

A12 Chelmsford to A120 widening scheme

TR010060

5.2 Consultation Report Annex O: Compliance Checklist

APFP Regulation 5(2)(q)

Section 37(3)(c) of the Planning Act 2008
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 5

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Planning Act 2008

A12 Chelmsford to A120 widening scheme Development Consent Order 202[]

5.2 Consultation Report - Annex O: Compliance Checklist

Regulation Reference	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/APP/5.2
Author	A12 Project Team, National Highways

Version	Date	Status of Version
Rev 1	August 2022	DCO Application

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Table 0.1 Compliance checklist

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;	The Applicant consulted all persons prescribed under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see Annex G for the full list)
	(b) (aa) the Marine Management Organisation;	N/A
	(c) each local authority that is within Section 43	The Applicant consulted with each local authority identified under Section 43 (see Annex G for the full list)
	(d) (c) the Greater London Authority if the land is in Greater London	The Applicant consulted with the Greater London Authority as they are a neighbouring authority.
	(e) 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 proposed scheme (see the Book of Reference [TR010060/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 to the consultation	All consultees were informed of the deadline for responses in a cover letter notifying them about the start of the consultation. The letter stated that the statutory consultation process would run from 22 June 2021 until 16 August 2021. Furthermore, all consultees consulted via targeted and supplementary consultation were provided with a deadline for receipt of responses. The supplementary consultation ran from 9 November 2021 until 19

Ref	Requirement	Compliance
	<p>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 received the consultation documents.</p> <p>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>December 2021. The targeted consultation ran from 11 February 2022 until 18 March 2022.</p> <p>The statutory consultation ran from 22 June 2021 until 16 August 2021, providing a period of 56 days for responses.</p> <p>Furthermore, the supplementary consultation ran for a period of 41 days. The targeted consultation ran for a period of 36 days.</p> <p>The consultation documents provided for the Section 42 statutory consultation were made available online at: ████████████████████ ████████████████████ and available to view free of charge at the pick-up point locations listed in the Consultation Report.</p> <p>Furthermore, for targeted consultations and supplementary consultation, consultation documents were made available online at ████████████████████ ████████████████████</p>
Section 46	<p>Duty to notify Secretary of State of the proposed application</p> <p>(2) 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 applicant were required by that section to consult the Secretary of State about the proposed application.</p> <p>(3) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>The Applicant notified the Planning Inspectorate of the proposed application on 22 June 2021 by way of a formal cover letter and package including the consultation documents, as seen in Annex I.</p> <p>The package was sent to the Planning Inspectorate on 22 June 2021. Acknowledgment of the receipt of the Section 46 letter was given by the Planning Inspectorate on 24 June 2021, as seen in Annex I.</p>

Ref	Requirement	Compliance
Section 47 Section 48	<p>Duty to consult local community</p> <p>(1) The applicant must prepare a statement setting out how the applicant proposed 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 Chapter 4 of the Consultation Report. The final SoCC can be found at Annex F.</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 local authorities on the draft SoCC (Annex C):</p> <ul style="list-style-type: none"> • Essex County Council • Maldon District Council • Chelmsford City Council • Braintree District Council • Colchester Borough Council
	<p>(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 received the consultation document.</p>	<p>Consultation with the relevant local authorities on the draft SoCC ran from 29 January 2021 until 1 March 2021, a period of 32 days.</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 a cover email (see Annexes C and D for draft SoCC and accompanying email)</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 4 of the Consultation Report.</p>

Ref	Requirement	Compliance
	<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 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>Notice of the SoCC was published in the following:</p> <ul style="list-style-type: none"> • East Anglian Daily Times • Colchester Gazette • Braintree and Witham Times • The Maldon and Burnham Standard • Essex Chronicle • Essex County Standard <p>The SoCC was also made available in the location listed with the S47 notice.</p> <p>See Annex K(1&2) for newspaper notices.</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 4 of the Consultation Report.</p>
	<p>Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner.</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 location and dates are provided at Annex K(1&2) of the Consultation Report.</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 deadline was included in the Section 48 Notice as 23:59 on 16 August 2021.</p>
<p>Section 49</p>	<p>Duty to take account of the response to consultation and publicity</p> <p>(1) Subsection (2) applies where the applicant –</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 7 of the Consultation Report for more detail.</p>

