

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 5

5.2 Consultation Report Appendix
Appendix A: Compliance Checklist

Section 37(3)(c) of the Planning Act 2008

Regulation 5(2)(q) of the Infrastructure Planning (Applications:
Prescribed Forms and Procedure) Regulations 2009

26 February 2021

Infrastructure Planning

Planning Act 2008

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

**A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

**5.2 Consultation Report Appendix
Appendix A: Compliance Checklist**

Regulation Reference:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010044
Application Document Reference	TR010044/APP/5.2
Author	A428 Black Cat to Caxton Gibbet improvements Project Team, Highways England

Version	Date	Status of Version
Rev 1	26 February 2021	DCO Application

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A1 Compliance checklist

This checklist has been compiled to supplement the information provided in the Section 55 Acceptance of Application Checklist (completed by the Applicant). This can be found in Appendix B of the Covering Letter and Schedule of Compliance with Section 55 [TR010044/APP/1.1].

Ref	Requirement	Compliance
Planning Act 2008		
Section 42	Duty to consult The applicant must consult the following about the proposed application:	
	(a) such persons as may be prescribed;	Highways England (the Applicant) consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see Appendix J of the Consultation Report for the full list).
	(aa) the Marine Management Organisation;	The Applicant consulted the Marine Management Organisation on a precautionary basis and their response confirmed that they were not applicable. See paragraph 3.5.7 of the Consultation Report for more information.
	(b) each local authority that is within Section 43;	The Applicant consulted with each local authority identified under Section 43 (see Appendix J of the Consultation Report for the full list).
	(c) the Greater London Authority if the land is in Greater London;	Not applicable.
	(d) each person who is within one or more of the categories set out in Section 44.	The Applicant consulted all persons identified under Section 44, being persons with a relevant interest in land affected by the Project (see the Book of Reference [TR010044/APP/4.3] for the full list).
Section 45	Timetable for consultation under Section 42 (1) The applicant must, when consulting a person under Section 42, notify the person of the deadline for the receipt by the applicant of the person's response	All consultees were informed of the deadline for responses in a cover letter notifying the commencement of consultation (see the letter template at Appendices K1, K2 and K3 of the Consultation Report). The letter stated that the consultation process would run from 3 June 2019 until 28 July 2019. Furthermore, all consultees consulted via targeted and supplementary consultations were provided with a deadline for receipt of responses.

Ref	Requirement	Compliance
	<p>to the consultation.</p> <p>(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>(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person.</p>	<p>The consultation ran from 3 June 2019 until 28 July 2019, providing a period of 56 days for responses.</p> <p>Furthermore, the targeted consultations and supplementary consultation ran for more than 28 days.</p> <p>The consultation documents provided for the Section 42 consultation were made available online at www.highwaysengland.co.uk/a428 and available to view free of charge at the deposit locations listed in the SoCC (see Appendix I of the Consultation Report). Paper or electronic copies were also available.</p> <p>The Section 42 consultation documents are listed at paragraph 3.7.14 of the Consultation Report.</p> <p>Furthermore, for targeted consultations and supplementary consultation, consultation documents were made available online at www.highwaysengland.co.uk/a428. Paper or electronic copies were made available by post. As a result of the challenges created by COVID-19, we were unable to deposit hard copy documents at local deposit locations during targeted consultation and supplementary consultation.</p>
Section 46	<p>Duty to notify Secretary of State of proposed application</p> <p>(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 section 42 if the</p>	<p>The Applicant notified the Planning Inspectorate of the proposed application on 30 May 2019 by way of a formal cover letter and package including the consultation documents (see Appendix L1 of the Consultation Report for a copy of the letter that was sent by the Applicant).</p>

Ref	Requirement	Compliance
	<p>applicant were required by that section to consult the Secretary of State about the proposed application.</p>	
	<p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>The package was sent to the Planning Inspectorate on 30 May 2019, before the date of commencement of the formal consultation under section 42 on 3 June 2019.</p> <p>Acknowledgement of the receipt of the s46 letter was given by the Planning Inspectorate on 5 June 2019 (see Appendix L2 of the Consultation Report).</p>
<p>Section 47</p>	<p>Duty to consult local community</p> <p>(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.</p>	<p>The Applicant prepared a draft Statement of Community Consultation (SoCC) which set out how the Applicant proposed to consult the community. Further details on the process for preparing the SoCC can be found in Section 3.4 of the Consultation Report. The final SoCC can be found at Appendix I.</p>
	<p>(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p>	<p>The Applicant consulted with the following host local authorities on the draft SoCC:</p> <ul style="list-style-type: none"> • Bedford Borough Council (BBC) • Cambridge City Council • Cambridgeshire County Council (CCC) • Central Bedfordshire Council (CBC) • Huntingdonshire District Council (HDC) • South Cambridgeshire District Council (SCDC) <p>Milton Keynes Council (MKC) were also consulted. The Applicant chose to consult Milton Keynes Council on the proposed consultation methods set out in the draft SoCC, as it is anticipated that the Scheme will have a significant benefit on those living within the council's area, despite the Scheme itself lying outside of it.</p>
	<p>(3) The deadline for the receipt by the applicant of a local</p>	<p>Statutory consultation with the relevant local authorities on the draft SoCC ran from 12 March 2019 until 10 April 2019.</p>

