



**DOGGER BANK
TEESSIDE A & B**

**March
2014**

Consultation Report Appendix A Compliance Checklist

Doc.No. F-STL-RP-001

Application Reference 5.1.1



**DOGGER BANK
TEESSIDE A & B**

**March
2014**

Consultation Report Appendix A.1 Statement of Compliance

Doc.No. F-STL-RP-001

Application Reference 5.1.1

Appendix A.1 – Compliance Checklist

Ref	Requirement	Compliance
Planning Act 2008 as amended by the Localism Act 2011		
Section 42 (1)	Duty to consult:	See Chapter 3 of the Consultation Report.
	a) Such persons as may be prescribed,	The Applicant consulted all persons prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. See section 3.3 and Appendix B3 of the Consultation Report .
	aa) The Marine Management Organisation,	The Applicant consulted the MMO. See section 3.3 and Appendix B3 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 section 3.3 and Appendix B3 of the Consultation Report .
	c) The Greater London Authority if the land is in Greater London, and	Not applicable – no land within Greater London.
	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 Section 3.3 of the Consultation Report and the Book of Reference (Application reference 4.3) .
Section 45	Timetable for consultation under section 42	See Chapter 3 of the Consultation Report.
	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, for each phase of consultation. See Section 3.4 and Appendices B7 and C2 of the Consultation Report .
	2) A deadline notified under subsection	The first phase of the section 42

	(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>consultation ran from 24 May 2012 to 22 June 2012 – a period of 30 days.</p> <p>The second phase of section 42 consultation ran from 4 November 2013 to 20 December 2013 – a period of 47 days.</p> <p>See Sections 4.4 and 4.6 of the Consultation Report, respectively.</p>
	3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person	<p>At the first phase of section 42 consultation, the consultation documents comprised a cover letter inviting comments (Appendix B7 of the Consultation Report), and a DVD containing a non-technical summary of the first phase of the PEI, a project description, scoping report, and site selection report (see Section 3.4 of the Consultation Report).</p> <p>At the second phase of section 42 consultation, the consultation documents comprised a cover letter inviting comments (Appendix C2 of the Consultation Report), a DVD containing indicative offshore and onshore plans, draft ES, and a non-technical summary of the draft ES, and a DVD containing other draft application documents, including draft DCO (see Section 3.4 of the Consultation Report).</p>
Section 46	Duty to notify Secretary of State of proposed application	See Chapter 3 of the Consultation Report.
	(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.	The Applicant notified the Planning Inspectorate under Section 46 of the Planning Act 2008 of consultation on Dogger Bank Teesside on 15 May 2012 (Appendix B12). At the same time Applicant supplied the Planning Inspectorate with the same information as other section 42 consultees (see Section 3.4 of the Consultation Report).
	(2) The applicant must comply with subsection (1) on or before	The Applicant delivered the consultation documents to the Planning Inspectorate

	commencing consultation under section 42.	on 15 May 2012 (see Appendix B10 of the Consultation Report). The consultation began on 24 May 2012.
Section 47	Duty to consult the local community	See Chapter 4 of the Consultation Report.
	(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.	<p>The Applicant prepared a Statement of Community Consultation for each phase of consultation. The SoCC was developed, consulted on, and published in two phases.</p> <p>An initial SoCC was prepared in 2012, prior to the first phase of statutory consultation (see Section 4.3 and Appendix D1 of the Consultation Report).</p> <p>An updated SoCC was prepared in 2013, prior to the second phase of statutory consultation (see Section 4.3 and Appendix E1 of the Consultation Report).</p>
	(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.	The Applicant consulted the single relevant section 43(1) authority, Redcar & Cleveland Borough Council, and also the MMO, on the content of both the initial SoCC in 2012 (see Section 4.3 and Appendices D2 and D3 of the Consultation Report), and on the updated SoCC in 2013 (see Section 4.3 and Appendices E2 and E3 of the Consultation Report).