Ref	Requirement	Compliance
	<p>(a) Has complied with sections 42, 47, and 48, and</p> <p>(b) Proposed 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>Annex N shows responses to the consultation and regard to those responses.</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. Please see Annex N.</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 that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(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.</p>	<p>(a) Section 42 responses are considered in Chapter 7 of the Consultation Report.</p> <p>(b) Section 47 responses are considered in Chapter 7 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 7 of the Consultation Report.</p>
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>The Applicant has complied with the guidance set out in Department for Communities and Local Government’s (2015) Planning Act 2008: Guidance on the Pre-Application Process (outlined below in this table). The Applicant has also had regard to Advice Notes prepared by the Planning Inspectorate, including the planning regulations amendment regarding COVID-19 – The Infrastructure Planning</p>

Ref	Requirement	Compliance
	(3) The applicant must have regard to any guidance under this section.	(Publication and Notification of Applications)(Amendment) Regulations 2020.
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009		
Reg 3	<p>Prescribed consultees</p> <p>The persons prescribed for the purpose 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>	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 column 2 of the table in Schedule 1.
Reg 4	<p>(1) The applicant must public a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –</p> <p>(a) For at least two successive weeks in one or more local newspapers circulating 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>(e) Once in Lloyd’s List; and</p> <p>(f) Once in an appropriate fishing trade journal</p>	<p>The Applicant published the Section 48 Notice as follows:</p> <p>(a) For two weeks in local papers:</p> <ul style="list-style-type: none"> • East Anglian Daily Times • Colchester Gazette • Braintree and Witham Times • The Maldon and Burnham Standard • Essex Chronicle • Essex County Standard <p>(b) Once in national newspaper The Times on 22 June 2021.</p> <p>(c) Once in The London Gazette on 22 June 2021.</p> <p>Copies of all the published notices with locations and dates are provided in Annex K(1&2) of the Consultation Report.</p>
	(2) That matters which the notice must include are:	The Section 48 Notice included all of the elements listed under Regulation 4(3).

Ref	Requirement	Compliance
	(a) The name and address of the applicant;	<p>The name and address of the Applicant were included as per the below:</p> <p>Highways England Company Ltd Bridge House 1 Walnut Tree Close Guildford GU1 4LZ</p> <p>The full notice can be seen in Annex K(1&2) of the Consultation Report.</p>
	(b) A statement that the applicant intends to make an application for development consent to the Secretary of State;	<p>The Section 48 Notice stated that the Applicant proposes to apply to the Secretary of State under Section 37 of the Planning Act 2008 for a Development Consent Order (DCO).</p>
	(c) A statement as to whether the application is EIA development;	<p>The Section 48 Notice stated that the proposed development is a development requiring Environmental Impact Assessment (EIA).</p>
	(d) A summary of the main proposals, specifying the location or route of the proposed development;	<p>The Section 48 Notice stated that the proposed DCO would, among other things, authorise:</p> <ul style="list-style-type: none"> • creation of two bypasses, one between junctions 22 to 23 and another between junctions 24 to 25 • widening of the dual carriageway from two to three lanes in each direction from Hatfield Peverel to Marks Tey • improvements to junctions 19 and 25 • construction of new junctions 21, 22 and 24 providing access to the A12 both northbound and southbound

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> • removal of existing junctions 20a, 20b and 23 • provide new and improved existing walking, cycling and horse riding routes • provide new local roads access and improve existing access to the proposed junctions • provide environmental mitigation • improve the safety performance of the road especially at the junctions and slip roads • provide utility diversions where necessary • remove all direct private access onto the A12 and redirect access via local roads and junctions <p>The proposed scheme includes changes to a number of existing utilities. These changes include the diversion of two high pressure gas pipelines operated by Cadent Gas Limited. The first high pressure gas pipeline is located between Springfield in Chelmsford and Little Braxted running along the southern side of the A12 within the local authority areas of Chelmsford and Braintree. The second is located between the Witham Bypass and Little Braxted running along the south of the A12 also in the local authority area of Braintree (the Diversions). To the extent that the Diversions satisfy the criteria to be considered an NSIP under section 20 of the Planning Act 2008, the Diversions will be treated as NSIPs in their own right.</p>
	(e) A statement that the documents, plans, and maps showing the nature and location of the proposed	The Section 48 Notice stated that copies of the details of the proposals, environmental reports, plans, maps and other documents