Ref	Requirement	Compliance
	<p>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.</p>	
	<p>(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>The consultation documents comprised a draft SoCC and cover email (see Appendix F: Copy of the draft SoCC provided to local authorities and Appendix G: Email to local authorities for SoCC consultation for individual copies of the cover emails that were issued with the draft SoCC).</p>
	<p>(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).</p>	<p>The Applicant considered all relevant comments received on the draft SoCC. For more information on how comments were addressed see Chapter 3 and Appendix H6 of the Consultation Report (report summarising local authority feedback on the SoCC).</p>
	<p>(6) Once the applicant has prepared the statement, the applicant must—</p> <p>(a) 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>(b) publish, in a newspaper</p>	<p>Notice of the SoCC was published in the Cambridge News on 3 June 2019, The Hunts Post on 5 June 2019 and Bedford Times & Citizen on 6 June 2019.</p> <p>The SoCC was also made available in the locations listed within the s47 notice (see Appendix N of the Consultation Report for copies of all the published notices with locations and dates) and on the Applicant's website, www.highwaysengland.co.uk/a428.</p>

Ref	Requirement	Compliance
	<p>circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p> <p>(c) publish the statement in such manner as may be prescribed.</p> <p>(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>The Applicant's consultation process was carried out in accordance with the SoCC, as explained in Chapter 3 of the Consultation Report.</p>
Section 48	<p>Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner.</p> <p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.</p>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see below for more detail). Copies of all the published notices with locations and dates are provided at Appendix N of the Consultation Report.</p> <p>The deadline was included in the Section 48 Notice as 11.59pm on 28 July 2019.</p>
Section 49	<p>Duty to take account of responses to consultation and publicity</p> <p>(1) Subsection (2) applies where the applicant—</p> <p>(a) has complied with sections 42, 47 and 48,</p>	<p>The Applicant has had regard to all relevant responses to consultation and publicity in accordance with Section 42, Section 47 and Section 48. Please see Chapter 5 of the Consultation Report for more detail.</p> <p>Appendices U and V of the Consultation Report demonstrate the due regard had to consultee comments.</p> <p>Chapters 8, 9, 10 and 11 of the Consultation Report show how the Applicant had regard to additional non statutory responses that were received.</p>

Ref	Requirement	Compliance
	<p>and</p> <p>(b) proposes to go ahead with making an application for an 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>The Applicant has had regard to all relevant responses to consultation and publicity.</p> <p>See chapters 8, 9, 10 and 11 of the Consultation Report for more detail.</p>
	<p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p>	<p>(a) Section 42 responses are considered in Chapter 5 of the Consultation Report.</p> <p>(b) Section 47 responses are considered in Chapter 5 of the Consultation Report.</p> <p>(c) Responses received as a result of publicity of the consultation undertaken in accordance with Section 48 are considered in Chapter 5 of the Consultation Report.</p> <p>In addition to the above, Chapters 8, 9, 10 and 11 of the Consultation Report sets out how the Applicant has had regard to ongoing consultation with consultees and affected parties since formal consultation periods.</p>

Ref	Requirement	Compliance
	(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.	
Section 50	<p>Guidance about pre-application procedure</p> <p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p> <p>(2) Guidance under this section may be issued by the Secretary of State.</p> <p>(3) The applicant must have regard to any guidance under this section.</p>	<p>The Applicant has complied with the guidance set out in DCLG Guidance on pre-application consultation (see below). The Applicant has also had regard to the Planning Act 2008: Guidance on the pre-application process; and Advice Notes prepared by the Planning Inspectorate.</p>
<p>The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009</p>		
Reg 3	<p>Prescribed consultees</p> <p>The persons prescribed for the purposes of section 42(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>	<p>The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 who were deemed to be relevant to this current application by the descriptions set out in the second column of that table (see Appendix J of the Consultation Report for the full list).</p>
Reg 4	<p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of</p>	<p>The Applicant published the Section 48 Notice as follows:</p> <p>(a) For two successive weeks in the Cambridge News, The Hunts Post and Bedford Times & Citizen during the weeks commencing 3 June 2019 and 10 June 2019:</p>

Ref	Requirement	Compliance
	<p>the proposed application—</p> <p>(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;</p> <p>(b) once in a national newspaper;</p> <p>(c) once in The London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <p>(d) where the proposed application relates to offshore development—</p> <p>(i) once in Lloyd’s List; and</p> <p>(ii) once in an appropriate fishing trade journal.</p>	<p>(b) Once in national newspapers The Guardian and The Times on 5 June 2019.</p> <p>(c) Once in The London Gazette on 3 June 2019</p> <p>Copies of all the published notices with locations and dates are provided at Appendix N of the Consultation Report.</p>
	<p>(3) The matters which the notice must include are:</p>	<p>The Section 48 Notice included all of the elements listed under Regulation 4(3).</p>
	<p>(a) the name and address of the applicant;</p>	<p>The name and address of the Applicant were included as per the below:</p> <p>HIGHWAYS ENGLAND COMPANY LIMITED</p> <p>Bridge House</p> <p>1 Walnut Tree Close</p> <p>Guildford</p> <p>GU1 4LZ</p> <p>The full s48 notice can be viewed in Appendix M (Part 2) M19 of the Consultation Report.</p>
	<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p>The Section 48 Notice states that the developer proposes to apply to the Secretary of State under section 37 of the Planning Act 2008 for the DCO.</p>

