

Hornsea Project Three  
Offshore Wind Farm



## Hornsea Project Three Offshore Wind Farm

Consultation Report:  
Annex 2 – Consultation Compliance Checklist

PINS Document Reference: A5.1.2  
Planning Act 2008, s37(7)

Date: May 2018

**Hornsea 3**  
Offshore Wind Farm

**Orsted**

## Consultation Report

### Annex 2 – Consultation Compliance Checklist

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Report Number: A5.1.2

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[www.hornseaproject3.co.uk](http://www.hornseaproject3.co.uk)

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Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2018.

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Ref	Requirement	Compliance
<b>The Planning Act 2008</b>		
s42	<b>Duty to consult</b>	<b>See Chapter 8 of the Consultation Report (document reference number A5.1)</b>
	such persons as may be prescribed,	The Applicant consulted all persons prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. See Annex 3 (document reference number A5.1.3) of the Consultation Report.
	(aa) the Marine Management Organisation,	The Applicant consulted the MMO. See Annex 3 (document reference number A5.1.3) of the Consultation Report.
	(b) each local authority that is within section 43,	The Applicant consulted each local authority that is within section 43. See Annex 3 (document reference number A5.1.3) of the Consultation Report.
	(c) the Greater London Authority if the land is in Greater London, and	Not applicable.
	(d) each person who is within one or more of the categories set out in section 44.	The Applicant consulted each person who is within one or more of the categories set out in section 44. See Annex 3 of the Consultation Report (document reference number A5.1.3) and the Book of Reference (document reference number A4.3).
s45	<b>Timetable for consultation under section 42</b>	<b>See Chapter 8 of the Consultation Report (document reference number A5.1)</b>
	(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.	The Applicant notified all those consulted under section 42 of the deadline in writing, either by post or email. See Annex 6 (document reference number A5.1.6) of the Consultation Report.
	(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.	<p>Phase 2.A: The Applicant undertook consultation on the Preliminary Environmental Information (PEI) in July 2017. All consultees identified under section 42 were formally notified in writing of the commencement of statutory consultation on 25 July 2017. Section 42 consultees were also notified by email on 27 July 2017 (triggering the commencement of the consultation). The deadline for responding to the section 42 consultation was 20 September 2017 (56 days in total). The consultation ran in parallel to consultation under sections 47 and 48 of the 2008 Act.</p> <p>Phase 2.B: The Applicant undertook further statutory consultation under section 42 of the 2008 Act in November 2017, on a number of additional locations identified beyond the previous consultation boundary in response to feedback from the first round of statutory consultation (Phase 2.A) and ongoing design development (see the Consultation Report, document reference number A5.1, section 8.4). The Applicant notified the section 42 consultees in writing of the consultation and the deadline for responses on the 20, 21 and 22 November 2017. The consultation commenced on 25 November 2017 and closed on the 22 December 2017 (28 days in total). The consultation ran in parallel to consultation under sections 47 and 48 of the 2008 Act.</p> <p>Phase 2.C: The Applicant undertook a third round of focussed statutory consultation (under section 42 of the 2008 Act only) in March 2018, on several minor amendments to the cable route onshore following responses to the Phase 2.B consultation. The Applicant notified the section 42 consultees in writing of the consultation and the deadline for responses on the 27 February 2018. The consultation period commenced on 1 March 2018 and concluded on 30 March 2018 (30 days in total). The list of consultees consulted under Phase 2.C is provided in Annex 3 (document reference number A5.1.3) to the Consultation Report.</p> <p><b>Doc 5.1.6 Consultation Report Annex 6 Section 42 Notification.</b></p>

Ref	Requirement	Compliance
	(3) In subsection (2) "the consultation documents" means the documents supplied to the person by the applicant for the purpose of consulting the person.	<p>At Phase 2.A, the consultation documents comprised:</p> <ul style="list-style-type: none"> <li>• A cover letter (see Annex 6 to the Consultation Report (document reference number A5.1.6));</li> <li>• A hard copy of the Statutory Consultation Plans;</li> <li>• A hard copy of notice publicised in accordance with section 48 of the 2008 Act (including details of the public consultation events and the locations where the consultation documents could be inspected free of charge) (see Annex 9, document reference number A5.1.9); and</li> <li>• A USB card containing: <ul style="list-style-type: none"> <li>• Phase 2 Statutory Consultation Plan/s;</li> <li>• Full Preliminary Environmental Information Report (PEIR) including a Non-Technical Summary; Introductory Chapters (volume 1), Offshore chapters (volume 2), Onshore chapters (volume 3), Introductory Chapter Annex's (volume 4), Offshore Chapter Annex's (volume 5), onshore chapter annex's (volume 6); and</li> <li>• Draft Report to Inform Appropriate Assessment.</li> </ul> </li> </ul> <p>At Phase 2.B, the consultation documents comprised:</p> <ul style="list-style-type: none"> <li>• A cover letter (see Annex 6 to the Consultation Report (document reference number A5.1.6));</li> <li>• A hard copy of the further Statutory Consultation Plans;</li> <li>• A hard copy of notice publicised in accordance with section 48 of the 2008 Act (see Annex 9 of the Consultation Report, document reference number A5.1.9); and</li> <li>• A hard copy of 'Section 42 Consultation. Potential Offshore Alternative Routes – Supporting Information'.</li> </ul> <p>At Phase 2.C, the consultation documents comprised:</p> <ul style="list-style-type: none"> <li>• A cover letter (see Annex 6 to the Consultation Report (document reference number A5.1.6));</li> <li>• A hard copy of the Focussed Statutory Consultation Plans.</li> </ul>
	<b>Duty to notify Commission of proposed application</b>	<b>See Chapter 8 of the Consultation Report (document reference number A5.1)</b>
s46	(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.	<p>For each round of statutory consultation under section 42, the Applicant notified the Secretary of State under section 46 of the of the proposed application and its intention to commence consultation under section 42 of the 2008 Act.</p> <p>Phase 2.A: The Applicant notified the Secretary of State in writing under section 46 of the 2008 Act on 26 July 2017 that it was intending to commence consultation under section 42 of the 2008 Act on the PEI commencing on 27 July 2017 and closing on 20 September 2017.</p> <p>Phase 2.B: The Applicant notified the Secretary of State in writing under section 46 of the 2008 Act on 15 November 2017 that it was intending to undertake further statutory consultation commencing on 25 November 2017 closing on 22 December 2017.</p> <p>Phase 2.C: The Applicant notified the Secretary of State in writing under section 46 of the 2008 Act on 26 February 2018 that it was intending to undertake focussed statutory consultation commencing on 1 March 2018 closing on 30 March 2018.</p> <p><b>See Annex 8 of the Consultation Report (document reference A5.1.8).</b></p>
	(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.	
	<b>Duty to consult the local community</b>	<b>See Chapter 5 of the Consultation Report (document reference number A5.1)</b>
s47	(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.	The Applicant has prepared a Statement of Community Consultation. See Annex 10 (document reference number A5.1.10) of the Consultation Report.
	(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.	Before preparing the statement, the Applicant consulted each local authority that is within section 43(1) on the content of the statement. Annex 10 (document reference number A5.1.10) of the Consultation Report includes a copy of the consultation materials provided to the local authorities.
	(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.	The Applicant submitted the draft SoCC to the local authorities for statutory consultation on 20 July 2016 <sup>1</sup> by email accompanied by an explanatory note and a hard copy version of the draft SoCC on 26 July 2016. Responses were requested by 9 September 2016 (45 days in total), compliant with the statutory minimum of 28 days under section 47(3) of the 2008 Act.

