

# REPORT

## **Boston Alternative Energy Facility - Appendix 1**

### Appendix 1 Consultation Compliance Checklist

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Appendix 1  
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Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
<b>Planning Act 2008, as amended by the Localism Act 2011</b>			
<b>Section 42</b>	<b>Duty to Consult</b>		
	The Applicant must consult the following about the proposed application:		
	(a) Such persons as may be prescribed	The prescribed consultees, identified under section 42 of the Planning Act 2008 (PA 2008), with reference to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), were consulted during Phase Three and Phase Four of the statutory consultation.	Chapter 7, Sections 7.2-7.5 of the Consultation Report provides further details of this and states the consultation window each consultee was given; Appendix 5.1 contains the list of prescribed section 42(1)(a) consultees that were consulted by the Applicant.
	(aa) The Marine Management Organisation (MMO)	The Applicant held an initial meeting with the MMO in April 2019.  The Applicant undertook statutory consultation with the MMO as part of Phase Three and Phase Four statutory section 42 consultation.	Chapters 5-8 of the Consultation Report provide further detail of this.  Minutes from the meeting with the MMO in April 2019 can be found in Appendix 4.2.
	(b) Each Local Authority within Section 43	Each relevant local authority within section 43 was identified and consulted during all four phases of consultation.	Section 7.3 of the Consultation Report provides further detail of this.

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		Minutes of the meetings with the local authorities can be found in Appendices 3.2, 4.3, 5.9 and 6.9.
(c) The Greater London Authority (if in the Greater London area)	The application site is not located in the Greater London area.	N/A
(d) Each person who is in one or more of the categories set out in Section 44: Category 1 – owner, leasee, tenant or occupier of the land Category 2 – person interested in the land, or has power to sell and convey the land, or has power to release the land Category 3 – person entitled to make a relevant claim	The Applicant identified each relevant party within the categories set out in section 44 and consulted with them during all four phases of consultation. Only Category 1 and 2 landowners were identified throughout the pre-application consultation.	Section 7.5 of the Consultation Report provides details of statutory consultation with section 44 consultees. Section 5.4 of the Report gives details of why no Category 3 landowners were consulted.  The list of section 44 consultees for each consultation can be found in the Book of Reference (document 3.3).
<b>Section 45</b>	<b>Timetable for Section 42 Consultation</b>	
(1) The Applicant must, when consulting a person under Section 42, notify the person of the deadline for the receipt	At the start of each phase of consultation, the consultees were notified of the deadline for receipt of consultation responses. The deadline was contained in	A copy of the letters sent to section 42 consultees at Phase Three and Phase Four, which contains details of the deadline

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	by the Applicant of the person's response to consultation	the letters/emails sent to section 42 consultees with the consultation materials.	for receipt of responses, can be found at Appendix 5.2 and Appendix 6.3.
	(2) A deadline notified under subsection 1 must not be earlier than 28 days that begins with the day after the day on which the person receives the consultation documents	The Applicant's statutory consultation under section 42 at Phase Three commenced on 25 June 2019 and concluded on 6 August 2019, resulting in a 43-day consultation period. Statutory consultation under section 42 at Phase Four commenced on 10 August and concluded on 10 September, resulting in a 32-day consultation period.	A copy of the letters sent to section 42 consultees at Phase Three and Phase Four, which contains details of the length of consultation periods, can be found at Appendix 5.2 and Appendix 6.3.
	(3) In subsection 2, the 'consultation documents' means the documents supplied to the person by the Applicant with the means of consulting that person	Copies of the consultation documents were issued with explanatory cover letters for the purpose of consulting with that person or organisation.	The consultation documents supplied to section 42 consultees at Phase Three and Phase Four can be found at Appendix 5.2 and Appendix 6.3.
<b>Section 46</b>	<b>Duty to notify the Secretary of State of the proposed application</b>		
	(1) The Applicant must provide the Secretary of State with such information in relation to the proposed application as the Applicant would supply to	The section 46 notification was sent to the Planning Inspectorate on 20 June 2019, notifying them of the application. In accordance with section 46, this	Details of the letter and consultation documents sent to the Secretary of State can be found at section 7.6 and Appendix 5.5.

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	the Secretary of State for the purpose of complying with Section 42 if the Applicant was required by that section to notify the Secretary of State about the proposed application	notification comprised of the Section 42 consultation documents, comprising: the section 42 cover letter; a paper copy of the project brochure; and, a paper copy of the section 48 notice.	
	(2) The Applicant must comply with subsection 1 on or before commencing consultation under Section 42	The notification under section 46 was made on 20 June 2019. Phase Three statutory consultation under section 42 commenced on 25 June 2019, when letters were sent to consultees notifying them of the consultation.	Details of the letter and consultation documents sent to the Secretary of State showing the date of the notification can be found at section 7.6 and Appendix 5.5.
<b>Section 47</b>	<b>Duty to consult the local community</b>		
	(1) The Applicant must prepare a Statement of Community Consultation (SoCC) setting out how the Applicant proposes to consult, about the proposed application, people living in the vicinity of the land	A Statement of Community Consultation (SoCC) was prepared in the period between Phase One and Two consultation. Following the decision to add a third phase of consultation, the SoCC was updated to reflect this.	Chapter 4 details the publication of the original and revised SoCC. The original SoCC can be found at Appendix 2.4 and the updated SoCC at Appendix 2.8.
	(2) Before preparing the SoCC, the Applicant must	The Applicant consulted each local authority within section 43(1) (i.e. a local	Chapter 4 details the section 43 consultation undertaken on both the original

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	consult each local authority that is in Section 43 (1) about what is to be included in the SoCC	<p>authority is in this section if the land is in the authority's area) in respect of the content of the SoCC. The proposed application is located entirely in the Boston Borough Council (BBC) area; however, the nature of the application (i.e. energy recovery from waste) meant that Lincolnshire County Council (LCC) would be the determining authority (had the Facility been subject to a planning application rather than Development Consent Order). Therefore, both BBC and LCC were consulted on both the initial and updated SoCC.</p> <p>The decision was taken by the Applicant to also consult with the local authorities whose areas border the BBC area. Therefore, East Lindsey District Council, North Kesteven District Council and South Holland District Council were also consulted on both the initial and updated SoCC.</p>	and revised SoCC. Within this chapter, Table 4-1 lists the local authority comments on the SoCC and the Applicant's response to their comments.
	(3) The deadline for receipt by the Applicant of a local authority's response to consultation under subsection	The local authorities consulted were given 28 days to respond to the consultation for both the initial and updated SoCC, starting	Sections 4.3 and 4.7 show that local authorities were given at least 28 days to provide consultation responses.