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	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>may be inspected free of charge from 22 June 2021 until at least 16 August 2021 at the following locations:</p> <table border="1" data-bbox="1160 363 2069 1355"> <thead> <tr> <th data-bbox="1160 363 1608 419">Location</th> <th data-bbox="1608 363 2069 419">Address</th> </tr> </thead> <tbody> <tr> <td data-bbox="1160 419 1608 515">Braintree Library</td> <td data-bbox="1608 419 2069 515">Fairfield Road, Braintree, CM7 3YL</td> </tr> <tr> <td data-bbox="1160 515 1608 611">Chelmsford City Council</td> <td data-bbox="1608 515 2069 611">Customer Service Centre, Duke Street, Chelmsford, CM1 1JE</td> </tr> <tr> <td data-bbox="1160 611 1608 707">Colchester Library and Community Hub</td> <td data-bbox="1608 611 2069 707">Colchester Library, Trinity Square, Colchester, CO1 1JB</td> </tr> <tr> <td data-bbox="1160 707 1608 802">Copford Village Hall</td> <td data-bbox="1608 707 2069 802">School Road, Copford, Colchester CO6 1BX</td> </tr> <tr> <td data-bbox="1160 802 1608 898">Essex County Council</td> <td data-bbox="1608 802 2069 898">County Hall, Market Road, Chelmsford, CM1 1QH</td> </tr> <tr> <td data-bbox="1160 898 1608 994">Hatfield Peverel Library</td> <td data-bbox="1608 898 2069 994">The Street, Hatfield Peverel, Chelmsford, CM3 2DP</td> </tr> <tr> <td data-bbox="1160 994 1608 1090">High Chelmer Shopping Centre</td> <td data-bbox="1608 994 2069 1090">15A Exchange Way, Chelmsford CM1 1XB</td> </tr> <tr> <td data-bbox="1160 1090 1608 1185">Kelvedon Library</td> <td data-bbox="1608 1090 2069 1185">Aylett's Foundation School, Maldon Road, Kelvedon, CO5 9BA</td> </tr> <tr> <td data-bbox="1160 1185 1608 1281">Maldon Town Council</td> <td data-bbox="1608 1185 2069 1281">Market Hill, Maldon, CM9 4RL</td> </tr> <tr> <td data-bbox="1160 1281 1608 1355">Marks Tey Parish Hall</td> <td data-bbox="1608 1281 2069 1355">Old London Road, Marks Tey, Colchester, CO6 1EJ</td> </tr> </tbody> </table>	Location	Address	Braintree Library	Fairfield Road, Braintree, CM7 3YL	Chelmsford City Council	Customer Service Centre, Duke Street, Chelmsford, CM1 1JE	Colchester Library and Community Hub	Colchester Library, Trinity Square, Colchester, CO1 1JB	Copford Village Hall	School Road, Copford, Colchester CO6 1BX	Essex County Council	County Hall, Market Road, Chelmsford, CM1 1QH	Hatfield Peverel Library	The Street, Hatfield Peverel, Chelmsford, CM3 2DP	High Chelmer Shopping Centre	15A Exchange Way, Chelmsford CM1 1XB	Kelvedon Library	Aylett's Foundation School, Maldon Road, Kelvedon, CO5 9BA	Maldon Town Council	Market Hill, Maldon, CM9 4RL	Marks Tey Parish Hall	Old London Road, Marks Tey, Colchester, CO6 1EJ
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Braintree Library	Fairfield Road, Braintree, CM7 3YL																							
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Ref	Requirement	Compliance	
		Springfield Library	St Augustine's Way, Springfield, Chelmsford CM1 6GX
		St Mary's Parish Church	Easthorpe Road, Easthorpe, Colchester CO5 9HD
		Tiptree Library	Rectory Road, Tiptree, CO5 0SX
		Witham Library	18 Newland Street, Witham, CM8 2AQ
		Copies of the documents are also stated to be available online through the Applicant's website at: [REDACTED] and it is confirmed that they can be provided on request.	
	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));	The Section 48 Notice stated that copies of the details of the proposals, environmental reports, plans, maps and other documents may be inspected free of charge from 22 June 2021 until at least 16 August 2021. The full Section 48 notice can be viewed in Annex K of the Consultation Report.	
	Whether a charge will be made for copies of any of the documents, plans, or maps and the amount of any charge;	The Section 48 Notice stated that a reasonable copying charge may apply, up to a maximum of £220 for the full suite of documents, and an electronic copy on USB flash drive would be free of charge. The notice stated: <i>'An electronic copy of the consultation documents can be supplied free of charge on a USB memory stick. A paper copy of the consultation documents can also be supplied, but there will be a reasonable charge for paper copies to cover the cost of printing and postage up to a charge of £220 for a complete set of documents.'</i>	