Ref	Requirement	Compliance
	(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).	The consultation documents supplied by the Applicant included a cover email, an explanatory note and the SoCC in both electronic and hard copy format.
	(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).	The Applicant had regard to all relevant comments received on the draft SoCC. A summary of the responses is provided in section 5.5 of the Consultation Report (document reference number A5.1). See Annex 10 (document reference number A5.1.10) of the Consultation Report for the full table of responses.
	(6) Once the applicant has prepared the statement, the applicant must — 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, (a) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and (b) publish the statement in such manner as may be prescribed.	The Applicant made the statement available for inspection by the public on the former Hornsea Three website ( <a href="http://www.dongenergy.co.uk/hornseaproject3">www.dongenergy.co.uk/hornseaproject3</a> ) <sup>2</sup> from 30 September 2016 and in hard copy format at various Community Access Points (CAP sites), including the relevant District and County Council offices listed in Annex 10 (application reference number A5.1.10) of the Consultation Report. The Applicant published the SoCC in full in a number of local newspapers between 3 October 2016 and 11 October 2016. See Table 5.1 of the Consultation Report (application document reference A5.1). Scanned copies of the SoCC as published in the local newspapers are provided Annex 10 (document reference number A5.1.10).
	(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.	The Applicant undertook consultation under section 47 of the 2008 Act in accordance with the SoCC. See Table 5.2 of the Consultation Report (document reference number A5.1) for a summary of the actions undertaken by the Applicant to meet the obligations outlined in the SoCC.
	<b>Duty to publicise</b>	<b>See Chapter 5 of the Consultation Report (document reference number A5.1)</b>
s48	(1) The applicant must publicise the proposed application in the prescribed manner.	The Applicant prepared and publicised the application in the prescribed manner set out in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see page 4 of this Annex) twice in accordance with section 48 of the 2008 Act. Consultation under section 48 of the 2008 Act ran in parallel with statutory consultation on the PEI under Phase 2.A and further statutory consultation under Phase 2.B. Dated newspaper cuttings are provided in Annex 9 (document reference number A5.1.9) to the Consultation Report.
	(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.	The section 48 notice included a deadline for receipt by the Applicant of responses to the publicity. Phase 2.A: The deadline was 20 September 2017. The final notice was published on 10 August 2017, meaning a total of 41 days commencing the day after the last notice. Phase 2.B: The deadline was 22 December 2017. The final notice was published on 24 November 2017, meaning a total of 28 days, commencing the day after the last notice.

<sup>2</sup> The SoCC was also made available on the new website ([www.hornseaproject3.co.uk](http://www.hornseaproject3.co.uk)) after DONG Energy’s name change to Ørsted and website migration (see Chapter 5 of the Consultation Report (document reference number A5.1)).



Ref	Requirement	Compliance
s49	<b>Duty to take account of responses to consultation and publicity</b>	<b>See Chapter 5 of the Consultation Report (document reference number A5.1)</b>
	<p>This section has no associated Explanatory Notes</p> <p>(1) Subsection (2) applies where the applicant—</p> <p>(a) has complied with sections 42, 47 and 48, and</p> <p>(b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).</p> <p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(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>The Applicant has had regard to all relevant responses to consultation in accordance with sections 42, 47 and 48 of the 2008 Act.</p> <p>Sections 7.2.4 and 7.3.4 of the Consultation Report (document reference number A5.1) provide a summary of the responses received under section 47 of the 2008 Act during Phase 1.A and Phase 1.B. A summary of all responses received under Phase 1 is provided in Annex 13 to the Consultation Report (document reference number A5.1.13).</p> <p>Chapter 9 of the Consultation Report (document reference number A5.1) summarises the responses received during Phase 2 under sections 42, 47 and 48 of the Act 2008 and how these have been considered by the Applicant in the final DCO application for Hornsea Three. A summary of all response is provided in Annex 15 (document reference number A5.1.15) to the Consultation Report. This has been prepared following guidance set out in PINS Advice Note 14: Compiling the Consultation Report.</p>
s50	<b>Guidance about pre-application procedure</b>	<b>See Chapter 2 of the Consultation Report (document reference number A5.1)</b>
	(1) Guidance may be issued about how to comply with the requirements of this Chapter.	<p>The Applicant has had regard to the Department for Communities and Local Government (DCLG, 2015), Planning Act 2008: guidance on the pre-application process (see page 7 of this Annex). The Applicant has also had regard to Advice Notes prepared by the Planning Inspectorate.</p>
	(2) Guidance under this section may be issued by the Planning Inspectorate or 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) Regulation 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 Regulations, who must be consulted in the circumstances specified in relation to each person in column 2 of that table.	The Applicant consulted all persons prescribed in column 1 of the table in Schedule 1 who were deemed relevant to this application by the descriptions set out in column 2 of that table. A full list is provided in Annex 3 (document reference number A5.1.3) of the Consultation Report.

