concerns could be grouped together and presented in a clear and logical way in Chapters 11-15 of the Consultation Report.	On submission of the application.
	The summary of responses, if done well, can save a significant amount of explanatory text.		On submission of the application.
	The summary of the responses should identify 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, form or scale of the scheme itself, or to mitigation or compensatory measures proposed.	The tables contained in Chapter 11 of the Consultation Report include a column in which the Applicant explains the way in which each issue has been considered. The tables also include a column in which the Applicant indicates with a 'Yes' or 'No' answer whether its consideration of each issue has led to a change in the Project proposals. A summary of the changes made to the Project proposals following Statutory Consultation is provided in Section 11.6 of the report. Chapters 12-15 covering non-statutory phases of consultation apply the same approach.	On submission of the application.
	It is also necessary to explain why responses have led to no change, including where responses have	In instances where issues raised through consultation have not led to a change in the Project proposals, this is clearly marked with a 'No' answer	On submission of the application.

Reference	Requirement	Action taken	Date undertaken
	<p>been received after deadlines set by the Applicant.</p>	<p>in the final column of the tables in Section 11.4. The accompanying text explains why no change has been made, based on the Applicant's consideration of the issue in question.</p> <p>Section 11.7 of the Consultation Report sets out the issues raised in responses submitted after the consultation deadline. It explains whether these issues were the same as issues raised in responses submitted before the deadline and where in the report those issues are addressed. In the event of issues raised in late responses being new, Section 11.7 explains how those issues have been considered and acted upon, notwithstanding the fact that they were submitted after the consultation deadline.</p> <p>The same approach was applied to subsequent phases of non-statutory consultation, as is described in Chapters 6-9.</p>	
	<p><i>Virtual consultation methods</i></p>		
	<p>If virtual consultation methods were planned, then this should be reflected in the SoCC. In the usual way, the relevant local authorities will have been consulted about this and their feedback reported in the Consultation Report.</p>	<p>The Applicant's draft SoCC contained information on its plans to make use of a consultation website and acted on all feedback provided by participating local authorities. More information on the SoCC process is set out in Chapter 4 of the Consultation Report, with supporting evidence including a record of all feedback provided and the Applicant's responses to it in Appendices D-G.</p>	<p>On submission of the application.</p>
	<p>Where virtual consultation methods were deployed as a reaction to external</p>	<p>Although undertaken on a non-statutory basis, the Applicant chose to carry out equivalent SoCC processes for each subsequent phase of</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	<p>circumstances then it is important that the views of the relevant local authorities are captured in the Consultation Report. If no review and update of the SoCC took place under the provisions of the PA2008, then this should be justified in the Consultation Report with reference to the views of the relevant local authorities about the approach adopted.</p>	<p>consultation. Descriptions are provided in Chapters 6-9 of the Consultation Report including records of the feedback provided by local authorities and the Applicant's responses.</p> <p>In the case of the Supplementary Consultation, which took place at a time when COVID-19 restrictions were put in place and strengthened by Government, virtual consultation methods were introduced to replace in-person engagement methods that the Applicant was forced to cancel. As such, they were not provided for in the approach document that local authorities had been invited to comment on.</p>	
	<p>In general, where virtual consultation methods are planned then the SoCC should explain any mitigation measures put in place for digitally disadvantaged members of the community eg the use of telephone surgeries.</p>	<p>Information on the enhanced provision of virtual engagement methods that had been planned for the subsequent Design Refinement Consultation were shared with host local authorities. Chapter 7 includes a summary of the feedback received and the Applicant's responses.</p> <p>All stages of consultation on the Project proposals have balanced the preference of some consultees for online consultation (and as was the case during COVID-19 restrictions, the increased reliance on digital methods) with the preference or requirement of other consultees for traditional in-person consultation or printed materials.</p> <p>The draft SoCC produced for Statutory Consultation made clear that in addition to the information provided on the consultation website there would be a wide range of other engagement offerings, including public information events, deposit locations, information points and the option to order printed materials. Similar opportunities were</p>	

Reference	Requirement	Action taken	Date undertaken
		<p>provided for the Supplementary Consultation and outlined in the draft approach document that performed the same function as the draft SoCC.</p> <p>The draft approach documents for the Design Refinement Consultation, Community Impacts Consultation and Local Refinement Consultation each explained that in addition to the enhanced virtual consultation methods it would still be possible to order printed materials and speak to the Applicant's staff on the telephone in order to ask questions or submit a response. The approach documents also made clear that in-person engagement, including public information events and deposit locations, would be arranged subject to the status at that time of ongoing COVID-19 restrictions.</p>	
	<p><i>Request for Applicant to provide consultation responses</i></p>		
	<p>If there is uncertainty about whether the duty to have regard to consultation responses has been met, the Applicant may be asked to provide a copy of any, or all, of the statutory consultation responses that were received. Applicants would be wise to prepare for this possibility because of the tight timescale at the Acceptance stage. It is the Applicant's responsibility to ensure that copies of consultation responses can be provided in a timely manner, bearing in mind</p>	<p>The Applicant is in a position to provide access to consultation responses and other information pertaining to the responses, if required.</p>	<p>On submission of the application.</p>

Reference	Requirement	Action taken	Date undertaken
	any obligations the Applicant has under data protection legislation. The Acceptance stage cannot be suspended or extended pending the submission of the consultation responses.		
	<i>Data Protection and redaction guidelines</i>		
	Applicants must ensure that the Consultation Report complies with data protection legislation e.g. personal data of individuals is treated appropriately. This may include redaction of personal data, sensitive/special category data and/or obtaining informed consent from the individuals concerned as appropriate.	No addresses or contact information of private individuals are provided in the Consultation Report. The Applicant has prepared the Consultation Report in accordance with the guidance specified by the Planning Inspectorate on Data Protection and redaction.	On submission of the application.
	As a general guideline, applicants should avoid including the following items in a Consultation Report or redact them in advance of submission: <ul style="list-style-type: none"> • Private home addresses of individuals or information that could lead to the identification of the location of a private individual. • Private email addresses and telephone numbers of individuals. 		

Reference	Requirement	Action taken	Date undertaken
	<ul style="list-style-type: none"> • Sensitive or special category data within the meaning of the Data Protection Act 2018 and UK General Data Protection Regulation. • Written signatures. • Photographs of the faces of individuals who have not given consent to have their image published, including images taken at consultation events. • Information that could lead to the identification of a specific location of a protected species. 		

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