Ref	Requirement	Compliance								
	(c) a statement as to whether the application is EIA development;	The Section 48 Notice states that the Project is a development requiring environmental impact assessment.								
	(d) a summary of the main proposals, specifying the location or route of the proposed development;	<p>The Section 48 Notice states that the proposed DCO would, amongst other things, authorise:</p> <p>An upgrade to the route between the Black Cat roundabout and Caxton Gibbet. It includes the construction of a new two-lane dual carriageway between the Black Cat roundabout and Caxton Gibbet junction. The scheme will also replace Black Cat roundabout with a new three-tier junction. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic, public transport and non-motorised vehicles.</p>								
	(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 vicinity of the proposed development) and times set out in the notice;	<p>The Section 48 Notice states that copies of the details of the proposals, environmental reports, plans, maps and other documents may be inspected free of charge from 3 June 2019 until at least 28 July 2019 at the following locations and times:</p> <table border="1" data-bbox="730 1039 1377 1904"> <thead> <tr> <th data-bbox="730 1039 1007 1122">Location</th> <th data-bbox="1007 1039 1377 1122">Opening hours</th> </tr> </thead> <tbody> <tr> <td data-bbox="730 1122 1007 1227">Bedford Borough Council</td> <td data-bbox="1007 1122 1377 1227">Monday to Thursday 8:45 – 17:00</td> </tr> <tr> <td data-bbox="730 1227 1007 1375">Cauldwell Street Bedford MK42 9AP</td> <td data-bbox="1007 1227 1377 1375">Friday 8:45 – 16:45 Saturday and Sunday Closed</td> </tr> <tr> <td data-bbox="730 1375 1007 1904">Cambourne Library Sackville House Sackville Way Cambridge CB23 6HD</td> <td data-bbox="1007 1375 1377 1904">Monday 9:00 – 17:00 Tuesday 9:00 – 13:00 Wednesday 13:00 Thursday Closed Friday 16:00 – 19:00 Saturday 19:00 Sunday 9:00 – 17:00 9:00 – 13:00 Closed</td> </tr> </tbody> </table>	Location	Opening hours	Bedford Borough Council	Monday to Thursday 8:45 – 17:00	Cauldwell Street Bedford MK42 9AP	Friday 8:45 – 16:45 Saturday and Sunday Closed	Cambourne Library Sackville House Sackville Way Cambridge CB23 6HD	Monday 9:00 – 17:00 Tuesday 9:00 – 13:00 Wednesday 13:00 Thursday Closed Friday 16:00 – 19:00 Saturday 19:00 Sunday 9:00 – 17:00 9:00 – 13:00 Closed
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Ref	Requirement	Compliance		
		Huntingdonshire District Council St Marys Street Huntingdon Cambridgeshire PE29 3TN	Monday to Thursday Friday Saturday and Sunday	8:45 – 17:00 8:45 – 16:30 Closed
		Huntingdonshire District Council St Neots Customer Service Centre The Priory Centre St Neots Cambridgeshire PE19 2BH	Monday to Friday Saturday and Sunday	9:30 – 15:30 Closed
		Milton Keynes Central Library 555 Silbury Blvd Milton Keynes MK9 3HL	Monday to Wednesday Thursday Friday Saturday Sunday	9:00 – 18:00 9:00 – 20:00 9:00 – 18:00 9:00 – 17:00 Closed
		Papworth Library Pendrill Court Ermine Street North Papworth Everard Cambridgeshire CB23 3UY	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	Closed 10:00 to 13:00, 14:00 to 17:00 10:00 – 13:00 14:00 – 17:00 Closed 10:00 – 13:00 Closed

Ref	Requirement	Compliance	
		Sandy Library Market Square Sandy SG19 1EH	Monday Closed Tuesday to 9:00 – Friday 18:00 Saturday 9:00 – Sunday 16:00 Closed
		South Cambridgeshire District Council South Cambridgeshire Hall Cambourne Business Park Cambourne Cambridgeshire CB23 6EA	Monday to 8:00 – Friday 17:30 Saturday and Closed Sunday
		St Neots Library 1 Priory Lane St Neots Cambridgeshire PE19 2BH	Monday 9:30 – Tuesday 17:00 Wednesday 9:30 – Thursday 17:00 Thursday 13:30 – Friday 19:00 Saturday 9:30 – Sunday 17:00 9:30 – 17:00 9:30 – 16:00 Closed
	(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier	Copies of the documents are also stated to be available online through the Applicant's website at www.highwaysengland.co.uk/a428 , and it is confirmed that they can be provided on request. The Section 48 Notice states that copies of the details of the proposals, environmental reports, plans, maps and other documents may be inspected free of charge from 3 June 2019 until at least 28 July 2019.	

Ref	Requirement	Compliance
	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;	<p>The Section 48 Notice states that a reasonable copying charge may apply, up to a maximum of £250 for the full suite of documents and an electronic copy on USB flash drive would be free of charge. The notice stated:</p> <p>An electronic copy of the consultation material can be supplied free of charge on a USB memory stick. A hard copy of the consultation material can also be supplied, but there will be a reasonable charge for hard copies of consultation material to cover the cost of printing and postage up to a charge of £250.</p> <p>The full s48 notice can be viewed in Appendix M (Part 2) M19 of the Consultation Report.</p>
	(h) details of how to respond to the publicity; and	<p>The Section 48 Notice states that any representations on the proposals should be made in writing to FREEPOST, A428 Black Cat to Caxton Gibbet or by e-mail to a428blackcattocaxtongibbet@highwaysengland.co.uk¹.</p> <p>The full s48 notice can be viewed in Appendix M (Part 2) M19 of the Consultation Report.</p>
	(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 deadline for receipt of responses by the developer was given as 28 July 2019. The notice was last published on 13 June 2019, which therefore gave consultees a period of 45 days to respond after the date when the notice was last published.</p>
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009		
Reg 6	<p>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</p>	<p>The Applicant applied to the Planning Inspectorate on 29 March 2019 for a scoping opinion for the proposed development.</p> <p>The cover letter from the Planning Inspectorate that was provided with the scoping opinion is provided at Appendix E1 of the Consultation Report. The scoping opinion is provided as part of this application [TR010044/APP/6.5].</p> <p>A copy of the scoping opinion is also available on the Planning Inspectorate website:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a428-black-cat-to-caxton-gibbet-road-</p>

¹ This email address has since changed to a shorter address (info@a428.co.uk) prior to statutory consultation in summer 2019. Any emails sent to a428blackcattocaxtongibbet@highwaysengland.co.uk are automatically redirected to the new address.