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	(2) is the end of the period of 28 days that begins the day after the day on which the local authority receives the consultation documents	with the day after the documents were sent via email.	
	(4) In subsection 3, 'the consultation documents' means the documents supplied to the local authority by the Applicant for the purpose of consulting with the local authority under subsection 2	The Applicant issued an explanatory covering letter/email with both the initial and updated SoCC, outlining what was being consulted on and confirming the deadline for responses.	Sections 4.3 and 4.7 state how and when the documents were issued to local authorities.
	(5) In preparing the SoCC, the Applicant must have regard to any response to consultation under subsection 2 which is received before the deadline imposed by subsection 3	All responses received during both consultation periods were considered by the Applicant and addressed where relevant.	Sections 4.3 (Table 4-2) and 4.7 list the responses received and show how these were addressed where relevant.
	(6) Once the Applicant has prepared the SoCC, the Applicant must -	The original SoCC was made available on the project website from 14 December 2018. Hard copies were displayed in the following locations between 14 December 2018 and 18 January 2019:	Sections 4.4 and 4.8 details how the SoCCs were made available for inspection and publicised.
	(a) make the SoCC available for inspection by the public in a		



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	way that is reasonably convenient for people living in the vicinity of the land,	Boston Borough Council offices Boston Library Kirton Town Hall	
	(b) publish, in a newspaper circulating in the vicinity of the land; and	Kirton Library Hubbert's Bridge Community Centre Swineshead pre-school.	
	(c) in such other manner as may be prescribed	Copies were also emailed and posted to all parish councils in the Boston Borough Council area, requesting that they were displayed on parish noticeboards and websites.  The updated SoCC was made available on the project website from 8 May 2019. Hard copies were displayed in the following locations between 7 May 2019 and 7 June 2019:  Boston Borough Council offices Boston Library Kirton Town Hall Kirton Library Hubbert's Bridge Community Centre	

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		<p>Swineshead pre-school.</p> <p>Copies were also emailed and posted to all parish councils in the Boston Borough Council area, requesting that they were displayed on parish noticeboards and websites.</p> <p>The original SoCC notice was published for two consecutive weeks in the Boston Standard, Lincolnshire Free Press and Spalding Guardian.</p> <p>The updated SoCC notice was published for two consecutive weeks in the Boston Standard, Boston Target, Lincolnshire Free Press and Spalding Guardian.</p> <p>No regulations were in force at the relevant time prescribing the manner in which the SoCC should be published.</p>	
	(7) The Applicant must carry out consultation in accordance with the proposals set out in the statement.	The Applicant has consulted under section 47 of the Planning Act 2008 fully in accordance with the SoCC and the updated SoCC.	The SoCC Compliance Checklist at Table 4-6 (within Section 4.8) shows how consultation was carried out in accordance with the SoCC and updated SoCC.
<b>Section 48</b>	<b>Duty to publicise</b>		

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	(1) The Applicant must publicise the application in the prescribed manner	<p>The Applicant prepared and published a section 48 notice in the manner prescribed by regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (which was then also issued to the consultation bodies under Regulation 13 of the EIA Regulations 2017).</p> <p>The notice was published for two successive weeks in the Boston Standard on 12 and 19 June, as well as the London Gazette on 12 June 2019 and the Guardian on 12 June 2019.</p> <p>A section 48 notice was also published in the Lloyd's List and Fishing News on 6 August 2020 as part of the Phase Four consultation.</p> <p>The Facility is not in Scotland, nor is it offshore so there is no requirement to publish a notice in the Edinburgh Gazette.</p>	Section 7.7 details how the section 48 notice was prepared and published at Phase Three. Section 8.6 details how the section 48 notice was prepared and published at Phase Four. Copies of the notices are at Appendices 5.7 and 6.7.
	(2) Regulations made for the purpose of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a	<p>The section 48 notice published at Phase Three included a deadline for receipt by the Applicant of responses to the publicity. The notice was published on 12 and 19 June 2019, with the deadline for</p>	Section 7.7 and section 8.6 state the deadline set for section 48 responses to be received in each notice.

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	deadline for receipt by the Applicant of responses to the publicity	<p>responses given as 6 August 2019, allowing more than the statutory 28 days from when the notice was last published.</p> <p>A section 48 notice was also published in the Lloyd's List and Fishing News on 6 August 2020 as part of the Phase Four consultation. The notice included details of the consultation deadline for response.</p>	
<b>Section 49</b>	<b>Duty to take account of responses to consultation and publicity</b>		
	(1) Subsection 2 applies where the Applicant -	<p>The Applicant has had regard to all appropriate responses to consultation received by section 42, 47 and 48 consultees.</p>	<p>Appendices 3.16, 4.17, 5.25 and 6.18 list all feedback received as a result of section 47 and 48 consultation and show how the Applicant has had regard to these responses. Appendices 5.26 and 6.19 include all section 42 responses and how the Applicant has had regard to these where relevant.</p>
	(a) Has complied with sections 42, 47 and 48; and		
	(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)		
	(2) The Applicant must, when deciding whether the application that the Applicant		

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	is actually to make should be in the same terms as the proposed application, have regards to any relevant responses		
	(3) In subsection 2 'relevant response' means -		
	(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		
	(b) A response to consultation under Section 47 (7) that is received by the Applicant before any acceptable deadline imposed in accordance with the SoCC prepared under Section 47, or		
	(c) A response to publicity under Section 48 that is received by the Applicant before the deadline imposed in		