	<p>(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>For the initial SoCC, the Applicant allowed Redcar & Cleveland Borough Council and the MMO from 9 March 2012 to 9 April 2012 (see Appendix D3), exceeding the 28-day statutory period under subsection (2). Consultation continued on the initial SoCC until the 26 April 2012 (see Section 4.3 and Appendices D2 and D3 of the Consultation Report). For the updated SoCC, the Applicant allowed Redcar & Cleveland Borough Council and the MMO from 26 July 2013 to 31 August 2013, again exceeding the 28 day statutory consultation period (see Section 4.3 and Appendices E2 and E3 of the Consultation Report).</p>
	<p>(4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>The SoCC consultation document for the initial SoCC is provided in Appendix D2, and for the updated SoCC in Appendix E2 of the Consultation Report.</p>
	<p>(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).</p>	<p>The Applicant had regard to all relevant comments received on both the draft initial SoCC, and the draft updated SoCC. See Appendix D3 for correspondence with Redcar & Cleveland Borough Council and the MMO on the content of the initial SoCC and Forewind regard to these comments and Appendix E3 for equivalent correspondence on the updated SoCC.</p>

	<p>(6) Once the applicant has prepared the statement, the applicant must—</p> <p>(za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,</p> <p>(a) publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and</p> <p>(b) publish the statement in such manner as may be prescribed.</p>	<p>The publication of both the initial SoCC and the updated SoCC was advertised in local newspapers, with copies made available in libraries and at exhibitions, and copies also sent directly to consultees (see Section 4.3 and Appendices D4, D5, D9, E4, E5, E9 of the Consultation Report).</p>
	<p>(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>The Applicant has carried out the consultation in accordance with the SoCC (see Appendices D17 and E16 of the Consultation Report).</p>
Section 48	Duty to Publicise	See Chapter 5 of the Consultation Report.
	<p>(1) The applicant must publicise the proposed application in the prescribed manner</p>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. See Appendix F2 of the Consultation Report for the copies of the Section 48 notice.</p>
	<p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.</p>	<p>The Section 48 Notice included a deadline for receipt by the Applicant of responses to the publicity.</p> <p>The deadline was 20 December 2013 (see Appendix F1 and Section 5.3 of the Consultation Report).</p>
Section 49	Duty to take account of responses to consultation and publicity	See Chapter 8 of the Consultation Report.
	<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</p>	<p>The Applicant has had regard to all relevant responses to consultation in accordance with section 42, 47 and 48. Appendices I – L and Section 8 of the Consultation Report provide an overview of the consultation responses</p>

	<p>order granting development consent (whether or not in the same terms as the proposed application).</p> <p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) "relevant response" means—</p> <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>and key issues raised, including a description of how Forewind has had regard to the feedback received.</p>
Section 50	<p>Guidance about pre-application procedure</p> <p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p> <p>(2) Guidance under this section may be issued by the Commission or the Secretary of State</p> <p>(3) The applicant must have regard to any guidance under this section</p>	<p>See Chapter 2 of the Consultation Report.</p> <p>The Applicant has had regard to the Department for Communities and Local Government (DCLG) Planning Act 2008 Guidance on the pre-application process (2013). The Applicant also had regard to previous versions of this guidance issues by DCLG and the IPC.</p>

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

Ref	Requirement	Compliance
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 such person in column 2 of that table.	<p>The Applicant consulted all those 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 (see Section 3.3 of the Consultation Report).</p> <p>A full list of those consulted during Phase 1 and Phase 2 is provided in Appendix B3 of the Consultation Report.</p>
Reg 4	Publicising a proposed application	See Chapter 5 of the Consultation Report.
	<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>(i) once in Lloyd's List; and</p> <p>(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 Appendix F2 of the Consultation Report.</p> <p>Table 5-1 of the Consultation Report provides publication details of the notices.</p> <p>(a) The notice was published for two successive weeks in the Middlesborough Evening Gazette (31 October 2013 and 7 November 2013), and on 31 October 2013 in the East Cleveland Herald and Post, and the Coastal View and Moor News</p> <p>(b) The notice was published in The Guardian on 31 October 2013</p> <p>(c) The notice was published in the London Gazette on 31 October 2013</p> <p>(d) (d)(i) The notice was published in the Lloyds List on 31 October 2013</p> <p>(d)(ii) The notice was published in the Fishing News on 1 November 2013, and in the Kingfisher Bulletin on 7 November 2013</p>
	(3) The matters which the notice must	(3) The notice included all matters