Ref	Requirement	Compliance
	<p>consultation under section 42 (duty to consult) either—</p> <p>(a) request 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>improvement-scheme/?ipcsection=docs&stage=app&filter1=Environmental+Impact+Assessment+Scoping</p>
	<p>(3) A request or notification under paragraph (1) must be accompanied by—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a brief description of the nature and purpose of the development and of its possible effects on the environment;</p> <p>(c) such other information or representations as the person making the request may wish to provide or make.</p>	<p>The Applicant supplied the Planning Inspectorate with the relevant information, including:</p> <ul style="list-style-type: none"> • A covering letter • Scoping Report containing the information required under Regulation 8(3) and Regulation 10(3) of the EIA Regulations 2017. <p>The Scoping Report included both a plan sufficient to identify the land and a description of the nature and purpose of the development and of its possible effects on the environment.</p>
<p>Regulation 12 (EIA Regulations 2017)</p>	<p>Consultation statement requirements</p> <p>The consultation statement prepared</p>	<p>The extract of the SoCC below shows that these elements were covered:</p> <p>(a) Due to its potential environmental impacts, the Scheme is an Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (EIA) Regulations</p>

Ref	Requirement	Compliance
	<p>under section 47 (duty to consult local community) must set out —</p> <ul style="list-style-type: none"> (a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and (b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information. 	<p>2017. This means that as part of the DCO application, we will be producing an Environmental Statement that will give information about the likely significant effects of the Scheme and the measures proposed to mitigate any negative effects.</p> <p>(b) In advance of preparation of the Environmental Statement, we have published a Preliminary Environmental Information (PEI) Report and Non-Technical Summary of the PEI Report as part of the pre-application consultation material. This document will provide information gathered to date about what the potential environmental effects of the Scheme will be and an overview of the types of mitigation proposed.</p> <p>It will sit alongside an EIA Scoping Report, which outlines what we propose to survey and how we propose to assess the effects of the Scheme on the environment.</p> <p>As part of the pre-application consultation, the general public and statutory consultees will be able to comment on the contents of the PEI Report.</p> <p>The Applicant delivered all the documents listed above as part of the application.</p>
<p>Regulation 13 (EIA Regulations 2017)</p>	<p>Pre-application publicity under section 48 (duty to publicise)</p> <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 section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in</p>	<p>The Applicant sent a copy of the Section 48 Notice to all consultation bodies and persons as required under Regulation 11(1)(c) of the EIA Regulations 2017, with a formal request for comments (pursuant to Section 42 of the 2008 Act) on the proposed application for development consent as detailed in Chapter 3 of the Consultation Report.</p>

Ref	Requirement	Compliance
	accordance with regulation 9(1)(c).	
DCLG: Guidance on the pre-application process (March 2015)		
17	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.	Consultation documents were all identified as such either within the title of the document (e.g. "Public consultation June 2019"), or within the body of the text contained with the document.
18	<p>Early involvement of local communities, local authorities and statutory consultees 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 reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted; • 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 	<p>The Applicant undertook significant informal consultation beginning in November 2016, prior to the statutory consultation in June 2019.</p> <p>The Applicant has also continued to consult with affected parties through a non-statutory consultation and additional targeted consultations post statutory consultation (see Chapters 2, 6, 9, 10, 11 and 12 of the Consultation Report).</p>

Ref	Requirement	Compliance
	<p>local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;</p> <ul style="list-style-type: none"> • enabling applicants to obtain important 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 significant costs to promoters, support wider strategic or local objectives. 	
20	<p>Experience suggests that, to be of most value, consultation should be:</p> <ul style="list-style-type: none"> • based on accurate information that gives consultees a clear view of what is proposed including any options; • shared at an early enough stage so that the proposal can still be influenced, while being sufficiently 	<p>The Applicant has sought to provide and consult upon clear information at key points throughout the development of the Scheme.</p> <p>The Applicant decided to undertake various rounds of consultation prior to and post statutory consultation to ensure that consultees had adequate opportunities to understand the proposals and any changes that had been made to the scheme.</p> <p>The Applicant presented and consulted on route and options for the Black Cat roundabout in a non-statutory consultation carried out between 6 March 2017 and 23 April 2017. The feedback received to this consultation informed and influenced the Scheme that was taken forward to the statutory consultation.</p> <p>Consultation documents such as the consultation booklet were produced to supplement the technical documents</p>

Ref	Requirement	Compliance
	<p>developed to provide some detail on what is being proposed; and</p> <ul style="list-style-type: none"> engaging and accessible in style, encouraging consultees to react and offer their views. 	<p>during the consultation process. All consultation materials were designed to provide accessible information to encourage participation in the process (see table 3-8: SoCC compliance in Chapter 3).</p> <p>The Applicant held three different types of public consultation events at 15 different venues to increase accessibility. The consultation events included exhibition events, pop-up events in shopping centres and use of the mobile visitor centre (engagement van). More information on the events can be found in paragraphs 3.7.28 – 3.7.35 of Chapter 3 of the Consultation Report.</p> <p>The Applicant also used a Minecraft tool to engage with a wider audience. More details of this can be found in Chapter 3 of the Consultation Report.</p>
24	<p>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 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>The Applicant has worked closely with relevant local authorities throughout the process, including the development of the SoCC which was developed following discussion and feedback from the local authorities.</p> <p>Prior to the non-statutory consultation on the scheme route and design options in summer 2017, the Applicant established a Highways and Planning Technical Working Group (TWG), comprising representatives from the relevant local authorities, to facilitate ongoing discussion on specific aspects of the Scheme’s development. More information regarding this and other TWGs can be found in Appendix M (Part 1.1) M1 of the Consultation Report. As well as TWG meetings, the Applicant undertook additional technical engagement with affected local authorities. A full list of this engagement can be found in table 12-1 at Chapter 12 of the Consultation Report.</p>
25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to</p>	<p>The statutory consultation ran for 56 days, which is longer than the statutory minimum requirement.</p> <p>As well as the statutory consultation, the Applicant has undertaken a non-statutory consultation on the route options (see Chapter 2 in the Consultation Report). The</p>