Ref	Requirement	Compliance
		The full Section 48 Notice can be viewed in Annex K(1&2) of the Consultation Report.
	Details of how to respond to the publicity; and	The Section 48 Notice states that any representations on the proposals should be made in writing to FREEPOST A12 WIDENING or by email to [REDACTED] The full Section 48 Notice can be viewed in Annex K(1&2) of the Consultation Report.
	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.	The deadline for receipt of responses by the Applicant was given as 16 August 2021, a period of 55 days.
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)		
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 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>	The Applicant applied to the Planning Inspectorate on 28 October 2020 for a Scoping Opinion for the proposed scheme. A copy of the Scoping Opinion is held on the Planning Inspectorate website. ¹

¹Scoping Opinion on the Planning Inspectorate website: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010060/TR010060-000016-CHLM%20-%20Scoping%20Opinion.pdf>. Accessed May 2022.

Ref	Requirement	Compliance
	(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.	
	(2) A request or notification under paragraph (1) must be accompanied by (a) a plan sufficient to identify the land; (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; (c) such other information or representations as the person making the request may wish to provide or make.	<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 <p>The Scoping Report included both a plan sufficient to identify the land and a description of the nature and purpose of the proposed scheme and of its possible effects on the environment.</p>
Reg 12	<p>Consultation statement requirements</p> <p>The consultation statement prepared under section 47 (duty to 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>The extract of the SoCC below shows that these elements were covered:</p> <ul style="list-style-type: none"> • Due to the size and nature of the proposed scheme, we are required to undertake an environmental impact assessment (EIA) for the scheme. The EIA will form the environmental statement that will be submitted as part of the application for the scheme. As part of this statutory consultation, we have published a Preliminary Environmental Information Report (PEIR) on the proposed scheme webpage (████████████████████) as part of the consultation materials available. The PEIR gives information about the potential environmental effects of the proposed scheme and the measures put forward to reduce any significant adverse effects identified. It addresses the full range of environmental topics including air quality, noise, water, soils, landscape, biodiversity, heritage, population and health, and climate change.

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> The PEIR provides information at an interim stage in the Assessment process, and responses received to this consultation help inform the continued development of the proposed scheme and the production of a final Environmental Statement to support the application for development consent. We have also published a non-technical summary of the PEIR to better enable the local community to understand the environmental effects of the proposed scheme. As part of the pre-application consultation, the general public and statutory consultees will be able to comment on the content of the PEIR. Additional information about the proposed scheme including detailed maps/plans and associated benefits are included in our public consultation brochure. <p>The SoCC can be seen in Annex F.</p>
Reg 13	<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 accordance with regulation 11(1)(c).</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 Planning Act 2008) on the proposed application for development consent as detailed in Chapter 5 of the Consultation Report.</p>
<p>Planning Act 2008: Guidance on the pre-application process (Department for Communities and Local Government, 2015)</p>		
17	<p>When circulating consultation documents, developers should be clear about their status, for example ensuring it is</p>	<p>Documents produced as part of the consultation were clear about their status. Letters issues to consultees as part of the Section 42 consultation, and materials created to consult the community under</p>

Ref	Requirement	Compliance
	<p>clear to the public if a document is purely for purposes of consultation.</p>	<p>Section 47, set out that they contained details of the statutory consultation.</p> <p>Copies of the letters issued to Section 42 stakeholders as part of the statutory consultation are provided in Annex H of this Report.</p> <p>Copies of the letters issued to Section 42 stakeholders as part of the supplementary consultation are provided in Annex H of this Report.</p> <p>Copies of the documents created to consult the local community are provided in Annex J.</p>
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 local impact of the proposed project, with the potential to dispel misapprehensions at an early stage; • enabling applications to obtain important information about the economic, social, and environmental impacts of a scheme from consultees, which can help rule out unsuitable options; 	<p>The Applicant held a stage of non-statutory options consultation for the proposed scheme between 23 January 2017 and October 2019. This consultation gave the local community, businesses and stakeholders the opportunity to have their say on the early proposals for the proposed scheme, before they reached an advanced stage. Chapter 2 of this Report provides more detail about this consultation and the feedback received.</p> <p>Table 2.6 in this Report shows ongoing engagement with local authorities and statutory consultees.</p>