Ref	Requirement	Compliance
Reg 4	<b>Publicising a proposed application</b>	<b>See Chapter 8 of the Consultation Report (document reference number A5.1)</b>
	<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>(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 style="padding-left: 20px;">(i) once in Lloyd's List; and</p> <p style="padding-left: 20px;">(ii) once in an appropriate fishing trade journal.</p>	<p>The Applicant published a notice which included all the matters set out in paragraph (3). Copies of the notice are provided in Annex 9 to the Consultation Report (document reference number A5.1.9).</p> <p>Phase 2.A: The notice was published:</p> <p>For two successive weeks in the;</p> <p>Eastern Daily Press on 29 July 2017 and 5 August 2017;</p> <p>Norwich Evening News on 29 July 2017 and 5 August 2017;</p> <p>North Norfolk News on 3 August 2017 and 10 August 2017; and</p> <p>Diss, Wymondham and Attleborough Mercury on 3 August 2017 and 10 August 2017.</p> <p>Guardian on 31 July 2017;</p> <p>London Gazette on 31 July 2017;</p> <p>(i) Lloyd's List on 1 August 2017; and</p> <p>(ii) Fishing News on 3 August 2017.</p> <p>Phase 2.B: The notice was published:</p> <p>For two successive weeks in the;</p> <p>Eastern Daily Press (17 November 2017 and 24 November 2017);</p> <p>Norwich Evening News (17 November 2017 and 24 November 2017);</p> <p>North Norfolk News (16 November 2017 and 23 November 2017); and</p> <p>Diss, Wymondham and Attleborough Mercury (16 November 2017 and 16 November 2017).</p> <p>Guardian on 17 November 2017;</p> <p>London Gazette on 16 November 2017;</p> <p>(i) Lloyd's List on 16 November 2017; and</p> <p>(ii) Fishing News on 16 November 2017.</p>
	<p>(2) 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 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) a deadline for receipt of those responses by the applicant, being not less than 28 days following the dates when the notice is last published.</p>	<p>The notice included all matters required by this regulation. References below refer to the specific paragraph of the notice where the information was provided.</p> <p>(a) paragraph 1;</p> <p>(b) paragraph 1;</p> <p>(c) paragraph 4;</p> <p>(d) paragraph 5;</p> <p>(e) paragraphs 6 and 7;</p> <p>(f) paragraphs 6 and 7;</p> <p>(g) paragraph 8;</p> <p>(h) paragraph 9; and</p> <p>(i) paragraph 10.</p>

Ref	Requirement	Compliance
<b>Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</b>		
	<b>Procedure for establishing whether environmental impact assessment is required</b>	<b>See Chapter 4 of the Consultation Report (A5.1)</b>
Reg 6	(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— (a) request 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 on 26 October 2016, that it intended to provide an Environmental Statement in respect of Hornsea Three pursuant to Regulation 6(1)(b) and requested the Secretary of State adopt a Scoping Opinion in respect of Hornsea Three, pursuant to Regulation 8(1)(b). See Annex 4 of the Consultation Report (document reference number A5.1.4).
	(3) 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; and (c) such other information or representations as the person making the request may wish to provide or make.	A plan sufficient to identify the land was provided as an appendix to the Regulation 6 letter. A Scoping Report (DONG Energy, 2016) was produced and issued to Secretary of State, which provided a description of the nature and purpose of Hornsea Three and an explanation of the possible effects of Hornsea Three identified at that stage. It was noted that it was not possible, at that stage to provide full details of permanent and temporary land take required for Hornsea Three and that the area presented in the Scoping Report would be refined as Hornsea Three progressed.
	<b>Consultation statement requirements</b>	<b>See Annex 10 (document reference number A5.1.10) of the Consultation Report.</b>
Reg 10	The consultation statement prepared under section 47 (duty to consult local community) must set out – (a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and (b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.	The SoCC states that Hornsea Three is an EIA development in Section 7 (Environmental Information), and sets out how the Applicant intends to publicise and consult on the PEIR in Section 8 (Public Consultation). See Annex 10 (document reference number A5.1.10) to the Consultation Report. See letter to the Secretary of State pursuant to Regulation 6(1)(b) in Annex 4 (document reference number 5.1.4) of the Consultation Report.
	<b>Pre-application publicity under section 48 (duty to publicise)</b>	<b>See Chapter 8 of the Consultation Report (document reference number A5.1).</b>
Reg 11	This section has no associated Explanatory Memorandum 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 9(1)(c).	The Applicant included a copy of both notices publicised in accordance with section 48 of the 2008 Act under Phase 2.A and Phase 2.B (see Annex 9 of the Consultation Report A5.1.9) to all section 42 consultees, including those persons notified to the Applicant in accordance with regulation 9(1)(c).