	<p>include are:</p> <ul style="list-style-type: none"> (a) the name and address of the applicant; (b) a statement that the applicant intends to make an application for development consent to the Secretary of State; (c) a statement as to whether the application is EIA development; (d) a summary of the main proposals, specifying the location or route of the proposed development; (e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice; (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 subparagraph (i)); (g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge; (h) details of how to respond to the publicity; and (i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published. 	<p>required by this regulation.</p> <p>References below refer to the specific paragraph of the notice where the information was provided. See Appendix F1 of the Consultation Report for a copy of the wording of the notice.</p> <ul style="list-style-type: none"> (a) Paragraph 11 (b) Paragraph 1 (c) Paragraph 6 (d) Paragraphs 3, 4 and 5 (e) Paragraphs 7 and 8 (f) Paragraph 7 (g) Paragraph 10 (h) Paragraph 11 and 12 (i) Paragraph 12
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009		
Ref	Requirement	Compliance
Reg 6	Procedure for establishing whether environmental impact assessment is	See Chapter 7 of the Consultation Report.

	required	
	<p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either—</p> <p>(a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p>	<p>In a letter dated 30 March 2012, the Applicant provided formal notification under Regulation 6 (1) (b) of the EIA Regulations of Forewind's intention to provide an ES in respect of the Dogger Bank Teesside offshore wind farm projects.</p> <p>The Applicant requested a Scoping Opinion from the Planning Inspectorate in May 2012</p> <p>See Section 7.2 of the Consultation Report.</p>
	<p>(3) A request or notification under paragraph (1) must be accompanied by—</p> <p>(a) a plan sufficient to identify the land;</p> <p>(b) a brief description of the nature and purpose of the development and of its possible effects on the environment;</p> <p>(c) such other information or representations as the person making the request may wish to provide or make.</p>	<p>The applicant's request for a Scoping Opinion from the Planning Inspectorate was accompanied by a Scoping Report which supplied all the information required in the EIA Regulations Reg 6 (3) (see Section 7.2 of the Consultation Report).</p>
Reg 10	Consultation statement requirements	See Chapters 4 and 7 of the Consultation Report.
	<p>The consultation statement prepared under section 47 (duty to consult local community) must set out —</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	<p>The SoCC provided relevant detail as required under Regulation 10. See Appendices D1 and E1 of the Consultation Report for copies of the initial and updated SoCC, and Chapter 4 of the Consultation Report for details on the section 47 community consultation.</p>

Reg 11	Pre-application publicity under section 48 (duty to publicise)	See Chapter 5 of the Consultation Report
	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 sent copies of the Section 48 notice to all consultation bodies and persons listed in Appendix B3 on 29 October 2013. The notice was sent with the consultation documents and with a formal request for comment on the proposed application under Section 42 of the Planning Act (see Section 5.3 of the Consultation Report)
DCLG (2013) Planning Act 2008 Guidance on the Pre-Application Process		
Ref	Requirement	Compliance
15	...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 key aim should be to ensure that the amount of consultation undertaken, and who is consulted, should be in proportionate to the size and scale of project and where its impacts will be felt.	See Chapter 4 of the Consultation Report. The Applicant consulted Redcar and Cleveland Borough Council (and where appropriate the MMO) to ensure that the consultation process was designed with the specific requirements of the local community in mind. This included statutory consultation in accordance with Section 47 of the Planning Act on the content of the SoCC as well as discussions on any additional community consultation. See Chapter 4 of the Consultation Report
17	Consultation should be thorough, effective and proportionate. Applicants will have their own approaches to consultation and already have a wealth of good practice on which to draw. For example, larger, more complex applications will usually need to go beyond the statutory minimum timescales laid down in the Planning Act to provide 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	The Applicant consulted thoroughly on the application by means of a two phase statutory consultation process, with significant subject specific, targeted, non-statutory consultation between these phases. This iterative process proved to be an effective way to gather and incorporate stakeholder feedback throughout the pre-application phase. Care was also taken to ensure that statutory consultations on different Dogger Bank applications did not overlap, thereby avoiding overburdening