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> 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. 	
19	<p>The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues.</p>	<p>The Applicant has conducted a thorough consultation process which has allowed it to identify, consider and, as far as possible, seek to reach agreement on issues likely to arise during the six-month examination.</p> <p>The early engagement and options consultation set out in Chapter 2 of this Report provided the Applicant with the opportunity to identify and consider issues early in the development of the proposed scheme.</p> <p>The statutory consultation set out in Chapter 5 this Report built on this understanding and further identified and considered issues likely to arise. Annex N includes evidence of how the Applicant has considered issues raised through the consultation. Where appropriate, the Applicant has prepared Statements of Common Ground with relevant statutory consultees to demonstrate areas of agreement.</p>
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 developed to provide some detail on what is being proposed; and 	<p>For both the options consultation and statutory consultation, the Applicant shared information at an early enough stage to allow the design of the proposed scheme to be influenced, while being sufficiently developed to provide some detail on what is being produced.</p> <p>In each consultation, the Applicant developed a clear scope for what could be influenced by consultees. For the options consultation, this was to provide feedback on the four route options. For the statutory consultation, this was to provide feedback on the design of the proposed scheme, including the location, layout of junctions, WCH</p>

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> engaging and accessible in style, encouraging consultees to react and offer their views. 	<p>provision, and environmental impact and mitigation. For the supplementary consultation, it was to provide feedback following design changes based on feedback received during the statutory consultation.</p> <p>For each consultation, the Applicant published a consultation brochure written in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to react and offer their views.</p> <p>A copy of the brochure produced for the options consultation is included in Annex A.</p>
24	<p>The requirements of the Planning Act 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 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 the 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>A full list of engagement can be found in Annex P of the Consultation Report. This includes a number of forums and workshops to share information and engage with communities to help inform the design of the Scheme.</p>
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</p>	<p>The Applicant considers that it has conducted a thorough, effective and proportionate statutory consultation. It also considers that it acted appropriately to extend the consultation period in light of the unprecedented impacts of COVID-19 restrictions.</p>

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	<p>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>A consultation period of 56 days (eight weeks) was provided for statutory consultation under Section 42, Section 47 and Section 48 of the PA 2008. This was greater than the 28 calendar days required to be provided for comments as prescribed by Section 45(2) of the PA 2008. Based on the Applicant's experience in developing highways schemes, it considered this period of comment proportionate to the scale and complexity of the proposed scheme.</p> <p>The Applicant has also been conscious of the need to be sufficiently flexible to respond to the needs and requirements of consultees. The Applicant provided a variety of means to respond to the statutory consultation, including completing a response form online, completing and returning a hard copy of the response form and submitting comments by letter. Feedback submitted by email was also acknowledged by the Applicant and considered.</p> <p>The Applicant also provided a variety of means of obtaining information about the proposal, including attending one of six in-person consultation events, looking on the consultation website, visiting one of two engagement van events, attending the virtual event room or attending one of six online webinars held across the consultation period. Chapter 5 of this Report explains how the Applicant notified consultees.</p>
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 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 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</p>	<p>The Applicant has identified and consulted with parties prescribed by Section 42, Section 43 and Section 44 of the PA 2008, as well as the local community as prescribed in Section 47 of the PA 2008 and defined in the published SoCC, which can be seen in Annex F.</p> <p>Details of how the Applicant consulted in accordance with each of these sections of the PA 2008 are set out in Chapter 5 of this Report.</p>