Ref	Requirement	Compliance
<b>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</b>		
	<b>Procedure for establishing whether environmental impact assessment is required</b>	<b>See Chapter 4 of the Consultation Report (document reference number A5.1)</b>
Reg 8(3)	<p>(3) A person making a request under paragraph (1)(a) must provide the following information—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a description of the development, including in particular—</p> <p>(i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;</p> <p>(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</p> <p>(c) a description of the aspects of the environment likely to be significantly affected by the development; and</p> <p>(d) to the extent the information is available, a description of any likely significant effects of the development on the environment resulting from—</p> <p>(i) the expected residues and emissions and the production of waste, where relevant; and</p> <p>(ii) the use of natural resources, in particular soil, land, water and biodiversity.</p>	Although these regulations post-date the notification to the Secretary of State on 26 October 2016, the additional requirements in the 2017 EIA Regulations in 8(3)(b)(i) and (ii), and (d) were included within that notification and scoping request.
<b>Department for Communities and Local Government (DCLG) Planning Act 2008 guidance on the pre-application process (2015)</b>		
17	“When circulating consultation documents, developers should be clear about their status, for example ensuring it is clear to the public if a document is purely for the purposes of consultation.”	The Applicant strived to ensure that the status on any documents prepared to inform the consultation was clear throughout. The PEIR was clearly marked “preliminary” and this was reiterated in public documents. The export cable corridor search area was marked “indicative” and where new routes or compounds were presented these were marked as “alternatives...being considered”. Furthermore, it was emphasised throughout the consultation that the assessment work and route refinement was ongoing and the Applicant clearly set out the next steps.
18	“Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties...”	The Applicant engaged with local authorities early in the development process for Hornsea Three through consultation on the draft SoCC (see Chapter 5 of the Consultation Report (document reference number A5.1)) and other statutory bodies through the Evidence Plan process (see Chapter 4 of the Consultation Report (document reference number A5.1)).
20	<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 influence, while being sufficiently developed to provide some detail on what is being proposed; and</li> <li>• Engaging and accessible in style, encouraging consultees to react and offer their views.”</li> </ul>	<p>The Applicant undertook a phased consultation, to ensure that consultees had adequate opportunity to influence the proposals at an early enough stage that the proposals were still fluid, whilst ensuring that sufficient information was provided to inform their response. The Applicant initially intended to undertake two rounds of consultation; however, additional rounds were subsequently added in response to stakeholder feedback and changes to the proposal.</p> <p>Information on the application and consultation were provided in different formats to make this more engaging and encourage participation from a range of different audiences. This included presentation of information in reports for consultees with technical backgrounds, preparing a non-technical summary of the preliminary environmental assessments, exhibition banners at events, summary reports, fact sheets, interactive maps/3D models of the proposed infrastructure, foam board maps, presentations to groups including parish councils and newsletters. Information was also available on demand on the Hornsea Three website (<a href="http://www.hornseaproject3.co.uk">www.hornseaproject3.co.uk</a>).</p>
24	“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>The Applicant organised a series of informal meetings with the relevant local authorities between March and July 2016 to introduce Hornsea Three and to discuss the proposed approach to community consultation under section 47 of the 2008 Act.</p> <p>The Applicant formally consulted the local authorities listed in section 5.3 of the Consultation Report (application document reference A5.1) on the contents of the draft SoCC in July/August 2016 (see Annex 10, document reference number A5.1.10). The draft SoCC was submitted to the local authorities for statutory consultation on 20 July 2016<sup>3</sup>, accompanied by an explanatory note. Responses were requested by 9 September 2016, compliant with the statutory minimum of 28 days under section 47(3) of the 2008 Act. The Applicant had regard to the responses received by the local authorities in the final SoCC and continued to engage with the local authorities in respect of its approach to consultation throughout the pre-application consultation period, taking into consideration any suggestions.</p>

<sup>3</sup> A hard copy of the Hornsea Three SoCC was provided to the local authorities on 26 July 2016.