Ref	Requirement	Compliance
	<p>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 to ensure enough time for consultees to understand project proposals and formulate 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>Applicant has also carried out a supplementary consultation on changes to the Scheme following statutory consultation (see Chapter 6 of the Consultation Report).</p> <p>The Applicant has also undertaken two targeted consultations for land interests on the Scheme (see Chapters 9 and 10 of the Consultation Report) and a consultation on the proposed diversion of a high pressure gas pipeline that was non-statutory in nature but was conducted having regard to the principles of pre-application statutory consultation set out in the PA 2008 and in accordance with DCLG Guidance 'The Planning Act 2008: Guidance on the pre-application process' (see Chapter 11 of the Consultation Report).</p> <p>The Applicant has also been open to receiving responses to all stages of the consultation, even those received outside of the formal consultation period. Where possible the Applicant has sought to take these responses into account. The responses are captured in Chapters 5, 8, 9, 10 and 11 of the Consultation Report, together with the regard had to these responses by the Applicant. In addition, Chapter 12 of the Consultation Report sets out ongoing consultation that has occurred.</p>
26	<p>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>No additional consultees were invited to participate in the statutory consultation.</p>
27	<p>Where an applicant proposes to include non-planning consents within their Development Consent</p>	<p>The Applicant has engaged widely with different stakeholders and consultees, as set out in Chapters 2,3 and 6 of the Consultation Report.</p>

Ref	Requirement	Compliance
	<p>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 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>	
28	<p>From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative</p>	<p>The Applicant reviewed the consultee list on a regular basis to ensure that contact details were up to date. For example, when letters were returned to sender during the statutory consultation and prior to the supplementary consultation.</p> <p>A further example was when a land interest no longer had a land interest and was no longer considered to be a consultee under s42, as checks through Companies House had identified them as dissolved. The Treasury Solicitor was written to because the property and rights formerly vested in the Company may, following its dissolution, have been deemed bona vacantia.</p>

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	<p>consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	
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 consultees for the provision of such inputs.</p>	<p>The Applicant has undertaken extensive engagement with expert bodies and technical consultees throughout the pre-application process.</p> <p>Please see Chapters 5, 8, 9, 10 and 11 of the Consultation Report for a summary of the responses and the Applicant's regard had to those comments to date.</p>
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 Applicant prepared a draft SoCC which set out how the Applicant proposed to consult the community. Further details on preparing the SoCC can be found in section 3.4 of the Consultation Report.</p> <p>The Applicant consulted with all local authorities in whose area the DCO Scheme lies.</p>

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	<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 Statement of Community Consultation.</p>	<p>The Applicant also chose to consult Milton Keynes Council (MKC) on the proposed consultation methods set out in the draft SoCC, as it is anticipated that the Scheme will have a significant benefit on those living within the council's area, despite the Scheme itself lying outside of it. As a result of consultation on the draft SoCC with MKC, one of the locations of the Highways England mobile visitor centre was in Milton Keynes and Milton Keynes central library was added as a deposit point. As a result of feedback from South Cambridgeshire District Council (SCDC) on the draft SoCC, the Applicant also hosted a pop-up event in Papworth Everard. Both these changes are recorded in Appendix H6 of the Consultation Report.</p> <p>As part of consultation on the draft SoCC, the Applicant developed their primary consultation zone working with Bedford Borough Council, Cambridge City Council, Cambridgeshire County Council, Central Bedfordshire Council, Huntingdonshire District Council, Milton Keynes Council and South Cambridgeshire District Council. As a result of the development of the consultation zone following the non-statutory consultation, Highways England identified all parish council boundaries with the route alignment running through its boundary and then also included the neighbouring parish councils.</p>
37	<p>The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of Community Consultation within 28 days of receipt of the request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. 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>Chapter 3 of the Consultation Report sets out the Applicants approach to the preparation of the SoCC.</p> <p>The Applicant sent BBC, Cambridge City Council, CCC, CBC, HDC and SCDC a copy of the draft SoCC, requesting comments on the best way to consult the local community, as part of an initial informal consultation in February 2019. Where no response was received the request was followed up by phone call. These early comments from the informal consultation were considered by the Applicant in the continued development of the SoCC.</p> <p>The draft SoCC was then updated and formally submitted to all local authorities listed above as well as MKC on 12 March 2019. The Applicant requested comments from the relevant local authorities by 10 April 2019, in accordance with Section 47(3) of the Planning Act. These comments and how they were incorporated into the strategy for engagement can be found at Appendix H6 of the Consultation Report.</p>

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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>Chapter 3 of the Consultation Report sets out how the Applicant consulted with relevant local authorities on the consultation approach and development of the SoCC.</p>
41	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their</p>	<p>Chapter 3 of the Consultation Report sets out how the Applicant consulted with the relevant local authorities on the consultation approach and development of the SoCC. Appendix H6 of the Consultation Report sets out the responses that the Applicant received in relation to the SoCC and the regard had to those comments.</p> <p>Appendix H6 of the Consultation Report sets out when changes were not made and provides a justification for that</p>

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	consultation report their course of action to the Secretary of State when they submit their application.	approach.
42	Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, 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 or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.	The Applicant is satisfied that it has made reasonable efforts to consult with all those who may have a legitimate interest or might be affected by the proposed development.
43	Local authorities are also themselves statutory consultees for any proposed major	Local authorities have been consulted and engaged with throughout the development of the Scheme. This includes, during the non-statutory route options for the Scheme from 6 March 2017 to 23 April 2017, this can be seen in section

