



## Meeting note

<b>File reference</b>	EN010101
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	27 November 2020
<b>Meeting with</b>	INRG SOLAR (Little Crow) Ltd
<b>Venue</b>	Virtual meeting
<b>Meeting objectives</b>	To discuss the Applicant's s48 consultation
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Applicant set out that as part of its diligent review of the application suite prior to formal submission, it became apparent that its duty to publicise the proposed application, under s48 of PA2008, may have been compromised. The Applicant understands that during its s48 consultation exercise, the s48 notice had only been published once in the Scunthorpe Telegraph (the local newspaper circulating in the vicinity of the Proposed Development) instead of two successive weeks as defined by Regulation 4(2)(a) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>1</sup> (the APFP regs). Its advertisement acknowledging planned consultation events was erroneously published twice instead.

The Applicant queried whether it could still submit its application if there had been a breach but speculated the s48 notice may have appeared twice electronically on the Scunthorpe Telegraph's digital online format; confirmation from the newspaper is still outstanding. The Inspectorate advised the Applicant to get confirmation from the newspaper as soon as possible and if the notice wasn't published appropriately on Scunthorpe Telegraph's digital online format, it should not submit the application until the requirements set out in Reg 4 of the APFP regs are complied with.

The Applicant set out that if it became apparent its duty under s48 was not fully complied with, it would run a supplementary s48 consultation exercise. The

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2009/2264/contents/made>

Inspectorate highlighted that the amendment to the APFP regs<sup>2</sup> in relation to issuing notices amid current COVID-related restrictions was due to expire on 31 December 2020 and that this might have a bearing on the Applicant's programme for re-publicising the project under s48.

The Applicant outlined that if it had to conduct a supplementary s48 exercise, it will adapt its original s48 notice to provide a new 28 day deadline for response and to include additional narrative explaining why it was re-consulting under s48 and that full regard had been taken to the responses submitted to the previous exercise. It was agreed that the Inspectorate would conduct a high-level review of the content of the updated s48 notice before publication.

The Applicant queried whether conducting a supplementary s48 consultation exercise would trigger any other requirements under s42 of the Planning Act (duty to consult) and/ or whether the notice would need to be placed in the national/ specialist newspapers in addition to the Scunthorpe Telegraph. The Inspectorate advised that conducting an additional s42 consultation was unlikely to be required, assuming the project had not changed fundamentally from that which was originally consulted on. The Inspectorate advised that in that case, the s48 notice would only need to be placed in the Scunthorpe Telegraph to correct the local publication error that occurred.

The Applicant would continue to liaise with the Inspectorate with regard to an updated submission date if a supplementary s48 consultation exercise is undertaken.

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<sup>2</sup> <https://www.legislation.gov.uk/uksi/2020/764/contents/made>