Ref	Requirement	Compliance
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 industries protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.”</p>	<p>The Applicant consulted thoroughly on the application. This included multiple rounds of consultation under sections 42, 47 and 48 of the 2008 Act, with significant targeted, subject specific, non-statutory consultation taking place between these formal consultation rounds. The Applicant found this iterative approach to consultation proved to be an effective way to gather and incorporate stakeholder feedback as the proposals were developed during the pre-application stage.</p> <p>The Applicant recognised that there was a considerable amount of information provided within the PEIR. To ensure that consultees were able to sufficiently digest and consider the application and preliminary environmental information provided as part of the statutory consultation (Phase 2.A), a longer consultation period, totalling 56 days from the day after receipt of the documents was provided. This exceeded the statutory minimum of 28 days.</p> <p>The Applicant has endeavoured to take on board preferences of consultees in terms of contact and the methods by which stakeholders can access information. Additional opportunities for consultation have also been explored. For example, in relation to offshore ornithology, it was recognised that the assessment documents for PEIR were only produced on the basis of a limited amount of survey data as the surveys were ongoing at the point of production. Therefore, and in recognition of the complexity of this issue, an additional set of documents were produced between PEIR and the final application which updated the ornithological assessments to take account of a full year of survey data. This included an updated assessment chapter and supporting annexes as well as an updated Report to Inform Appropriate Assessment. The Applicant informally consulted with Natural England and the RSPB on these documents in an effort to aid resolution of outstanding issues on this topic. Further information can be found in the Evidence Plan, Consultation Report Annex 1 (document reference number A5.1.1).</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. [...] In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.”</p>	<p>In addition to statutory consultees identified under section 42 of the 2008 Act, the Applicant sought to identify and consult with other bodies and individuals who may have an interest in the application. A full list of all non-prescribed consultees identified by applicant and consulted with under section 42 of the 2008 Act is provided in Annex 3 (document reference number A5.1.3) of the Consultation Report.</p> <p>The Applicant also strived to raise awareness of the application more widely. This included making consultation documents available for inspection across the wider Consultation Zone, sponsoring and participating in regional events and through press releases and advertisement in regional publications and on social media (see section 5.9 and Chapter 6 of the Consultation Report (document reference number A5.1)).</p>
27	<p>“Applicants are therefore encouraged to consult widely on project proposals.”</p>	
28	<p>“Applicants should identify any successor [where bodies cease to exist] and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative 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>The Applicant reviewed the consultee list on a regular basis to ensure that the contact details were up to date and that any successor body was consulted with. The Applicant identified a number of incidences where changes were required to the prescribed consultee list and where this was the case this has been noted in Annex 3 of the Consultation Report (document reference number A5.1.3). The Applicant also had regard to any changes in contact details that it was made aware of via the information lines.</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. [...] Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.”</p>	<p>The Applicant carried out a considerable amount of non-statutory consultation on the technical elements of the application. Where possible, the Applicant endeavoured to provide advance notice of the statutory consultation periods to consultees.</p> <p>The Applicant established a number of Expert Working Groups (EWGs) through the Evidence Plan process and Road Maps (see Chapter 6 of the Consultation Report, document reference number A5.1), which set out a programme of activities during the development. These provided greater certainty to all parties on the amount and range of evidence the Applicant should collect and, through a staged approach to consultation, these documents helped the Applicant and expert bodies to address and agree issues earlier in the pre-application process.</p> <p>An example of the effectiveness of this process was seen through the Onshore Ecology EWG. At the first meeting of this group, the attendees suggested a need for a greater focus on the network of County Wildlife Sites (CWSs) in proximity to the onshore cable corridor, as well as more detailed consideration of the importance of hydrological links with the designated sites in the County. The Applicant responded by increasing consideration of the CWSs and production of a Hydrological Characterisation Note, which was presented to the group and has now been incorporated into the final application (Environmental Statement volume 6, annex 2.4: Hydrological Characterisation Study, document reference number A6.6.2.4). Further details in relation to this example can be found in the Evidence Plan (Consultation Report Annex 1, document reference number A5.1.1).</p>

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35	“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 for long linear projects.”	The Applicant prepared a SoCC at the start of the consultation process and consulted on a draft version of the SoCC with local authorities prior to publishing it in accordance with section 47(6) of the 2008 Act. The proposal crossed three district council boundaries (North Norfolk, Broadland and South Norfolk) and one county council (Norfolk) and all four were formally consulted on the SoCC, in addition to a number of adjoining authorities who could be indirectly affected by the project (see response to s47 of the 2008 Planning Act, page 2 of this Annex).
36	“Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority’s area – for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.”	The potential for Hornsea Three to affect the wider area was reflected in the SoCC, where the wider Consultation Zone is shown to cover a number of local authorities and extend beyond the Scoping boundary. See Annex 10 (document reference number A5.1.10) to the Consultation Report.
37	“...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.”	The Applicant engaged with the local authorities prior to issuing the SoCC to notify them of the intended approach to consultation and to seek their feedback. The Applicant also provided a longer consultation period for responses on the draft SoCC of 45 days, which exceeded the statutory minimum.
38	“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 discussion 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.”	The Applicant developed its approach to consultation collaboratively with the local authorities. The Applicant considered feedback and suggestions from the local authorities captured during informal meetings and formally in response to the draft SoCC regarding its approach to consultation. This included suggestions for different events venues, additional newspapers for placing local advertisements and the use of different information channels including social media and local radio stations.
39	“Topics for consideration at such pre-consultation discussions might include: <ul style="list-style-type: none"> <li>• The size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area);</li> <li>• The appropriateness of various consultation techniques, including electronic-based ones;</li> <li>• The design and format of consultation materials;</li> <li>• Issues which could be covered in consultation materials;</li> <li>• Suggestions for places/timings of public events as part of the consultation;</li> <li>• Local bodies and representative groups who should be consulted; and</li> <li>• Timescales for consultation.</li> </ul>	The Applicant discussed and considered feedback from the local authorities on its proposed approach to consultation and this was incorporated into the final SoCC. This included the avoidance of school holidays, provisions of materials in different formats and suggestions of groups or individuals who should be consulted.
40	“It is expected that in most cases applicants and local authorities will be able to work closely together and agree on the local consultation process.”	As detailed above, the Applicant engaged with the local authorities early in the development process. Furthermore, even after publishing the SoCC, the Applicant continued to consider any feedback or suggestions from the local authorities on the consultation process to ensure the consultation was robust. See Chapter 5 of the Consultation Report (application document number A5.1).
41	“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.”	The local authorities raised concerns regarding the level of detail provided in the SoCC. It was acknowledged by the Applicant that at the time of preparing the SoCC, specific details regarding the onshore elements were not available, however, it was noted that this information would be made available for public inspection during the consultation period. See section 5.5.1.6 of the Consultation Report (document reference number A5.1).