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	<p>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>	<p>2.3.8 of the Consultation Report. They were then consulted at the statutory consultation and the subsequent supplementary consultation.</p> <p>Chapter 12 of the Consultation Report sets out ongoing technical engagement with local authorities, leading up to the submission of the DCO application.</p>
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 a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their view regarding them.</p>	<p>The Applicant consulted both informally and formally under section 42 (and, by extension, section 44) of the 2008 Act with individuals who own, occupy or have another interest in the land in question. By engaging with land interests early in the process, the Applicant has been able to take on board a significant amount of the comments received.</p>
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 categorises those land interests) is up to date at the time of submission.</p>	<p>The Applicant has undertaken significant research and is satisfied that it has carried out extensive due diligence in order to ensure that all land interests have been identified. The Applicant will engage with any new interests to help them understand how they can engage with the DCO process.</p>
51	<p>However, it is understood that land</p>	<p>Any newly identified landowner was afforded adequate opportunity to consider and respond to the DCO Scheme</p>

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	<p>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.</p>	<p>proposals throughout the preapplication process.</p> <p>The Applicant carried out further consultation as a result of new interests in land coming to light through Land Registry title refresh exercises, land owner engagement and use of TraceIQ.</p> <p>A full description of all additional consultation with landowners is included within Chapters 3, 6, 9 10 and 11 of the Consultation Report.</p> <p>Where new interests in land were identified very shortly before the intended submission of the application, the Applicant wrote to these new interests to inform them of their identified interest and to explain that the next opportunity to comment on the Scheme would therefore be when the application is accepted and representations on the Scheme could be made. A full description of this is included within Chapter 12 of the Consultation Report.</p>
52	<p>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</p>	<p>Any newly identified landowner was afforded adequate opportunity to consider and respond to the project proposals throughout the pre-application process. The Applicant carried out further consultation as a result of new interest in land coming to light through Land Registry title refresh exercises, land owner engagement and use of TraceIQ.</p> <p>A full description of all additional engagement with landowners is included within Chapters 3, 6, 9 10 and 11 of</p>

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	<p>take account of any responses.</p>	<p>the Consultation Report.</p> <p>Where new interests in land were identified very shortly before the intended submission of the application, the Applicant wrote to these new interests to inform them of their identified interest and to explain that the next opportunity to comment on the Scheme would therefore be when the application is accepted and representations on the Scheme could be made. A full description of this is included within Chapter 12 of the Consultation Report.</p>
53	<p>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 opportunities might exist for meeting the project's objectives.</p>	<p>The Applicant is committed to early and meaningful engagement with local communities in the areas affected by the DCO Scheme. Chapters 2, 3 and 6 of the Consultation Report set out how the Applicant has consulted with the local community.</p>
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</p>	<p>The Applicant undertook engagement with 'Hard to Reach' consultees and consulted a range of groups identified through the Equalities Impact Assessment (EqIA) process. Appendices M (Part 3) M56 and Q (Part 2) Q22 of the Consultation Report sets out the 'Hard to Reach' groups that were contacted with regard to the consultation through targeted engagement.</p>

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	<p>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>	
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 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</p>	<p>The Applicant set out the scope of consultation during the statutory consultation period in the SoCC, as the following:</p> <p>The consultation will run from 3 June until 28 July 2019. During the consultation period, we will provide information about and seek feedback on various features of the Scheme including:</p> <ul style="list-style-type: none"> • Detailed alignment of the route • Plans for walkers, cyclists and horse riders • Plans for environmental mitigation <p>A consultation booklet was produced and provided to the consultees as part of the statutory consultation. The aim of the consultation booklet was to provide an accessible summary of the proposals for the local community. This document contained direct information on the DCO Scheme and on the matters on which the views of the local communities are being sought. A copy of the booklet is included at Appendix M (Part 1.1) M2 of the Consultation Report.</p> <p>The consultation booklet was available in other formats on request either by email or in person at one of the exhibition events.</p>

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	<p>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>	
56	<p>Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this 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>The Applicant set out how it proposed to consult with local communities and those living within the vicinity of the land in the SoCC. This is detailed in Chapter 3 of the Consultation Report. The SoCC is included in Appendix I of the Consultation Report.</p>
57	<p>The Statement of Community Consultation 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 Statement of Community Consultation 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>	<p>The SoCC set out the details of the statutory consultation and was made available online, and at exhibitions during the statutory consultation period.</p> <p>It was also made available in the locations as set out in each SoCC. See above for more details.</p>
58	<p>Applicants are required to publicise their</p>	<p>The Applicant published the Section 48 Notice as follows:</p>

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	<p>proposed application under section 48 of the Planning Act and the Regulations¹⁵ and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. 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>(a) For two successive weeks in the following local newspapers during the weeks commencing 3 June 2019 and 10 June 2019:</p> <ul style="list-style-type: none"> (i) Cambridge News (ii) The Hunts Post (iii) Bedford Times & Citizen <p>(b) Once in national newspapers, The Guardian and The Times on 5 June 2019.</p> <p>(c) Once in The London Gazette on 3 June 2019.</p> <p>Copies of all the published notices with locations and dates as they appeared in the above publications are provided at Appendix N of the Consultation Report.</p> <p>Section 42 letters were sent to consultees on 31 May 2019 and these letters included copies of the Section 48 notice. Copies of the letters are provided at Appendices K1, K2 and K3 of the Consultation Report.</p>
61	<p>Applicants have a statutory duty to consult any local authority in whose land a project is sited. So, where an offshore project also features landbased development, the applicant should treat the local authority where the land-based development is located as the main consultee for the Statement of Community Consultation.</p> <p>The applicant is also advised to consider seeking views on the Statement of Community Consultation</p>	<p>The Applicant has consulted with all relevant and potentially impacted local authorities throughout the process. Chapter 3 of the Consultation Report sets out the approach the Applicant took to engaging with the relevant local authorities with regard to the SoCC. Chapter 3 also sets out how the Applicant engaged with the relevant local authorities under Section 42.</p>