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	accordance with Section 48 (2) in relation to that publicity		
<b>Section 50</b>	<b>Guidance about pre-application procedure</b>		
	(1) Guidance may be issued about how to comply with the requirements of this chapter	The Applicant has complied with the requirements of the Planning Act 2008 (and related regulations) as confirmed above. In formulating its consultation approach and strategy and undertaking its pre-application consultation and publicity the Applicant has also taken account of relevant published guidance on pre-application consultation.	Chapter 2 details the legislative context and compliance of the consultation. The Applicant has had regard to: Ministry of Housing, Communities and Local Government (MHCLG) guidance on the pre-application process (2015); Planning Inspectorate Advice Note 6: Preparation and Submission of Application Documents; Planning Inspectorate Advice Note 14: Consultation Report; and Planning Inspectorate Advice Note 16: The Developer's Pre-Application Duties.
	(2) Guidance under this section may be issued by the Secretary of State		
	(3) The Applicant must have regard to any guidance under this section		
<b>The Infrastructure Planning: (Application: Prescribed Form and Procedure) Regulations 2009</b>			
Reg 3	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	The Applicant consulted all those listed in column 1 of the table in Schedule 1 who were relevant to this application.	A list of all those consulted as part of section 42 can be found at Appendix 5.1.

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	Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.		
Reg 4 Publicising a proposed application	<p>(1) This regulation prescribes for the purpose of section 48(1) (duty to publicise), the manner in which an applicant must publicise a proposed application.</p> <p>(2) The applicant must publish 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 in the vicinity in which the proposed development would be situated;</p> <p>(b) once in a national newspaper;</p>	<p>A notice was published which included the matters prescribed in paragraph 3 of the regulation.</p> <p>The notice was published for two successive weeks in the Boston Standard on 12 and 19 June 2019, as well as the London Gazette on 12 June 2019 and the Guardian on 12 June 2019.</p> <p>A section 48 notice was also published in the Lloyd's List and Fishing News on 6 August 2020 as part of the Phase Four consultation.</p> <p>The Facility is not in Scotland, nor is it offshore so there is no requirement to publish a notice in the Edinburgh Gazette, Lloyds List or a fishing journal.</p>	Sections 7.7 and 8.6 detail how the section 48 notice was prepared and published.

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<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>(3) The matters which the notice must include are—</p> <p>(a)the name and address of the applicant;</p> <p>(b)a statement that the applicant intends to make an application for development consent to the Commission;</p> <p>(c)a statement as to whether the application is EIA development;</p> <p>(d)a summary of the main proposals, specifying the</p>	<p>The section 48 notice included all the matters listed in paragraph 3. Reference below to the specific paragraphs:</p> <p>(a) paragraph 1;</p> <p>(b) paragraph 1;</p> <p>(c) paragraph 3;</p> <p>(d) paragraph 2;</p> <p>(e) paragraph 9;</p> <p>(f) paragraph 9;</p> <p>(g) paragraph 9;</p> <p>(h) paragraph 12; and,</p>	<p>A copy of the section 48 notice published can be found at Appendices 5.7 and 6.7.</p>



Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
<p>location or route of the proposed development;</p> <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> <p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p> <p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p> <p>(h) details of how to respond to the publicity; and</p>	<p>(i) paragraph 14.</p>	

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	(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.		
<b>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)</b>			
<b>Reg 8 Procedure for establishing whether environmental impact assessment is required</b>	(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42(1) (duty to consult) either—  (a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or  (b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.	The Applicant notified the Secretary of State in accordance with Regulation 8(1)(b) that that the Applicant proposed to provide an Environmental Statement in respect of the proposed development.	Paragraphs 5.3.8 - 5.3.12 of the Consultation Report give details on the Scoping process.

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<b>Reg 10 Application for a scoping opinion</b>	(1) A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope, and level of detail, of the information to be provided in the environmental statement	<p>Under Regulation 10, an Applicant may request a Scoping Opinion from the Secretary of State to confirm the scope of information to be provided in the Environmental Statement.</p> <p>The Applicant gave its intent to submit an Environmental Statement; and submitted an Environmental Impact Assessment Scoping Report to the Planning Inspectorate along with a request for a Scoping Opinion on 30 May 2018.</p>	Paragraphs 5.3.8 - 5.3.12 of the Consultation Report give details on the Scoping process.
<b>Reg 12 Consultation statement requirements</b>	<p>(1) The consultation statement prepared under section 47(1) (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</p>	<p>The SoCC stated that the development is an EIA development and that an EIA would be undertaken as part of the Application.</p> <p>It also stated that the Preliminary Environmental Information (PEI) would be available during the statutory phase of consultation.</p>	Appendices 2.4 and 2.8 contain the SoCC and updated SoCC.

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	and consult on the preliminary environmental information.		
<b>Reg 13 Pre-application publicity under section 48 (duty to publicise)</b>	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).	The Applicant sent a copy of the section 48 notice to all section 42 consultees, including those persons notified to the Applicant in accordance with regulation 11(1)(c).	Section 7.7 details how the section 48 notice was prepared and published at Phase Three. Section 8.6 details how the section 48 notice was prepared and published at Phase Four. Section 7.4 details how the section 48 notice was sent out to section 42 consultees.  A copy of the section 48 notice sent to section 42 consultees at Phase Three and Phase Four can be found at Appendix 5.2 and Appendix 6.3.
<b>Ministry of Housing, Communities and Local Government (MHCLG) Planning Act 2008: Guidance on the pre-application process (2015)</b>			
<b>Paragraph 17</b>	When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is	All circulated documents were clearly branded with the Boston Alternative Energy Facility logo and brand colours, where possible. The status of documents was clearly marked, for example the	Examples of branded consultation documents circulated at each phase can be found at Appendices 2.4, 2.8, 3.5, 4.6, 5.13 and 6.10.