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42	“Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project, and once satisfied, to proceed with the consultation.”	Regardless of which local authorities responded to the consultation on the draft SoCC, the Applicant endeavoured to ensure all affected communities were consulted on the application. During Phase 1.A, the Applicant held an event in each local authority area consulted on the SoCC. See section 7.2 of the Consultation Report (document reference number A5.1). These event venues were subsequently reviewed and focussed on those areas closest to the proposal to reflect refinements made to the onshore search areas for events in Phases 1.B and 2.A. However, the Applicant continued to make consultation documents available to the wider area through the local authorities, parish councils, Community Access Points (CAP sites) and through wider advertisement in local media inviting individuals to attend one of the events or visit the Hornsea Three website.
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 [local authorities as statutory bodies] 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.”	The Applicant commenced consultation with the local authorities early in the pre-application stage, initially on the contents of the SoCC and subsequently through the various stages of the Environmental Impact Assessment. In addition to individual meetings with the authorities, the “B” authorities (in which the proposed development is located) were also all members of the Onshore EWG, which met on a regular basis. This is outlined in section 4.6.2 of the Consultation Report (document reference number A5.1) and further detail is provided in the Evidence Plan (Consultation Report, Annex 1, document reference number A5.1.1).
48	“Local authorities are encouraged to discuss and work through issues raised by the proposed development with applicants well before an application is submitted. Agreements reached between an applicant and relevant local authorities can be documented in a statement of common ground. [...] The statement of common ground can also set out matters where agreement has not been reached.”	Where possible, the Applicant will be seeking to agree Statements of Common Ground (SoCGs) in collaboration with Norfolk County Council, North Norfolk District Council, Broadland District Council and South Norfolk District Council.
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 views regarding them.”	The Applicant consulted both informally and formally under section 42 of the 2008 Act with individuals who own, occupy or have another interest in the land in question. By engaging with land interests early in the process, the Applicant has been able to take on board a significant amount of the comments received and this led to amendments in the cable route.
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 categorising those land interests) is up to date at the time of submission.”	The Applicant has made diligent enquiries to ensure that the Book of Reference is up to date at the time of submission (document reference number A4.3).
51	“However, it is understood that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. Where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination.”	There are a small number of land interests that have and will emerge between the point of submission and examination and the Applicant will engage with those parties to explain how they are able to engage with the Development Consent Order process.
52	“Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.”	Where new land interests were identified after the conclusion of the first statutory consultation (Phase 2.A), these were either consulted with as part of the further statutory consultation (Phase 2.B) or focussed statutory consultation (Phase 2.C). This included new land interests associated with the alternative routes and minor amendments or interests within the earlier consultation boundary who had only recently been identified.
53	“Local people have a vital role to play at the pre-application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage...”	The Applicant published its SoCC early in the pre-application consultation period, which set out how it intended to consult with local communities on the application. The Applicant met and exceeded the obligations set out in the SoCC, this included an additional round of community consultation events under Phase 1 (Phase 1.B).



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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.”	The Applicant’s consultation was inclusive and open to anyone with an interest in the proposal. Steps were taken to ensure that all interested parties could access information and engage in the consultation. This included carefully considering the event venues and timings to maximise attendance, using the variety of methods to present information and making the consultation documents and feedback forms available online. See chapters 7 and 8 of the Consultation Report (document reference number A5.1).
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. [...] 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...but it is not the policy of the Government to encourage documents to be translated into non-native languages.”	The Applicant prepared a consultation overview for each round of consultation that clearly described which areas of the application the Applicant was seeking feedback on and which areas were fixed. Consultation plans were prepared for each round of consultation and the feedback forms were structured to help guide individuals in considering their responses. For the Phase 2 community consultation events that ran in parallel to the statutory consultation on the PEIR, a series of fact sheets on each Environmental Impact Assessment topic were provided for individuals with a high-level interest to supplement the Non-Technical Summary, which the Applicant recognised by its nature was still relatively technical (see Annex 14.2 of the Consultation Report, document reference number A5.1.14). See Annexes 11, 12 and 14 of the Consultation Report (document reference numbers, A5.1.11, A5.1.12 and A5.1.14 respectively). Documents were also available in different formats, including braille, audio and large print on demand.
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...”	The Applicant set out how it intended to consult the local community in the SoCC. The Applicant publicised the consultation widely and consulted with a significant number of consultees from the wider area. See Annex 3 (document reference number A5.1.3) for a full list of consultees consulted with under section 42, including those non-prescribed consultees identified by the Applicant.
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 send to local community groups as appropriate.”	Hard copies of the SoCC were issued to the local authorities, parish councils and CAP sites. See Annex 10 of the Consultation Report (A5.1.10). Copies of the SoCC were available online throughout the consultation and made available at all exhibitions and events organised by the Applicant. This included versions of the SoCC in large print, audio and braille.
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. [...] Where possible, the first 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.”	Two notices advertising the application were publicised in accordance with section 48 of the 2008 Act and Regulation 5 of the EIA Regulations 2009 during Phase 2 Consultation. The first notice coincided with the statutory consultation on the PEIR and consultation with the local communities in accordance with section 47 of the 2008 Act (Phase 2.A). See section 8.3 of the Consultation Report (document reference number A5.1). The second notice ran in parallel to the further statutory consultation under section 42 of the 2008 Act (Phase 2.B) and aligned with the Applicant publishing and issuing a document entitled “Further Statutory Consultation” to local communities. See section 8.4 of the Consultation Report (document application number A5.1).
61	“Applicants have a statutory duty to consult any local authority in whose land a project it 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 of 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 authority in the vicinity of where there could be an effect on harbour facilities.”	The Applicant consulted the following local authorities, in which the proposed development is located on the draft SoCC: <ul style="list-style-type: none"> <li>• North Norfolk District Council;</li> <li>• Broadland District Council;</li> <li>• South Norfolk Council; and</li> <li>• Norfolk County Council.</li> </ul> In addition to the above authorities, the Applicant also consulted the following local authorities adjoining the Hornsea Three onshore cable corridor on the draft SoCC, whose communities may be affected by the project: <ul style="list-style-type: none"> <li>• Norwich City Council;</li> <li>• Breckland District Council;</li> <li>• Broads Authority; and</li> <li>• Great Yarmouth Borough Council.</li> </ul>
63	“Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.”	The Applicant has undertaken an Environmental Impact Assessment for Hornsea Three. The assessments are presented in the Environmental Statement that accompanies the application (document reference number A6).