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	to be developed. Section 47 in the 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.	
27	The Planning Act and Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 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 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 be make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.	<p>The Applicant has identified and consulted with parties prescribed by Section 42, Section 43 and Section 44 of the PA 2008, as well as the local community prescribed in Section 47 of the PA 2008 and defined in the SoCC, as shown in Annex F.</p> <p>Details of how the Applicant consulted in accordance with each of these sections of the PA 2008 are set out in Chapter 5 of this Report. The list of prescribed consultees identified and consulted by the Applicant is provided in Annex G of this Report.</p> <p>The Consents, Licences and Agreements Position Statement [TR010060/APP/3.3] sets out the consents and associated agreements expected to be required and the intended strategy for obtaining them</p>
28	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	<p>The Applicant reviewed the consultee list on a regular basis to ensure that contact details were up to date.</p> <p>At each consultation round the list of consultees was updated by contacting GAtticca to update undertakers and the register of companies house.</p>

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	<p>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 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>	<p>https://www.gov.uk/government/organisations/companies-house to check if the company is still trading</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 matter. Applicants are therefore advised to discuss and agree on a timetable with consultees for the provision of such inputs.</p>	<p>The Applicant sought technical input from relevant expert bodies at the options, statutory and supplementary consultations.</p> <p>A variety of technical documents were available during the consultation period:</p> <ul style="list-style-type: none"> • PEIR (Highways England, 2021a) • PEIR Non-Technical Summary (Highways England, 2021b) • Traffic Modelling Report for Consultation (Highways England, 2021d) • Map books (Highways England, 2021c) <p>The Applicant has also continued engagement with relevant organisations outside of consultation periods. Please see Annex P for more information.</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 the local 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),</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 Chapter 4 of the Consultation Report.</p> <p>The Applicant consulted with all local authorities in whose area the proposed scheme lies.</p>

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	that intention should be reflected in the Statement of Community Consultation.	
37	<p>In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation 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 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 4 of the Consultation Report sets out the Applicant's approach to the preparation of the SoCC.</p> <p>The Applicant sent the draft SoCC to local authorities requesting comments on the best way to consult the local community. How the Applicant considered this feedback can be seen in Chapter 4.</p>
38	<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 affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</p>	<p>The Applicant engaged early with host local authorities to seek expertise on these issues.</p> <p>As prescribed by Section 47 of the PA 2008, the Applicant prepared a SoCC setting out how it proposed to consult people living in the vicinity of the land that would be affected by the proposed scheme. The Applicant also set out how it proposed to consult with hard to reach groups. In accordance with Section 47 of the PA 2008, the Applicant consulted the required bodies on this to seek their views on the content of the statement.</p> <p>Chapter 4 of this Report details how and when the Applicant consulted stakeholders on the draft SoCC, the feedback it received and how it had regard to the comments made.</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 4 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 consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>The regard the Applicant had to responses received as part of the consultation on the draft SoCC is set out in Table 4.1 of this Report.</p>
42	<p>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</p>	<p>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 scheme.</p>

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	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.	
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.	Local authorities have been consulted and engaged with throughout the development of the proposed scheme. This includes during the non-statutory route options consultation for the proposed scheme from 23 January 2017 to 3 Mar 2017 and 21 October 2019 to 1 December 2019, as can be seen in Chapter 2 of the Consultation Report. They were also consulted at the statutory consultation and the subsequent supplementary consultation. This ongoing engagement can be seen in Annex P.
49	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.	The Applicant consulted both informally and formally under Section 42 (and, by extension, Section 44) of the Planning Act 2008 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 number of the comments received.
50	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.	The Applicant has diligently sought to identify all land interests and ensure that the Book of Reference [TR010060/APP/4.3] remains up to date.

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51	<p>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.</p>	<p>Any newly identified landowner was afforded adequate opportunity to consider and respond to the proposals throughout the application process.</p> <p>A full description of all additional consultations with landowners is included within Chapters 5, 6, 7 and 8 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 proposed scheme would be when the application is accepted and representations on the proposed scheme could be made.</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 take account of any responses.</p>	<p>Any newly identified landowner was afforded adequate opportunity to consider and respond to the proposals throughout the pre-application process. The Applicant carried out further consultation as a result of new interests in land that came light through regular checks of the Land Registry.</p> <p>A full description of all additional engagement with landowners is included within Chapters 5, 6, 7 and 8 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 that 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</p>	<p>The Applicant committed to early and meaningful engagement with local communities in the areas affected by the proposed scheme. Chapters 2, 4 and 5 of the Consultation Report set out how the Applicant consulted with the local community.</p>