	<p>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>stakeholders.</p> <p>All statutory consultation periods under sections 42, 47 and 48 of the Planning Act allowed the consultees more than the statutory minimum of 28 days to respond. The Applicant made best endeavours to give advance notice of statutory consultation and also accommodated stakeholder requests about communication methods, sending out information by post or electronically as requested. See Chapters 3, 4 and 5 of the Consultation Report</p>
18	<p>In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project</p>	<p>The Applicant consulted a large number of additional consultees.</p> <p>See Chapter 6 of the Consultation Report.</p>
19	<p>Applicants are therefore encouraged to consult widely on project proposals.</p>	
20	<p>Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative 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 has complied with statutory requirements, however the particular bodies consulted changed over the course of the pre-application process and the Applicant took account of this as necessary.</p> <p>Any changes to stakeholder organisations were addressed in line with the guidance, as detailed in Appendix B3.</p>
21	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later phases of</p>	<p>The Applicant carried out significant non-statutory consultation on the technical elements of the applications, prior to and following, the statutory consultation periods (see Chapter 6 and Chapter 9 of the Consultation Report, respectively)</p>

	<p>the process. It is equally important that statutory consultees respond to request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs</p>	
25	<p>Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.</p>	<p>Both the initial and updated SoCC stated that 'Anyone else [i.e. not within the consultation area and/or not directly targeted in the consultation] who may be interested in the project is welcome to take part in the community consultation. See Appendices D1 and E1 of the Consultation Report.</p>
26	<p>...prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>	<p>The Applicant consulted the local authorities on the content of both the initial and updated SoCC as per the requirements of the Planning Act.</p> <p>See Section 4.3 of the Consultation Report.</p>
30	<p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>All Local Authority comments on the content of the Statement of Community Consultation were addressed. Refer to Appendices D3 and E3.</p>
31	<p>Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with</p>	<p>The single relevant Local Authority (Redcar & Cleveland Borough Council) and the MMO were consulted on the Statement of Community Consultation and both responded to this consultation.</p>

	the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.	
32	Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.	The Applicant engaged with Redcar and Cleveland Borough Council from an early phase in the development process (see Appendix G1 and Chapter 6 of the Consultation Report).
33	Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to local development plans. Local authorities may also make suggestions for requirements to be included in the draft Development Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.	The Applicant consulted Redcar and Cleveland Borough Council on the draft Development Consent Order and has had due regard to any comments received.
35	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 began the process of identifying and consulting people who own, occupy or have another interest in the land at an early phase. See Section 3.3 of the Consultation Report.
36	...People should have as much influence	The Local Community was consulted