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	purely for purposes of consultation.	Preliminary Environmental Information Report (PEIR).	
<b>Paragraph 18</b>	Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties...	The Applicant engaged in early informal consultation with local authorities, local communities and statutory consultees. Phase One non-statutory consultation was held in autumn 2018 before consultation on the PEIR was held in summer 2019.	Details of Phase One informal consultation can be found in Chapter 5 of the Consultation Report.
<b>Paragraph 20</b>	<p>Experience suggests that, to be of most value, consultation should be:</p> <ul style="list-style-type: none"> <li>• based on accurate information that gives consultees a clear view of what is proposed including any options;</li> <li>• 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</li> </ul>	<p>The Applicant shared newsletters and consultation materials to consultees either in hard copy, via email, online or at public events at every phase of consultation.</p> <p>The Applicant undertook an informal Phase of consultation at an early stage in autumn 2018 before section 47 statutory consultation commenced at Phase Two in February 2019 and section 42 consultation commenced at Phase Three in June 2019. In all, four phases of consultation were held with accurate and up to date information on the project presented each time. This included up to date Facility design information and information on environmental impacts.</p>	Information on the approach to consultation can be found in Chapter 4 of the Consultation Report. Details of the informal phase of consultation are in Chapter 5 of the Consultation Report. Examples of the materials used during each phase of consultation can be found in Appendices 3, 4, 5 and 6.

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	<ul style="list-style-type: none"> <li>engaging and accessible in style, encouraging consultees to react and offer their views.</li> </ul>	<p>The materials used to communicate information about the project included hard copy maildrops, exhibition boards, videos, maps and visualisations, a website including digital versions of all relevant consultation documents and hard copies of the PEIR and SoCCs placed at specific locations to be viewed. At each phase, there has been the opportunity for interested parties to provide feedback through feedback forms or via email or post. However, at Phase Four the feedback form provided to consultees was available online only due to restrictions in place relating to the Covid-19 pandemic. This was in line with government guidance and the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.</p>	
<b>Paragraph 23</b>	<p>In brief, during the pre-application stage applicants are required to:</p> <ul style="list-style-type: none"> <li>notify the Secretary of State of the proposed application;</li> </ul>	<p>The Applicant notified the Secretary of State of the proposed application on 20th June 2019 by way of a cover letter, project brochure and copy of the section 48 notice.</p>	<p>Details of the Secretary of State notification can be found in Section 7.6 of the Consultation Report and a copy of the notification and associated documents is provided in Appendix 5.5.</p>

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	<ul style="list-style-type: none"> <li>• identify whether the project requires an environmental impact assessment; where it does, confirm that they will be submitting an environmental statement along with the application, or that they will be seeking a screening opinion ahead of submitting the application;</li> </ul>	<p>The Applicant notified the Secretary of State in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). An Environmental Statement (document reference 6.2) has been submitted as part of the DCO application.</p>	<p>Further information on consultation under the Environmental Impact Assessment Regulations is provided in Section 5.3 of the Consultation Report.</p>
<b>Paragraph 23</b>	<p>In brief, during the pre-application stage applicants are required to:</p> <ul style="list-style-type: none"> <li>• produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities, which describes how the applicant proposes to consult the local community about their project and then carry out consultation in accordance with that Statement;</li> <li>• make the Statement of Community Consultation</li> </ul>	<p>A SoCC was produced in December 2018 after formal consultation with the relevant local authorities which outlined the Applicant’s approach to consultation. The SoCC was updated in May 2019 when an additional phase of consultation was introduced, this was published following formal consultation with the relevant local authorities.</p> <p>Both the original and updated SoCCs were made available for inspection by the public for at least 30 days in six different locations in the Boston Borough Council area.</p>	<p>Details of the consultation with relevant local authorities and the publication of the original and updated SoCC can be found in Chapter 4 of the Consultation Report.</p>

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<p>available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by section 47 of the Planning Act and Regulations;</p>		
<p><b>Paragraph 23</b> In brief, during the pre-application stage applicants are required to:</p> <ul style="list-style-type: none"> <li>• identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations;</li> <li>• publicise the proposed application in accordance with Regulations;</li> <li>• set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication;</li> <li>• have regard to relevant responses to publicity and consultation; and prepare a</li> </ul>	<p>Section 42 consultees were outlined at the start of the consultation and consulted with at Phase Three and Phase Four of the consultation.</p> <p>The Applicant published the section 48 notice in accordance with the APFP regulations. The section 48 notice and other materials publicising consultation phases showed that the deadline for responses was at least 28 days at every phase.</p> <p>The Applicant has had regard to all relevant responses to consultation and publicity throughout each phase of the consultation.</p>	<p>A list of section 42 consultees can be found in section 7.3 and section 8.4 of the Consultation Report. Details on consultation with section 42 consultees can be found at section 7.4 and section 8.4 of the Consultation Report.</p> <p>Details about the section 48 notice publication can be found in section 7.7 and section 8.6 of the Consultation Report. Information on the length of consultation at each phase can be found in Chapters 5, 6, 7 and 8 of the Consultation Report.</p> <p>Key feedback tables including the Applicant's regard to relevant responses for each phase of the consultation can be found in Appendices 3.16, 4.17, 5.25, 5.26, 6.18 and 6.19 of the Consultation Report.</p>



Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	consultation report and submit it to the Secretary of State		
<b>Paragraph 24</b>	<p>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 consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.</p>	<p>The requirements of section 47 of the Planning Act 2008 (as amended) have been fulfilled by the consultation on the original SoCC and updated SoCC with the relevant section 47 local authorities within whose area the project lies.</p> <p>Boston Borough Council were consulted with and they advised the project team on possible languages spoken widely in Boston that materials could be translated into. The Applicant then offered to translate materials and sent copies of posters translated into the languages recommended to businesses located in the vicinity of the site.</p> <p>The Applicant held events in six different venues within the Boston Borough Council area at statutory phases of consultation to ensure they were accessible to residents from all parishes close to the site.</p> <p>At Phase Four, a Consultation Strategy was drafted and shared with Boston Borough Council and Lincolnshire County</p>	<p>Information on the SoCCs can be found in Chapter 4 of the Report.</p> <p>Details of the actions taken to reach the local community at each phase can be found in Chapters 5, 6, 7, and 8 of the Report.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
		Council for review before consultation activities commenced.	
<b>Paragraph 25</b>	Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act 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	<p>Section 42, 47 and 48 statutory consultation allowed longer than the statutory minimum of 28 days to respond. The Applicant provided advance notice of statutory consultation periods to section 42 consultees via email notifications and/or letters. An email was sent to all registered section 47 consultees ahead of Phase Three statutory consultation on the PEIR.</p> <p>Feedback forms provided to section 47 consultees included an option for them to sign up to be added to a 'Stakeholder Project Interest' group to receive updates on the project via email. A number of mechanisms were put into place for consultees to get in touch with the project team. Alongside an email address and Freepost address, the project had a dedicated Freephone number.</p>	<p>Details of section 42 consultation can be found in sections 7.4 and 8.4 of the Consultation Report. Details of section 47 consultation can be found at sections 5.5, 6.5, 7.8 and 8.7 of the Consultation Report. Details of the section 48 notice can be found in sections 7.7 and 8.6 of the Consultation Report.</p> <p>Details of the consultation on the original and updated SoCC can be found in Chapter 4 of the Consultation Report.</p> <p>Example feedback forms can be found at Appendices 3.13, 4.15 5.19 and 6.16.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.		
<b>Paragraph 26</b>	The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations <sup>11</sup> 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	The Applicant consulted all identified section 42 – section 44 consultees. Local communities were consulted with in accordance with the original and updated SoCCs.	Details of section 42 consultees can be found in sections 7.3 and 8.4 of the Consultation Report and the Book of Reference (document reference 3.3).  Copies of the original and updated SoCCs can be found in Appendices 2.4 and 2.8.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	to be developed.12 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.		
<b>Paragraph 28</b>	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	No such bodies were identified.	N/A

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.		
<b>Paragraph 29</b>	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	Consultation with technical experts for specific topics has been undertaken throughout pre-application consultation. This has included, for example, consultation with Natural England, Lincolnshire Wildlife Trust and the Royal Society for the Protection of Birds (RSPB) regarding terrestrial and marine ecology and ornithology; Historic England, Heritage Lincolnshire and Lincolnshire County Council's Historic Environment Officer with regards to archaeology, and; with the Environment Agency with regards to flood risk.	Details of meetings held with technical experts at each phase can be found in Chapters 5, 6, 7 and 8 of the Report.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.		
<b>Paragraph 35</b>	The Applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the Applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly long,	The Applicant prepared a SoCC in December 2018 and an updated SoCC in May 2019, after consultation with the relevant local authorities. The contents outlined the Applicant's approach to consultation and any comments received from local authorities were addressed before the SoCCs were published.	Chapter 4 of the Consultation Report outlines the preparation and formal consultation on the SoCCs. Table 4-1 and section 4.7 of the Report sets out comments received and how they were addressed by the Applicant.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.		
<b>Paragraph 36</b>	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.	Within the SoCC, the Applicant identified an initial consultation zone within Boston Borough Council. This was later widened after consultation with the Council to include the entire Boston Borough Council area.	Details of the consultation areas outlined in the SoCCs can be found in Chapter 4 of the Report.
<b>Paragraph 37</b>	[...] prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation	The Applicant consulted informally with Boston Borough Council and Lincolnshire County Council on an early draft of the SoCC.	Section 4.2 of the Report outlines informal consultation on the draft SoCC.  The responses given and any updates made to the documents following both formal consultation periods are shown in

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.	Formal consultation with local authorities was undertaken on both the original and updated SoCC.  Where issues or comments from local authorities were not able to be addressed in the documents, this has been explained in the Consultation Report.	Table 4-1 and Section 4.7 in Chapter 4 of the Consultation Report, including explanations for any issues the Applicant was unable to address.
<b>Paragraph 41</b>	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.		
<b>Paragraph 42</b>	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	The SoCCs were sent via email and in hard copy to six local authorities during formal consultation phases. During consultation on the original SoCC, two of the local authorities contacted did not respond (South Kesteven District Council and South Holland District Council). An	Chapter 4 of the report outlines all responses received from local authorities with regards to the SoCCS.



Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	<p>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.</p>	<p>extension to the consultation period was granted and the authorities informed of this. Comments and acknowledgements received from the other four local authorities are outlined in the Consultation Report.</p> <p>The updated SoCC was sent to the same six local authorities for consultation. Responses were received from all apart from South Kesteven District Council. Since the authorities that the site was located directly in responded to both consultations, the Applicant was satisfied that they could proceed with the consultation outlined in the SoCCs on this basis.</p>	
<b>Paragraph 43</b>	<p>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</p>	<p>All local authorities identified as section 43 consultees (for the purposes of section 42(1)(b)) were consulted with at all phases of consultation. Additional consultation with Boston Borough Council and Lincolnshire County Council, such as holding regular meetings, was ongoing throughout all phases of consultation.</p>	<p>Consultation with local authorities is outlined in sections 5.3, 6.3, 7.4 and 8.7 of the Consultation Report.</p> <p>The list of local authorities consulted with at section 42 is outlined in section 7.3 of the Consultation Report.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	and considered prior to the application being submitted to the Secretary of State.		
<b>Paragraph 44</b>	It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.	The Applicant held regular meetings with the relevant local authorities to allow any concerns to be raised at all stages of the consultation.	Details of meetings with local authorities can be found in Chapters 5, 6, 7, and 8 of the Consultation Report.
<b>Paragraph 48</b>	Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. This will contain agreed factual information about the application and can accompany the application. The statement of common ground can also set out	The Applicant will work with local authorities to document agreements and matters where agreement has not been reached in Statements of Common Ground.	Not applicable.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	matters where agreement has not been reached.		
<b>Paragraph 49</b>	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 views regarding them.	<p>As required under section 42, statutory consultation was undertaken with landowners and persons interested in the land (as defined under section 44 of the Planning Act) at Phase Three of the consultation.</p> <p>Non-statutory consultation with landowners was undertaken throughout all other phases of consultation.</p>	<p>See section 7.5 of the Consultation Report for details of statutory consultation with section 44 consultees.</p> <p>Sections 5.4, 6.4 and 8.5 of the Report details non-statutory consultation with landowners.</p>
<b>Paragraph 50</b>	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	A Book of Reference is included with this Development Consent Order application which details those with an interest in ,land.	The Book of Reference can be found at document reference 3.3.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	categorises those land interests) is up to date at the time of submission.		
<b>Paragraph 52</b>	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.	No new interests in land emerged after conclusion of the statutory consultation.	The Book of Reference can be found at document reference 3.3.  Details of non-statutory consultation with persons with an interest in land at Phase Four can be found in section 8.5 of the Report.
<b>Paragraph 53</b>	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.	Non-statutory stakeholder consultation has been ongoing throughout the pre-application process.  Section 47 consultation has been undertaken in accordance with the SoCC and updated SoCC to allow feedback at key stages in the pre-application process.	Details of community consultation are outlined in Chapters 5, 6, 7 and 8 of the Consultation Report.
<b>Paragraph 54</b>	In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and	The original and updated SoCCs outline the approach to target 'hard to reach' groups during the consultation.  Methods included:	The SoCC and updated SoCC can be found in Appendix 2.4 and Appendix 2.8, respectively.

Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
	<p>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</p> <ul style="list-style-type: none"> <li>• A branded hard copy maildrop to the consultation zone at every phase</li> <li>• Liaison with Boston Borough College regarding advertising the consultation to young people</li> <li>• Translating posters into commonly spoken languages in the area and sending to local businesses</li> <li>• Translating materials into braille upon request for visually impaired consultees</li> <li>• Accepting feedback via hard copy feedback form (except at Phase Four), online survey, Email, letter or phone call</li> </ul> <p>The Public Information Days included clear exhibition boards and representatives of the Applicant were available to discuss any questions with. Information was available online throughout consultation via a dedicated project website.</p>	

Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
<p><b>Paragraph 55</b> 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</p>	<p>The original and updated SoCCs outlined the matters on which the views of the local communities would be sought as:</p> <ul style="list-style-type: none"> <li>• Details of the project proposals and parameters;</li> <li>• PEI that has been gathered and how this has informed and affected the design;</li> <li>• Proposals for maximising the positive effects of the Boston Alternative Energy Facility; and</li> <li>• Minimising and mitigating any adverse effects on the local community or environment that could be caused by the project.</li> </ul> <p>The SoCCs explained each phase of consultation and what was being consulted on.</p> <p>Consultation materials were made available at each of the Public Information Days and on the project website. Three newsletters were produced during the course of the consultation providing updates on the project, which were sent to the entire Boston Borough Council area via a letter maildrop. The maildrops also</p>	<p>The SoCCs can be found in Appendix 2.4 and Appendix 2.8.</p> <p>Details of maildrops, documents and exhibition materials produced at each phase of the consultation can be found in Chapters 5, 6, 7, and 8 of the Report.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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>included clear information on consultation phases and where documents and additional information about the project could be located.</p> <p>A Non-Technical Summary to the PEIR was produced to make the information in the PEIR accessible. These documents were available on the project website, at the Phase Three Public Information Days and at the locations set out in the section 48 notice.</p>	
<b>Paragraph 56</b>	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>The original and updated SoCCs include the consultation zone and explain how it was defined.</p> <p>The original 5km consultation radius around the site (implemented in Phase One of consultation) was extended, in subsequent phases of consultation, to include the entire Boston Borough Council area to ensure those that may be affected by the project were included in the consultation maildrops and advertising.</p>	<p>The SoCCs can be found in Appendix 2.4 and Appendix 2.8.</p> <p>Plate 3-1 in the Consultation Report shows the 5km consultation area and revised wider consultation area.</p>

Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
<p><b>Paragraph 57</b> 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 original SoCC included details on the upcoming Phase Two Public Information Days including venue addresses, dates and times. The updated SoCC did not include specific details on the Phase Three Public Information Day locations; however, it stated that it was anticipated that they would be at the same venues as Phase Two consultation and that details would be advertised via the same channels as at Phase One and Two consultation.</p> <p>The SoCCs also included details of where electronic and hard copies of key project information would be held, including opening hours.</p> <p>The SoCCs were each advertised in the Lincolnshire Free Press, Boston Standard and Spalding Guardian for two consecutive weeks.</p> <p>The documents were also published on the project website, available at Public Information Days and available to view in hard copy at local libraries, community centres and council offices.</p>	<p>The SoCC and updated SoCC are shown within Appendix 2.4 and 2.8, respectively.</p> <p>Details on how the Phase Three Public Information Days were advertised and the final venue locations is within Chapter 7 of the Consultation Report.</p> <p>Further details on the advertisement of the SoCCs can be found in section 4.4 and section 4.8 of the Consultation Report.</p>



Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
<p><b>Paragraph 58</b> 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>	<p>Prior to commencing Phase Three consultation the Applicant published the section 48 notice in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Boston Standard on 12th and 19th June 2019</li> <li>• Guardian, 12 June 2019</li> <li>• London Gazette, 12 June 2019</li> </ul> <p>These notices included advertisement of the Phase Three Public Information Days.</p> <p>Additional section 48 publicity was also undertaken during the Phase Four consultation because the statutory notice had not been published in the Lloyd's List or an appropriate fishing trade journal as part of the Phase Three consultation. Another section 48 notice was published in the following publications:</p> <ul style="list-style-type: none"> <li>• Lloyd's List, 6 August 2020</li> <li>• Fishing News, 6 August 2020</li> </ul>	<p>Details of the section 48 notices can be found in section 7.7 and section 8.6 of the Report.</p> <p>Copies of the section 48 notices and evidence of their publication can be found in Appendices 5.7 and 6.7.</p>
<p><b>Paragraph 68</b> To realise the benefits of consultation on a project, it must take place at a</p>	<p>The Applicant publicised the original SoCC in December 2018. Phase One (non-statutory) consultation was</p>	<p>The SoCC published in December 2018 is in Appendix 2.4.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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>undertaken September 2018, before the first round of statutory consultation (Phase Two) took place in February 2019.</p> <p>The Phase One informal Public Information Days in September 2018 were held to engage with key stakeholders and community consultees, particularly the near neighbours of the project site. The Scoping phase had already taken place prior to Phase One, meaning there was a detailed level of information on the Development to share with consultees.</p>	<p>Details of Phase One consultation can be found in Chapter 5 of the Report.</p> <p>Phase Two consultation is outlined in Chapter 6 of the Consultation Report.</p> <p>Phase Three consultation is outlined in Chapter 7 of the Consultation Report, including section 42 consultation.</p>
<b>Paragraph 69</b>	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>The consultation took place over four phases. At each phase, up to date information on the project was shared with consultees, such as Facility design information, traffic and transport proposals and PEI (from Phase Three).</p> <p>Phase Two and Three were statutory consultation phases for the local community to provide feedback. The PEIR was shared at Phase Three to section 42 consultees and the community. This was followed by a non-statutory community</p>	<p>Phase Four consultation is outlined in Chapter 8 of the Consultation Report.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
<b>Paragraph 70</b>	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.	consultation at Phase Four, which provided updates on the project technology and provided a final opportunity to give feedback and ask questions.	
<b>Paragraph 71</b>	Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of	Section 42 consultation with section 44 consultees took place during Phase Three consultation. There was additional non-statutory consultation with section 44	Consultation with section 44 consultees is outlined in the Consultation Report at sections 7.5 and 8.5.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.	consultees at Phase Four before the Development Consent Order application was submitted.	
<b>Paragraph 72</b>	<p>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</p>	<p>Section 42, 47 and 48 statutory consultation allowed longer than the statutory minimum of 28 days to respond. The Applicant also endeavoured to provide advance notice of statutory consultation periods via maildrops and email notifications to interested parties.</p> <p>The Applicant recorded feedback that was received after the consultation deadlines had passed, as well as holding additional meetings with stakeholders were requested.</p> <p>Consultation on the original SoCC allowed 28 and 32 days for responses. The draft updated SoCC allowed 29 days for responses.</p>	<p>Details of statutory section 42 consultation can be found in Chapter 7 and Chapter 8 of the Consultation Report.</p> <p>Details of statutory section 47 consultation can be found in Chapter 6 and Chapter 7 of the Consultation Report.</p> <p>Details of section 48 consultation can be found in Chapter 7 and Chapter 8 of the Consultation Report.</p> <p>Chapter 4 of the Consultation Report outlines the consultation periods for both SoCCs.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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.		
<b>Paragraph 73</b>	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	<p>The SoCC was revised due to an additional phase of consultation being added after Phase Two. This is because key data from the technology providers and Environmental Regulators were not available in time to allow the PEIR to be issued before this Phase Two of consultation began, leading to the addition of Phase Three.</p> <p>This consultation formed the statutory element of the section 42 and section 44 consultation programme, as well as a second phase of statutory section 47 consultation. The addition of this phase changed the original strategy for consultation which was agreed in the initial SoCC. This resulted in the need to amend the SoCC. The amended version was updated in March 2019.</p>	<p>Details of revisions made to the SoCC can be found in Chapter 4 of the Consultation Report.</p> <p>A summary of the additional Phase Three consultation can be found in Chapter 7 and Phase Four can be found in Chapter 8.</p> <p>The Consultation Strategy at Appendix 6.2 sets out how the Applicant ensured all members of the local community were consulted.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.	Phase Four of the consultation was added in the final stages of the project development because of proposed changes to the scheme. This was discussed with the Planning Inspectorate in a meeting on 28 April 2020 and the Applicant subsequently determined that Phase Four did not need to be statutory and that there was, therefore, no need to update the SoCC. The latter point was confirmed in a meeting with Boston Borough Council on 19 May 2020.	
<b>Paragraph 74</b>	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>Phase Four was an informal community consultation which was undertaken to update stakeholders and community consultees about proposed changes to the scheme, predominantly relating to the switch from a gasification technology to conventional combustion-based EfW technology.</p> <p>A further statutory consultation was also held at the same time. This was because the statutory section 48 notice in the Lloyd's List or appropriate fishing trade journal had not been published as part of</p>	

Acceptance Criteria	How the criteria have been met	Where addressed in Consultation Report
<b>Paragraph 75</b> 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.	<p>the Phase Three consultation. As a result, a notice was published in Lloyd's List and Fishing News Weekly to rectify this omission and to seek representations from those who may not have had an opportunity to respond earlier. In addition, a small number of section 42 statutory undertakers and prescribed bodies were identified who had not been previously consulted. Letters were, therefore, sent to these about the proposals.</p> <p>Phase Four engagement formally commenced on 10 August 2020 and closed on 10 September 2020.</p>	
<b>Paragraph 77</b> Consultation should also be fair and reasonable for applicants as well as communities. To ensure that	The Applicant considers that the approach to consultation was appropriate for the level of interest. The Applicant engaged with local authorities, parish councils,	The consultation undertaken at each phase of consultation is outlined in Chapters 5-8 of the Consultation Report.