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	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.	
54	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.	The Applicant has adopted an inclusive approach to consultation to ensure that everyone had the opportunity to participate and that no one was disadvantaged in the process. This includes supporting the participation of hard to reach groups by providing accessible versions of consultation material. The Applicant consulted local authorities on its SoCC prior to statutory consultation, as set out in Chapter 4 of this Report. Table 4.1 of this Report set how the Applicant has had regard to the comments received.
55	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 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>For each consultation, the Applicant published a consultation brochure written in an engaging and accessible style, setting out what it was possible to influence at the stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to react and offer their views.</p> <p>The brochure produced for the options consultation is included in Annex A of this Report.</p> <p>The brochure produced for the statutory consultation is included in Annex J of this Report.</p> <p>The brochure produced for the supplementary consultation is included in Annex J of this Report.</p> <p>Copies of consultation materials were available in alternative formats on request. No requests for alternative formats were made during the statutory or supplementary consultations.</p>

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56	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).	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 4 of the Consultation Report.
57	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>The Applicant included a framework for community consultation in the SoCC, including where details and dates of events would be published. The SoCC was made available on the proposed scheme's website, at all public information events and placed at all pick-up point locations.</p> <p>The SoCC is included in Annex F of this Report.</p>
58	Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations 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>The Applicant publicised the proposed scheme under Section 48 of the PA 2008, for the statutory consultation, by publishing notices in the following:</p> <ul style="list-style-type: none"> • London Gazette • The Times • East Anglian Daily Times • Colchester Gazette • Braintree and Witham Times • The Maldon and Burnham Standard • Essex Chronicle

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		<ul style="list-style-type: none"> Essex County Standard <p>Details of this can be seen in Table 5.4 of this Report.</p> <p>This was the period immediately preceding the beginning of statutory consultation. These notices are provided in Annex K(1&2) of this 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 land-based 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. The applicant is also advised to consider seeking views on the Statement of Community Consultation 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>	<p>The Applicant has consulted with all relevant and potentially impacted local authorities throughout the process. Chapter 4 of the Consultation Report sets out the approach the Applicant took to engaging with the relevant local authorities with regard to the SoCC.</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 that 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 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</p>	<p>The Applicant ensured that all communities near any proposed development were invited to participate in the consultation process. This can be seen in Chapter 5 of the Consultation Report.</p>

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	<p>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>	
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 will need sufficient information on a project to be able to recognise and understand the impacts.</p>	<p>For the options consultation, statutory consultation and supplementary consultation, the Applicant shared information at an early stage to allow the proposed scheme to be influenced, while being sufficiently developed to provide enough information on what is being proposed to enable consultees to recognise and understand its impacts.</p> <p>In each consultation, the Applicant developed a clear scope for what could be influenced by consultees. For the options consultation, this was to feedback on the four route options. For the statutory consultation, this was to provide feedback on the design of the proposed scheme, including the location, layout of junctions WCH provisions and environmental impact and mitigation. For the supplementary consultation, this was to provide feedback on further design proposals following statutory consultation.</p> <p>For each consultation, the Applicant published a consultation brochure written in an engaging and accessible style, setting out what it was possible to influence at that stage, providing accurate information that gave consultees a clear view of what was proposed, and encouraging them to offer their views.</p> <p>The brochure produced for the options consultation is included in Annex A of this Report.</p> <p>The brochure produced for the statutory consultation is included in Annex J1 of this Report.</p> <p>The brochure produced for the supplementary consultation is included in Annex J2 of this Report.</p>

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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 involved consultees and the local community in the development of its proposals from the earliest stages. The non-statutory consultation on the route options took place from 23 January 2017 to 3 March 2017 and 21 October 2019 to 1 December 2019.</p> <p>Statutory consultation was held between 22 June 2021 and 16 August 2021.</p> <p>The supplementary consultation ran from 9 November 2021 until 19 December 2021.</p> <p>Further details of the non-statutory route options consultation can be seen in Chapter 2 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 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>The Applicant carried out significant levels of engagement and additional formal and informal consultation throughout the process of developing the proposed scheme. A non-statutory route options consultation was carried out which helped inform the Applicant in deciding on the preferred option to take to 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 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. This can be seen in Chapter 5 of the Consultation Report.</p> <p>Information on further land consultation can be seen in Chapter 8 of the Consultation Report.</p>