	<p>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 phase. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.</p>	<p>through two phases of statutory consultation, enabling them to have an influence on the proposals from an early phase. Additional non-statutory community consultation was carried out in order to maximise the opportunities for involvement of the local community.</p> <p>See Chapter 4 of the Consultation Report.</p>
37	<p>...Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>The Applicant employed a range of consultation methods. Redcar and Cleveland Borough Council identified no hard to reach groups.</p> <p>See Chapter 4 of the Consultation Report.</p>
38	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. A short document should be prepared by applicants specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. It should also describe the key elements of the project, and explain what the potential benefits and impacts of the projects might be. The document should be written in clear, accessible, and non-technical language. Applicants should be ready to make it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be made bilingually (for example, Welsh, in applications affecting Wales), but it is not the policy of the Government to encourage documents to be translated into non-native,</p>	<p>At each phase of statutory community consultation, the Applicant provided a summary of the detail being consulted on through the provision of non-technical summary of the environmental information (Appendices D7 and E7 of the Consultation Report) and a community consultation summary leaflet (Appendices D6 and E6 of the Consultation Report). In addition, key consultation questions were set out on the exhibition panels (Appendices D12 and E12 of the Consultation Report), in the questionnaires (Appendices D8 and E8 of the Consultation Report) and in the community consultation summary leaflet. This documentation was made available to local communities in a number of locations including public exhibition events, project website, local libraries/ access points and upon request by phone/ email/letter.</p>

	foreign languages.	
39	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, but they are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).	The Applicant advertised each phase of statutory consultation more widely than just in the Consultation Area to ensure that others with an interest in the proposals could take part.
40	The Statement of Community Consultation should act as a framework for the community consultation generally, stating where and when events will be taking place. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by the applicants and should also be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.	Both the initial and updated SoCC listed the details of the consultation events (for both phases of the consultation, respectively), and was made available on the Forewind website, at the public exhibitions and at local libraries/access points. Refer to Section 4.3 of the Consultation Report .
41	Applicants are required to publicise their proposed application under section 48 of the Planning Act. Regulation 4(2) of the Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009 sets out the detail of what this publicity must entail. This publicity is an integral part of the local community 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 secondary legislation, aligning publicity with consultation may not always be possible, especially where a multi-phase consultation is intended.	As illustrated in Figure 1-4 of the Consultation Report , the Applicant chose to publicise (in accordance with the requirements of Section 48) the Dogger Bank Teesside A & B application once, to coincide with the final second phase of statutory Section 42 and 47 consultation (Section 5.3 of the Consultation Report).
43	Applicants have a statutory duty to consult any local authority in whose land a project is sited. So, where an offshore project also features land-based development, the applicant should	The Applicant treated Redcar and Cleveland Borough Council as the main consultee for the SoCC, alongside the MMO. The 35 km Zone of Visual

	<p>treat the local authority where the land-based development is located as the main consultee for the Statement of Community Consultation. The applicant is also advised to consider seeking views on the Statement of Community Consultation from local authorities whose communities may be affected by the project, for example visually or through construction traffic, even if the project is in fact some distance from the area in question. In addition, applicants may find it beneficial to discuss their Statement of Community Consultation with any local authorities in the vicinity where there could be an effect on harbour facilities.</p>	<p>Influence for the offshore infrastructure of Dogger Bank Teesside A & B does not, given the distance of the scheme from the nearest adjacent UK coastline, cover any other local authorities. Therefore, no additional authorities have been consulted on this basis. See Section 3.3 of the Consultation Report.</p> <p>No other Local Authorities were consulted as 'port' authorities as the port, and therefore likely concentration of construction marine traffic, is not yet known.</p>
45	<p>Applicants should ensure they consider all the potential impacts on communities which are in the vicinity of the proposed project. These are unlikely to affect all communities to the same degree but might include potential visual, environmental, economic and social impacts.</p>	<p>The main impact extending more widely than the Consultation Area is the potential socio economic impact. The Applicant engaged with several constituency MPs and councils outside of the Consultation Area on this topic and has also funded an innovative careers education programme "Champions for Wind" to increase awareness of the career opportunities in offshore wind. This programme is currently active in schools across the East Riding of Yorkshire, North Yorkshire and Teesside.</p> <p>See Chapter 6 of the Consultation Report.</p>
46	<p>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.</p>	<p>A number of coastal local authorities were consulted as a result of the Applicant's interpretation of Section 43 of the Planning Act – see Section 3.3 of the Consultation Report.</p> <p>Given the scale of the proposals, there is the possibility that a large number of coastal communities could be impacted in a small or negligible way but The Applicant felt it would be disproportionately impractical to consult them all. The Section 48 Notice was published in the national press in advance of the second phase of statutory consultation, giving the wider population</p>