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	<p>from local authorities whose communities may be affected by the project, for example visually or through construction traffic, even if the project is in fact some distance from the area in question. In addition, applicants may find it beneficial to discuss their Statement of Community Consultation with any local authorities in the vicinity where there could be an effect on harbour facilities.</p>	
63	<p>Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.</p>	<p>The Applicant has undertaken significant informal consultation (as set out in Chapter 3 of the Consultation Report) in order to help inform the statutory consultation period and ensure that all potential impacts on communities are considered.</p>
65	<p>Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. It may be that there are impacts which are not immediately obvious but which a consultation can identify. Equally, local communities may have concerns, for example, about environmental impacts, and open engagement with the applicant will allow them the chance to express</p>	<p>The Applicant ensured that all communities within the vicinity of any proposed development were invited to participate in the consultation process. Paragraph 3.7.4 onwards in Chapter 3 of the Consultation Report outlines how the Applicant engaged with hard to reach and community groups within the vicinity of the scheme. Table 3-8: SoCC compliance in Chapter 3 of the Consultation Report highlights how the Applicant demonstrated compliance to the SoCC regarding the activities that were directed at hard to reach and community groups.</p>

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	<p>their concerns and to understand how these concerns are being addressed. The level of interest shown by local authorities and communities will dictate the degree and depth of consultation required. It may be that for certain offshore projects, the consultation process with local communities can be undertaken in a focused and proportionate way, and therefore completed within the minimum statutory timescales required by the Planning Act.</p>	
	<p>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 MMO.</p> <p>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.</p>	<p>The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see Appendix J of the Consultation Report for the full list).</p>
68	<p>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</p>	<p>The Applicant has involved consultees and the local community in the development of its proposals from the earliest stages. Prior to the non-statutory consultation on the scheme route and design options in summer 2017, the Applicant established a Highways and Planning Technical Working Group, comprising representatives from the relevant local authorities, to facilitate ongoing discussion on specific aspects of the Scheme's development.</p> <p>The non-statutory consultation on the scheme route and</p>

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	<p>will need sufficient information on a project to be able to recognise and understand the impacts.</p>	<p>design options took place from 6 March 2017 to 23 April 2017. The events were attended by 2,028 people and 4,189 responses were received. The statutory consultation on the refined final alignment was undertaken from 24 June 2019 to 28 July 2019. The events were attended by 2,493 people and 925 responses were received.</p> <p>Further details of the non-statutory options consultation and statutory consultation can be seen at Chapters 2 and 3 respectively of the Consultation Report.</p>
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>The Applicant has involved consultees and the local community in the development of its proposals from the earliest stages. The non-statutory consultation on the scheme route and design options took place from 6 March 2017 to 23 April 2017. The statutory consultation on the refined final alignment was undertaken from 24 June 2019 to 28 July 2019. Further details of the non-statutory options consultation and statutory consultation can be seen at Chapters 2 and 3 respectively of the Consultation Report.</p>
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</p>	<p>The Applicant carried out significant levels of informal and additional formal consultation throughout the process of developing the DCO scheme. A non-statutory consultation was undertaken where three potential routes were consulted on. This helped to inform the Applicant of the preferred option on which to undertake statutory consultation.</p> <p>Following this the statutory consultation was undertaken (as set out in Chapter 3 of the Consultation Report). This was followed by a non-statutory supplementary consultation on the changes made to the Scheme since the statutory consultation. Following the supplementary consultation (as set out in Chapter 6 of the Consultation Report), the Applicant undertook further targeted consultation (as set out in Chapters 9, 10 and 11 of the Consultation Report).</p>

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	<p>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>	
71	<p>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>	<p>The Applicant involved landowners in the consultation process from the earliest points at which it was identified that their land would fall within the Order Limits.</p> <p>At the point of undertaking the statutory consultation from 3 June 2019 to 28 July 2019, all landowners were notified of the proposals under Section 42. Further information on this can be found in Chapter 3 of the Consultation Report. Further consultation has been undertaken directly with newly identified landowners to ensure they have had an opportunity to consider the proposals and provide their feedback. Further information on this can be found in Chapters 3, 6, 9 and 10 of the Consultation Report.</p>
72	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range 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. Applicants should therefore set</p>	<p>The consultation period ran from 3 June 2019 and 28 July 2019, a total of 56 days, which is longer than the statutory minimum requirement.</p>

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	<p>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>	
73	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation 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 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>Ongoing engagement and preparation for the statutory consultation period was undertaken to prepare consultees for the process as far as possible. Informal consultation also allowed consultees an opportunity to be involved and understand the Scheme prior to the statutory consultation period.</p>

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74	<p>Where a proposed application changes to such a large degree that the proposals could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents), and allow at least 28 days for consultees to respond.</p>	<p>The Applicant has consulted on the proposals as set out in the SoCC. The Applicant further consulted on specific issues such as the introduction of borrow pits to the scheme (Chapter 6 of the Consultation Report) and the diversion of a high pressure gas pipeline (Chapter 11 of the Consultation Report).</p>
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 further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are</p>	<p>The Applicant consulted on the proposals set out in the SoCC and at each stage of informal and formal consultation before and after this consultation. Refinements have been made to the Scheme and Chapters 5 and 8 of the Consultation Report note where such refinements resulted from the specific consultation. The Applicant also carried out additional targeted formal consultations on specific issues as part of the DCO Scheme. Details of the additional statutory consultation that was carried out can be seen at Chapter 11 of the Consultation Report.</p>