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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 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>The statutory consultation period ran from 22 June 2021 to 16 August 2021, a total of 56 days, which is longer than the statutory minimum requirement.</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 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 were undertaken to prepare consultees for the process as far as possible.</p> <p>From 9 November 2021 until 19 December 2021, the Applicant held a supplementary consultation following design changes from the statutory consultation. This information can be seen in Chapter 6 of the Consultation Report.</p>
74	<p>Where a proposed application changes to such a large degree that the proposals could be considered a new</p>	<p>The supplementary consultation held between 9 November 2021 and 19 December 2021 was held for longer than the statutory minimum</p>

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	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.	requirement of 28 days, as detailed in Chapter 6 of the Consultation Report.
75	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 informed of the changes.	The Applicant carried out an additional targeted consultation, details of which can be seen in Chapter 6 of the Consultation Report. An additional land owner consultation can be seen in Chapter 8 of the Consultation Report.
76	In circumstances where a particular issue has arisen during the pre-application 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>The Applicant undertook targeted consultation outside of the statutory consultation period.</p> <p>A supplementary consultation was held from 9 November 2021 until 19 December 2021, details of which can be seen in Chapter 6 of the Consultation Report.</p> <p>A targeted consultation ran from 11 February 2022 until 18 March 2022, details of which can be seen in Chapter 6 of the Consultation Report.</p>

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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.	<p>The Applicant has sought to ensure that the consultation process is proportionate to the impacts of the proposed scheme 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>Formal comments from local authorities on the SoCC prior to statutory consultation are provided in Table 4.1 of this Report.</p>
80	Therefore, the consultation report should:	The Consultation Report has been drafted to ensure that these elements are addressed and reflected. To summarise each point, the rows below show how each of these points has been addressed in the relevant chapters and annexes 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 the 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 Chapters 3, 4, 5, 6 and 9 of the 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 4 of the Consultation Report.
	<ul style="list-style-type: none"> set out a summary of relevant responses to the consultation (but not a complete list of responses); 	See Chapter 7 and Annex N of the Consultation Report.
	<ul style="list-style-type: none"> provide a description of how the application was informed and influenced by those responses, outlining 	See Chapters 7 and 8 and Annex N of the Consultation Report.

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	any changes made as a result and showing how significant relevant responses will be addressed;	
	<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 Annex N of the 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 Annex N of the Consultation Report.
	<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. 	See Chapter 5 of the Consultation Report.
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.	<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>The project website has been regularly updated at each stage of the consultation and includes all consultation materials.</p> <p>Social media has also been utilised to update communities following each stage of the consultation.</p> <p>Regular meetings with stakeholders have continued throughout the proposed scheme to keep stakeholders updated. This can be seen in Section 2.6 of the Consultation Report.</p>

Ref	Requirement	Compliance
83	<p>The consultation report may not be the most appropriate format in which to respond to the points raised by various consultees 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>Details of the regard that the Applicant has had in consultation responses is set out in Annex N. Where appropriate, the Applicant has undertaken further engagement with consultees.</p> <p>Engagement has continued with community groups and forum members to discuss any concerns and respond to any queries.</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>The Applicant is satisfied that this Report and supporting annexes provide sufficient detail in response to the relevant impacts identified in response to consultation.</p> <p>Details of the regard that the Applicant has had in consultation responses is set out in Annex N. Where appropriate, the Applicant has undertaken further engagement with consultees.</p> <p>The Applicant deemed that, following design changes on its proposals following statutory consultation, a supplementary consultation should be held to gain further views from consultees. Details of the supplementary consultation can be seen in Chapter 6 of this Report.</p> <p>Since the supplementary consultation, further engagement with some newly identified land interests has been undertaken. See Chapter 7 of this Report for further information.</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 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.</p>	<p>The Applicant produced a Preliminary Environmental Information Report (PEIR). The Non-Technical Summary 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 project website. The SoCC set out how to access the PEIR, either online, in paper copy, or upon request.</p>

Ref	Requirement	Compliance
	<p>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>	
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, 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>	<p>The Applicant has undertaken consultation in line with this recommendation and has engaged with a wide range of stakeholders. Further information on this can be seen in Annex G of the Consultation Report.</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</p>	<p>As noted above, the Applicant undertook early consultation with relevant bodies.</p>

Ref	Requirement	Compliance
	major infrastructure projects is available from the Inspectorate's Advice Note 10.	