		<p>an opportunity to respond to the consultation.</p> <p>See Chapter 5 of the Consultation Report.</p>
47	<p>Where there are no obvious impacts on local communities, applicants should consult the local communities closest to the proposed project. It may be that there are impacts which are not immediately obvious but which a consultation can identify. Equally, local communities may have concerns, for example, about environmental impacts, and open engagement with the applicant will allow them the chance to express their concerns and to understand how these concerns are being addressed. The level of interest shown by local authorities and communities will dictate the degree and depth of consultation required. It may be that for certain offshore projects, the consultation process with local communities can be undertaken at a focused and proportionate way, and therefore completed within the minimum statutory timescales required by the Planning Act.</p>	<p>The Applicant's statutory consultation with local communities was open to all those with an interest in the proposals.</p>
48	<p>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.</p>	<p>The Applicant considers that its consultation process with the local community has been pragmatic, proportionate and open to all. This is reflected in Forewind's consultation objectives, as set out in the Stakeholder Engagement Plan.</p> <p>See Appendix G2 of the Consultation Report.</p>

49	<p>In addition to relevant local authorities and their communities, prospective applicants for development consent for certain types of projects are required to consult and engage with the Marine Management Organisation. They will be also be able to advise on what, and with whom, additional consultation might be appropriate.</p> <p>Additional guidance is available from the Inspectorate on transboundary consultations.</p>	<p>The Applicant consulted the MMO on the content of the draft initial and updated SoCC. Relevant responses to the SoCC consultation and the regard The Applicant had to them are summarised in Appendices D3 and E3 of the Consultation Report.</p>
50	<p>To realise the benefits of early consultation on a project, it must take place at a sufficiently early phase to allow consultees a real opportunity to influence the proposals. But equally, consultees will need sufficient information on a project to be able to recognise and understand the impacts.</p>	<p>The Applicant carried out two phases of statutory consultation. This allowed consultees to comment on the initial, fluid proposals as well as the near final proposals, prior to the application being submitted. In between statutory periods, the Applicant carried out non-statutory consultation in order to continue engaging with relevant stakeholders (see Chapter 6 of the Consultation Report).</p>
51	<p>Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.</p>	<p>The first phase of statutory consultation was carried out at an early stage in the development process allowing consultees a real opportunity to influence key decisions about the design and approach to the EIA.</p>
52	<p>To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) phases, especially for large projects with long development periods. For example, applicants might wish to consider undertaking informal early consultation at a phase 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</p>	

	undertake formal statutory public consultation.	
53	Where an iterative consultation is intended, it may be advisable for applicants to carry out the final phase 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.	Those with an interest in the land were consulted at both phases of statutory consultation to ensure that they were aware of the proposals as early as possible. See Section 3.4 of the Consultation Report
54	...The Planning Act provides for a minimum 28 day period for consultation. 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.	Forewind allowed more than the statutory 28 days for responses to statutory consultation periods. These are detailed in Section 3.4 of the Consultation Report .
55	Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. For example, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.	Before the commencement of the second phase of statutory consultation, the decision was taken by Forewind to split the development of the Dogger Bank Teesside projects into two separate DCO applications. As a result of this decision, the second phase of statutory consultation took place on the Dogger Bank Teesside A & B projects, based on a updated Dogger Bank Teesside A & B proposal and draft ES and following the publication of an updated SoCC in the prescribed manner. The updated SoCC outlined how Forewind planned to consult with the local community on Dogger Bank Teesside A & B during the second statutory consultation phase. The