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	informed of the changes.	
76	<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 individuals and organisations are included.</p>	<p>The Applicant has undertaken targeted consultation outside of the statutory consultation period.</p> <p>A consultation was conducted between 17 September 2020 and 2 November 2020; more details on this can be found in Chapters 9 and 10 of the Consultation Report.</p> <p>In November 2020, the Applicant commenced consultation on an additional Nationally Significant Infrastructure Project (NSIP) associated with the Scheme. This related to a diversion of a high pressure gas pipeline line that may, when constructed, meet the threshold for an NSIP. This consultation ran from 11 November 2020 to 18 December 2020 and is covered in more detail in Chapter 11 of the Consultation Report. Although non-statutory in nature, the Applicant used the consultee groups as defined by the PA 2008 as a guide when considering who would be impacted or may have an interest in this change within the Scheme. These consultees were written to and in addition multiple newspaper notices were published advertising the consultation more widely. Copies of all the published notices with locations and dates can be found at Appendices T7 to T15 of the Consultation Report.</p>
77	<p>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.</p>	<p>The Applicant has refined its approach to consultation throughout the informal consultation process. The SoCC was also developed in line with advice from local authorities, and the formal consultation process was adapted to suit expectations.</p>

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80	Therefore, the consultation report should:	The Applicant's Consultation Report has been drafted to ensure that these elements are addressed and reflected. To summarise each point, the column below shows how each of these points has been addressed in the relevant chapter of the Consultation Report:
	<ul style="list-style-type: none"> provide a general description of the consultation process undertaken, which can helpfully include a timeline; 	See Chapter 1 of Consultation Report.
	<ul style="list-style-type: none"> set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate; 	See Chapter 3, Chapter 4, Chapter 5, Chapter 6 and Chapter 7 of Consultation Report.
	<ul style="list-style-type: none"> set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation; 	See Chapter 3 of Consultation Report.
	<ul style="list-style-type: none"> set out a summary of relevant responses to consultation (but not a complete list of responses); 	<p>See Chapter 4 for a summary of the comments given in response to the statutory consultation.</p> <p>See Chapter 7 for a summary of the comments given in response to the supplementary consultation.</p> <p>See Chapter 10 for a summary of the comments given in response to the Land interest additional consultation</p> <p>See Chapter 11 for a summary of the comments given in</p>

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		response to the High Pressure Gas pipeline diversion consultation.
	<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 addressed; 	<p>See Chapter 5 of Consultation Report for changes made as a result of comments from the statutory consultation.</p> <p>See Chapter 7 of Consultation Report for changes made as a result of comments from the supplementary consultation.</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; 	See Chapter 5 of Consultation Report.
	<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 	See Chapter 3 of Consultation Report.

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	<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>See Chapter 3 of Consultation Report.</p>
81	<p>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.</p>	<p>The Applicant has sought to provide consultees, local communities and anyone with an interest in the proposals with information throughout the process.</p> <p>After the non-statutory consultation, in February 2019, the Applicant produced a booklet on the preferred route announcement and a report on public consultation (see Appendix B).</p> <p>Following the statutory consultation, the Applicant published a project update in January 2020 (Appendix M (Part 3) M68 of the Consultation Report) containing high level findings of the consultation.</p> <p>The project website has been regularly been updated with information following each stage of consultation and acts as a repository for consultation materials. Those who signed up for website updates would receive an email when the website was updated with major news or announcements. Social media has also been utilised to update communities following each stage of consultation and throughout the project's development.</p>
83	<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</p>	<p>At key scheme development milestones Highways England has sought to inform people on how previous consultation feedback has helped shape the proposals. For example, a public facing booklet was produced to support the preferred route announcement in February 2019, outlining how the scheme had developed on the back of consultation. A copy of the preferred route booklet can be found at Appendix B17 of the Consultation Report.</p> <p>The Applicant also produced tables of changes that have been included within the main body of the report, this describes the changes made to the Scheme after each phase of consultation in concise terms. The table showing changes to the Scheme as a result of statutory consultation</p>

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	<p>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>and ongoing engagement can be found at 5.18 in Chapter 5 of the Consultation Report. The table showing changes to the Scheme as a result of supplementary consultation and ongoing engagement can be found at 8.4 in Chapter 8 of the Consultation Report.</p> <p>The supplementary consultation booklet also listed the changes made to the Scheme since statutory consultation, this can be found at Appendix Q (Part 1.1) Q2 of the Consultation Report.</p>
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 a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.</p>	<p>Technical responses have been dealt with in detail in the Environmental Statement (ES) and, where appropriate, have been cross referenced to the Consultation Report.</p> <p>Technical consultees have been engaged with on a regular basis throughout the process. Engagement with these bodies will continue through the development of the project as appropriate.</p>
93	<p>For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to 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</p>	<p>The Applicant produced a Preliminary Environmental Information Report (PEI Report). This was provided in paper copy at all public events and was available for download from the project website during the statutory consultation. It remains available on the Scheme web pages.</p> <p>A Non-Technical Summary (NTS) of the PEI Report was produced and made available at all locations the PEI Report was available.</p> <p>The SoCC set out how to access the PEI Report, either online, in paper copy, or upon request.</p> <p>The SoCC can be viewed at Appendix I of the Consultation</p>

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	<p>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 Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.</p>	<p>Report.</p>
95	<p>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,</p>	<p>The Applicant has undertaken consultation in line with this recommendation and has engaged with a wide range of expert topic groups with statutory and non-statutory consultees. Further information on this point can be found in Chapter 3 of the Consultation Report.</p>

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	<p>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>	
96	<p>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 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>	<p>As noted above, the Applicant undertook early consultation with relevant bodies. This is set out in Chapter 2 of the Consultation Report.</p>