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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>ward councillors, local businesses and local residents. The consultation process was originally planned to be carried over two phases; two additional phases were added to take account of project developments and allow further opportunities to gather feedback.</p> <p>The Applicant was able to undertake all methods of consultation and engagement it committed to in the SoCC and updated SoCC, with the addition of webinars and the offer of a telephone surgery at Phase Four. The Applicant held a number of meetings and presentations with local interest groups, near neighbours, local businesses and elected members throughout the pre-application consultation for the Facility.</p>	
<b>Paragraph 80</b>	<p>Therefore, the consultation report should:</p> <ul style="list-style-type: none"> <li>• provide a general description of the consultation process undertaken, which can helpfully include a timeline;</li> <li>• set out specifically what the applicant has done in</li> </ul>	<p>The Applicant has produced a Consultation Report which includes all matters set out in paragraph 80 of the MHCLG Guidance (2015).</p> <p>This Statement of Compliance shows how the Applicant has complied with relevant legislation and guidance.</p>	<p>Chapter 3 of the Consultation Report is a summary of the Applicant's approach to consultation. A consultation timeline can be found at section 1.4.</p> <p>Table 1-1 in the Executive Summary includes a summary of the key stages of</p>



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<p>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;</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• set out a summary of relevant responses to consultation (but not a complete list of responses);</li> <li>• 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;</li> <li>• provide an explanation as to</li> </ul>	<p>The Applicant has had regard to all relevant responses to consultation and publicity.</p>	<p>consultation and the compliance requirement.</p> <p>Sections 4.3 and 4.7 of the Report show how the Applicant has taken account of local authority comments on the SoCCs.</p> <p>A summary of key feedback received at each Phase of consultation can be found in sections 5.7, 6.7, 7.11 and 8.9 of the Report.</p> <p>Key feedback tables showing how the Applicant has taken into account any relevant responses can be found in Appendices 3.16, 4.17, 5.25, 5.26, 6.18 and 6.19.</p>

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<p>why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>		
<p><b>Paragraph 81</b> It is good practice that those who have contributed to the consultation are informed of the results of the consultation</p>	<p>Following each phase of statutory or non-statutory consultation, feedback summary reports were published on the project</p>	<p>The feedback summaries can be viewed at Appendices 3.15, 4.16, 5.24 and 6.17.</p>

Acceptance Criteria		How the criteria have been met	Where addressed in Consultation Report
	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>website to summarise the consultation feedback.</p> <p>Tables have been included in the Consultation Report showing how the Applicant have had regard to consultation responses received.</p>	Tables showing the Applicant's response to consultee comments are in Appendices 3.16, 4.17, 5.25 and 6.18.
<b>Paragraph 82</b>	<p>As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with highly technical interests may seek more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed.</p>	<p>A wide range of consultation material has been available at the Public Information Days, as well as available on the Applicant's website. This has included information of varying levels of technical detail. Exhibition boards presented at Phase Two and Phase Three showed how feedback had been incorporated into the project, where possible.</p> <p>Following each phase of statutory or non-statutory consultation, feedback summary reports were published on the project website to summarise the consultation feedback.</p> <p>At Phase Three, a Non-Technical Summary to the PEIR was produced to make the information in the Report</p>	<p>Copies of the exhibition boards can be found in Appendix 4.11 and 5.20.</p> <p>The Non-Technical Summary of the PEIR can be found at Appendix 5.23.</p> <p>The feedback summaries can be viewed at Appendices 3.15, 4.16, 5.24 and 6.17.</p> <p>Details of meetings held with consultees and the issues discussed at each phase of the consultation can be found in Chapters 5-8 of the Consultation Report. Minutes of meetings, where available, have been included in the Appendices for each chapter.</p>

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		<p>accessible. The full PEIR was available for those seeking detailed information.</p> <p>Meetings were also held with various consultees to discuss key issues relevant to the organisation or individual.</p>
<p><b>Paragraph 83</b></p>	<p>The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.</p>	<p>Responses to points raised by consultees were provided using a number of methods.</p> <p>Questions raised in writing by members of the public and local interest groups were answered in writing.</p> <p>Members of the project team were on hand at all Public Information Days and webinars to answer questions and discuss the proposals.</p> <p>Following each phase of statutory or non-statutory consultation, feedback summary reports were published on the project website to summarise the consultation feedback.</p> <p>Exhibition boards presented at Phase Two and Phase Three showed how feedback had been incorporated into the project, where possible.</p>

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<b>Paragraph 84</b>	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>The Applicant has engaged extensively with technical consultees on issued raised during pre-application consultation, including responding to points raised in writing and during meetings.</p> <p>At Phase Three consultation the Applicant responded directly to feedback from statutory consultees on the PEIR.</p>	<p>Meetings with technical consultees and any correspondence shared during consultation phases has been included in the Consultation Report in the chapters outlining each phase (Chapters 5-8).</p> <p>Appendices 5.26 and 6.19 show comments received from section 42 consultees and the Applicant's response to these comments.</p>
<b>Paragraph 93</b>	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	<p>The PEI took the form of a draft environmental statement. A link to the PEIR was sent to all relevant statutory stakeholders and the documents were published on the project website in full.</p> <p>Printed copies of the PEIR were made available to be inspected free of charge</p>	Chapter 7 of the Consultation Report describes how the PEIR was consulted on during Phase Three consultation. Additional section 42 consultees were sent the link to the PEIR at Phase Four Consultation as described in Chapter 8.

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<p>project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of</p>	<p>from 25th June 2019 until 6th August 2019 at the locations stated within the section 48 notice. Printed copies were also available at the Public Information Days.</p> <p>The SoCC and updated SoCC include statements on how the Applicant intended to consult on PEI.</p>	<p>Appendix 5.2 contains a copy of the letter and email sent to section 42 consultees containing details of PEI.</p> <p>A copy of the Section 48 notice can be found in Appendix 5.7.</p> <p>Copies of the original and updated SoCC can be found at Appendix 2.4 and Appendix 2.8.</p>

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	Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.		
<b>Paragraph 96</b>	<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.</p>	<p>Relevant statutory bodies were engaged with throughout pre-application consultation, including non-statutory conservation bodies such as Frampton RSPB and Lincolnshire Wildlife Trust. The Applicant maintained an open dialogue with these bodies and held update meetings when required.</p>	<p>Details of the bodies consulted and met with during each phase of consultation can be found in Chapters 5-8 of the Consultation Report.</p>