Ref	Requirement	Compliance
64	“Where the location of a proposed offshore project is such that the impacts on communities are likely to be very small or negligible, applicants are still expected to inform relevant coastal authorities and communities of the proposed project, and give them a chance to take part in any consultation. When deciding who to consult in these situations, applicants are encouraged to think laterally, by, for example identifying nearby local authorities with busy harbours, active fishing or sailing, water-sports communities or key local environmental groups.”	The Applicant consulted widely with neighbouring authorities and other parties that could have an interest in the proposals, including local harbours, business and community groups, commercial fisheries and local environmental groups. Annex 3 (document reference number A5.1.3) to the Consultation Report includes a full list of organisations formally consulted with.
65	“Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. [...] 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. [...]”	The Applicant has consulted openly with the local communities throughout the pre-application consultation period and adapted its approach based on local feedback. Where more information has been requested, the Applicant has endeavoured to make this available through the various information channels, including the website, newsletters and the FAQ, which was updated as more information became available. During the pre-application stage, the Applicant has provided feedback to consultees in terms of how their comments have influenced the proposal, through Consultation Summary Reports, newsletters and the FAQ document.  A summary of all responses received and how these have been considered in the final application is provided in the Consultation Report (document reference number A5.1) and its annexes.
66	“Ultimately, applicants for offshore projects should take a pragmatic approach, consulting in proportion to the impacts on communities and the size of the project, whilst ensuring that relevant local communities are kept informed about the proposals and offered the chance to participate in shaping them. Applicants should use this as a guiding principle for consultation together with the statutory requirements as set out in the Planning Act. Provided they do this, and fully explain their approach in the consultation report which accompanies their application, the expectation is that their application will not be rejected on the grounds of insufficient public consultation.”	The Applicant has taken a pragmatic approach to consultation. Full consultation has been undertaken with local communities affected by onshore elements, including information on offshore elements of the application. By adopting an iterative approach to consultation, the Applicant has been able to adjust its approach to ensure that the consultation was robust, proportionate and ultimately effective.
67	“...prospective applicants for development consent for certain types of projects are required to consult and engage with the Marine Management Organisation. They will also be able to advise on what, and with whom, additional consultation might be appropriate. Additional guidance is available from the Inspectorate on transboundary consultations.	The Applicant has consulted and continues to engage with the MMO. See Annex 3 (document reference number A5.1.3) of this Consultation Report.
68	“To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.”	The Applicant undertook consultation early in the development process with statutory consultees, landowners and members of the local community. Early on it was stated that more information would be made available as the Project matured. See section 6 of the SoCC, available in Annex 10 (document reference number A5.1.10) of the Consultation Report.
69	“Applicants will often require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when the 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.”	Throughout the pre-application consultation period, the Applicant consulted with stakeholders informally to seek their feedback on the proposal. Expert Working Groups (EWGs) were established as part of the Evidence Plan process, to agree the evidence and approaches that have underpinned the technical assessments and to discuss topic specific issues with the relevant stakeholders.
70	“To manage the tension between consultation 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 larger projects with long development periods. For example, the applicant might wish to consider undertaking non-statutory early consultation at a stage where options still being considered. This will be helpful in informing the proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.”	The Applicant adopted an iterative, phased approach to community consultation for Hornsea Three, which initially consisted of two rounds of community consultation events across two broad phases. However, this subsequently evolved into multiple stages per phase, as the Applicant adjusted its approach to consultation based on refinements to the proposal and feedback from stakeholders.  For example, the Applicant introduced an additional round of focussed consultation (Phase 1.B) after the SoCC was published in response to stakeholder feedback captured at Phase 1.A and ongoing design development. Local communities had noted that they were keen for greater involvement in the process and it was hoped that Phase 1.B would encourage greater participation from across the community. This additional round of consultation prior to statutory consultation on the PEIR provided an opportunity early in the development process for the Applicant to consult on a number of options that were being considered for the onshore High Voltage Alternating Current (HVAC) booster station, which proved invaluable in shaping the proposal in that area.

Ref	Requirement	Compliance
71	“Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.”	The Applicant considers that the stages of consultation carried out with land interests has been sufficient and has increased in detail with each phase of consultation. Additionally, there has been and continues to be the opportunity for direct informal landowner feedback to the Applicant.
72	“...The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt on 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.”	The Applicant complied with the statutory minimum for all rounds of consultation. A longer period was provided for the statutory consultation on the PEIR, as it was recognised that there was a lot of information for consultees to consider. See section 8.3 of the Consultation Report (document reference number A5.1).
73	“Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. [...] 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.”	The Applicant continued to refine the consultation boundary throughout the pre-application consultation period, following feedback from each round of consultation under section 47 of the Act 2008. Where the Applicant proposed changes that fell beyond the previous consultation boundary, additional consultation was undertaken on these areas to ensure anyone with an interest had an opportunity to comment on the application.
74	“Where a proposed application changes to such a large degree that the proposal 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.”	The Project did not change as much as envisaged by this part of the guidance; however, in response to feedback from the first round of statutory consultation (Phase 2.A) and ongoing design development, the Applicant did undertake further statutory consultation in November 2017 (Phase 2.B). This consultation sought feedback on a number of additional locations; including alternative export cable routes being considered both offshore and onshore, potential access routes and potential visual screening that extended beyond previous statutory consultation boundary where works were proposed. The consultation commenced on 25 November and closed on 22 December, a total of 28 days.
75	“If the application only changes to a small degree [...] the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.”	The Applicant undertook two rounds of further statutory consultation (Phase 2.B and Phase 2.C) on areas identified beyond the previous consultation after the PEIR and statutory consultation plans were published at the start of Phase 2. For the Phase 2.B consultation, the Applicant carried out consultation under sections 47 and 48 of the 2008 Act in parallel to consultation under section 42 of the 2008 Act. The Phase 2.C consultation was focussed in nature, so was not publicised under section 48, however the consultation documents and deadline for comment were published on the Hornsea Three website ( <a href="http://www.hornseaproject3.co.uk">www.hornseaproject3.co.uk</a> ).
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. [...]”	The Applicant undertook focussed statutory consultation on several minor amendments to the proposed onshore cable route in March 2018 (Phase 2.C). Due to the nature of the proposed amendments, the consultation activities were focussed and no consultation was undertaken under sections 47 or 48 of the 2008 Act. In the SoCC, the Applicant committed to holding a minimum of two rounds of consultation (one during each Phase). The Applicant held two rounds of consultation under section 47 of the 2008 Act during Phase 1 (Phase 1.A and Phase 1.B) and one round of consultation under section 47 during Phase 2 (Phase 2.A). The Applicant also prepared and circulated a document detailing the consultation to local communities for the further statutory consultation in November 2017 (Phase 2.B). The Applicant has therefore surpassed its obligations as set out in the SoCC.
78	“Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.”	A Consultation Report has been prepared by the Applicant and submitted as part of the application (document reference number A5.1).