		approach and consultation undertaken in relation to the updated SoCC is outlined in Chapter 4 of the Consultation Report . See Appendices D1 and E1 for copies of the initial and updated versions of the SoCC, respectively.
57	If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.	The Applicant met with or responded in writing to several statutory consultees regarding any changes made to the proposals.
58	Consultation should, however, also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.	The Applicant has carried out a thorough pre-application consultation process as described in the Consultation Report and believes that this has been proportionate to the impacts of the project.
61	Therefore, the consultation report should: <ul style="list-style-type: none"> (a) provide a general description of the consultation process undertaken; (b) 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; (c) set out how the applicant has taken account of any response to consultation with local authorities on 	<p>The Applicant produced a Consultation Report which included all matters set out in paragraph (61). References below refer to where examples of compliance may be found in full.</p> <ul style="list-style-type: none"> (a) See Section 1.5 (b) See Chapters 3, 4 and 5. (c) See Chapter 4 (d) See Chapter 8 (e) See Chapter 8 (f) See Chapter 8 (g) The Applicant has endeavoured to

	<p>what should be in the applicant's statement of community consultation;</p> <p>(d) set out a summary of relevant responses to consultation (but not a complete list of responses);</p> <p>(e) provide a description of how the application was influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed;</p> <p>(f) provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultee on impacts;</p> <p>(g) 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;</p> <p>(h) be expressed in terms sufficient to enable the Secretary of State to fully understand how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.</p>	<p>follow all advice of the local authority, DCLG guidance and relevant advice notes issued by the Planning Inspectorate.</p> <p>(h) The Applicant has endeavoured to produce the Consultation Report in terms sufficient to allow the Secretary of State, consultees and the local community to fully understand the consultation process.</p>
62	<p>It is important that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.</p>	<p>A summary of feedback received during the first phase of statutory consultation and the regard The Applicant had to relevant responses was circulated to all stakeholders in Edition 2 of Dogger Bank News in Autumn 2012 (See Appendix G5b of the Consultation Report).</p> <p>A summary of feedback received during the second phase of statutory consultation and the regard The Applicant had to relevant responses was circulated to all stakeholders in Edition 7 of Dogger Bank News in Winter 2014 (See Appendix G5g of the Consultation</p>
63	<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</p>	

	account. Consultees with technical information will require more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed.	Report). In addition The Applicant met with or responded in writing to many of the consultees following the final phase of consultation (see Chapter 9 of the Consultation Report).
64	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.	
65	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.	The Applicant continues to engage with a number of the technical consultees, on issues raised during the final phase of consultation. See Chapter 9 of the Consultation Report.
73	For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required will be different for different types and sizes of projects and it may differ 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	Preliminary Environmental Information was provided at the first phase of statutory consultation and the draft ES was provided at the second phase of statutory consultation. These documents were available to all consultees on the Forewind website, at public exhibitions, in local libraries and on DVD on request. See Chapter 4 of the Consultation Report.

	<p>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.</p>	
77	<p>Applicants may find it helpful to undertake early informal discussion with a range of parties on the content of the draft Order.</p>	<p>The draft Development Consent Order, and the deemed marine licences, have been the subject of consultation throughout the second statutory consultation period with the Marine Management Organisation (MMO), the Crown Estate, Redcar & Cleveland Borough Council, Trinity House, Natural England, JNCC, Environment Agency, Civil Aviation Authority, Ministry of Defence, Highways Agency, Network Rail, UK Hydrographic Office, Centre for Environment, Fisheries and Aquaculture Science and Northumbrian Water.</p> <p>A consultation draft DCO was also made available to all consultees upon request throughout the second statutory consultation period.</p> <p>The draft Development Consent Order, and the deemed marine licences, have also been the subject of consultation with the Planning Inspectorate throughout the second statutory consultation period and a further review between second statutory consultation period and application submission.</p> <p>Where possible or appropriate Forewind has sought to take on board any comments in the documents submitted.</p>