Ref	Requirement	Compliance
80	<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 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;</li> <li>set out how the applicant has taken account of any responses 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 why responses advising on major changes to the project were not followed, including advice from statutory consultees on impacts;</li> <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>References to the relevant sections of the Consultation Report (document reference number A5.1) are provided below:</p> <ul style="list-style-type: none"> <li>A description of the consultation process, including a timeline is provided in Chapter 2.</li> <li>This is noted throughout the Consultation Report (document reference number A5.1) and within this Annex;</li> <li>A summary of responses received on the draft SoCC and how the Applicant had regard to these is provided in section 5.5 of the Consultation Report (document reference A5.1) and Annex 10.2 (document reference A5.1.10) to the Consultation Report;</li> <li>A summary of all responses received to the consultation is provided in Annex 15 (document reference number A5.1.15) to the Consultation Report;</li> <li>A summary of the key issues raised and changes made to the Project as a result of feedback is provided in Chapter 9 of the Consultation Report (document reference number A5.1);</li> <li>Tables outlining how the Applicant has had regard to all relevant responses are provided in Annex 15 (document reference number A5.1.15) to the Consultation Report. This includes explanations for why certain suggested changes were not possible in certain instances;</li> <li>Where the Applicant has not followed the advice of the local authority or guidance, this is detailed in the Consultation Report and supporting annexes; and</li> <li>The Applicant has endeavoured to make the Consultation Report as clear as possible. The Applicant has followed guidance regarding the structure of the Consultation Report as set out in PINS Advice Note Fourteen: Compiling the Consultation Report and has included diagrams and timelines to guide readers. The Applicant has cross referenced throughout the Report to where further detail is available or evidence of compliance is provided. The Consultation Report includes a discussion around the key issues raised and changes made to the Project as a result of feedback and has provided a full summary of all responses in Annex 15 (document reference number A5.1.15) for those individuals who would like more detail.</li> </ul>
81	<p>“It is good practice that those who have contributed to the consultation are informed of the results ....”</p>	<p>If the application is accepted, the Applicant intends to notify all parties (where details are known) that have contributed to the consultation of the results and direct them to where the full application, including the Consultation Report is available to view.</p> <p>During the pre-application period, the Applicant produced interim Consultation Summary Reports after each round of community consultation events undertaken in accordance with section 47 of the 2008 Act. These reports provided a high-level overview of the feedback received at each stage. The Applicant also regularly updated the Frequently Asked Questions (FAQ) document on the website to provide responses to commonly asked questions during the pre-application period.</p>
82	<p>“As with the consultation itself, it is likely that different audiences will require different level of information....”</p>	<p>A non-technical summary has been prepared and submitted alongside the Environmental Statement that accompanies the application (document reference number A8.10). The Consultation Report includes a summary of the key topics raised during the consultation and how the Applicant has had regard to these in the application. Tables of all relevant responses received and how the Applicant has had regard to these is provided in Annex 15 to the Consultation Report (document reference A5.1.15).</p> <p>These tables have been prepared following guidance from the Planning Inspectorate (2012), Advice Note Fourteen: Compiling the Consultation Report.</p>
83	<p>“The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should 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 will update its FAQ. Information on some of the key project changes was also provided to local community ahead of the application being submitted within the February newsletter. See Annex 16 of the Consultation Report (document reference number A5.1.16).</p> <p>The Applicant will continue to engage with consultation bodies beyond application as it continues to seek to agree SoCGs with organisations.</p>

Ref	Requirement	Compliance
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 preliminary environmental information is not expected to replicate or be a draft of the environmental statement. [...] The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant’s Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.”</p>	<p>The Applicant has prepared an Environmental Statement, and a Report to Inform Appropriate Assessment under the Habitats Regulations. The Applicant confirmed in its SoCC that Hornsea Three constitutes an ‘EIA Development’ for the purposes of the EIA Regulations. The Applicant set out in the SoCC how it would be publicising and consulting on the Preliminary Environmental Information Report, as part of the statutory consultation undertaken between 27 July and 20 September 2017. Further information in respect of how the PEIR was publicised and consulted upon is included in chapter 8 of the Consultation Report (document reference number A5.1).</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 prepared an Environmental Statement (document reference number A6), and a Report to Inform Appropriate Assessment (document reference number A5.2) under the Habitats Regulations.</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. [...]”</p>	<p>As part of its consultation undertaken pursuant to section 42 of the 2008 Act, the Applicant consulted Natural England, JNCC, the Environment Agency and other relevant nature stakeholders. In particular, consultation in relation the production of the Report to Inform Appropriate Assessment was undertaken as part of the Evidence Plan process (see Chapter 4 of the Consultation Report (document reference number A5.1)).</p>