

# Hampshire Water Transfer and Water Recycling Project

## Consultation Report Annex 1 – Consultation Compliance Checklist

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The Southern Water logo consists of three stylized, wavy blue lines of varying lengths, positioned to the right of the text 'Southern Water'.



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# 1 Annex 1 – Consultation compliance checklist

## 1.1 Introduction

- 1.1.1 This document includes tables demonstrating the Applicant’s compliance with pre-application statutory requirements related to consultation under the Planning Act 2008 (PA 2008) and related secondary legislation, guidance and advice.
- 1.1.2 Annex 1 (Consultation compliance checklist) reports the evidence for statutory consultation compliance and regard to legislation, guidance and advice, with clear signposting to the underlying evidence within the Consultation Report.

## 1.2 The Planning Act 2008

- 1.2.1 The Planning Act 2008 (PA 2008) provides the primary legislative framework for the development and consent of Nationally Significant Infrastructure Projects (NSIPs) in England and Wales and establishes the Development Consent Order (DCO) regime. A key requirement of the PA 2008 is the undertaking of robust and proportionate pre-application consultation with prescribed statutory bodies, local authorities, and affected communities, ensuring that stakeholder views are identified, considered, and, where appropriate, reflected in the final scheme design prior to submission of a DCO application.
- 1.2.2 The Planning and Infrastructure Act 2025 (PIA 2025) received Royal Assent in December 2025. The majority of pre-application consultation (Summer 2024, Spring 2025, and Autumn 2025) for the Project was undertaken prior to December 2025. Additional targeted consultation (the Spring 2026 Consultations) was undertaken following the PIA 2025 being made. In the absence of published guidance setting out how consultation should be undertaken under the new legislative framework, this further consultation was undertaken in accordance with the PA 2008. Hence Annex 1 (Consultation compliance checklist), presents the consultation activities undertaken in accordance with the PA 2008 prior to the PIA 2025 receiving Royal Assent.
- 1.2.3 Table 1-1 sets out the sections of the PA 2008 that are relevant to pre-application consultation and includes information that evidences the Applicant’s compliance with those provisions. Table 1-1 also outlines where additional information can be found within the Consultation Report.

**Table 1-1 Compliance with the PA 2008**

Requirement	How the Applicant complied
<b>Section 42 Duty to consult</b>	
(1) The applicant must consult the following about the proposed application— (a) such persons as may be prescribed,	(1)(a) The prescribed bodies identified under Section 42 of the PA 2008, with reference to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations 2009) as amended by the Infrastructure Planning (Miscellaneous Provisions)

Requirement	How the Applicant complied
<p>(aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),</p> <p>(b) each local authority that is within section 43,</p> <p>(c) the Greater London Authority if the land is in Greater London, and</p> <p>(d) each person who is within one or more of the categories set out in section 44.</p> <p>(2) The areas are—</p> <p>(a) waters in or adjacent to England up to the seaward limits of the territorial sea;</p> <p>(b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;</p> <p>(c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;</p> <p>(d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions</p>	<p>Regulations 2024, were consulted at the commencement of the Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations as specified in subsection (2). Refer to Table F17-1 in Appendix F.17 (Lists of consultees).</p> <p>(1)(aa) Consultation was undertaken with the Marine Management Organisation (MMO) for the Summer 2024 Consultation and the Spring 2025 Consultation as the Project is likely to affect the waters in or adjacent to England up to the seaward limits of the territorial sea being an area specified in subsection (2)(a) (no other specified areas (2)(b)(c) (d) being affected or likely to be affected by the Project).</p> <p>(1)(b) The Applicant undertook statutory consultation under Section 42(1)(b) with local authorities within Section 43 of the PA 2008. The local authorities identified and consulted on the Project under Section 42(1)(b) at the commencement of the Summer 2024 Consultation, Spring 2025 Consultation and Autumn 2025 Consultation are located within Table F17-2 of Appendix F.17 (Lists of consultees).</p> <p>(1)(c) Consultation on the Project was not undertaken with the Greater London Authority as the Project is not located within Greater London.</p> <p>(1)(d) The Applicant undertook statutory consultation under Section 42(1)(d) of the PA 2008 with each person with land interests in accordance with Section 44 for the purposes of</p>

Requirement	How the Applicant complied
	the statutory consultations Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations.
<b>Section 43 Local authorities for purposes of section 42(1)(b)</b>	
<p>(1) A local authority is within this section if the land is in the authority's area.</p> <p>(2) A local authority (“A”) is within this section if—</p> <p>(a) the land is in the area of another local authority (“B”),</p> <p>(aa) B is a unitary council or a lower-tier district council, and (b) any part of the boundary of A's area is also a part of the boundary of B's area.</p> <p>(2A) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—</p> <p>(a) D is not a lower-tier district council, and</p> <p>(b) any part of the boundary of D's area is also part of the boundary of C's area.</p>	<p>Section 42(1)(b) local authorities are defined in Section 43 of the PA 2008. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities, depending on the tier of the authority and its location in relation to the Project.</p> <p>Local authorities within Section 43 were consulted during the statutory consultations, Summer 2024 Consultation, Spring 2025 Consultation and Autumn 2025 Consultation, as outlined in Table F17-2 in Appendix F.17 (Lists of consultees). The local authorities identified and consulted under each of the corresponding categories are set out below.</p> <p>Category A:</p> <ul style="list-style-type: none"> <li>• Basingstoke and Deane Borough Council</li> <li>• Chichester District Council</li> <li>• Gosport Borough Council</li> <li>• New Forest District Council</li> <li>• New Forest National Park Authority</li> <li>• South Downs National Park Authority</li> <li>• Southampton City Council</li> <li>• Test Valley Borough Council</li> </ul>

Requirement	How the Applicant complied
	<p>Category B:</p> <ul style="list-style-type: none"> <li>• Eastleigh Borough Council</li> <li>• East Hampshire District Council</li> <li>• Fareham Borough Council</li> <li>• Havant Borough Council</li> <li>• Portsmouth City Council</li> <li>• Winchester City Council</li> </ul> <p>Category C:</p> <ul style="list-style-type: none"> <li>• Hampshire County Council</li> </ul> <p>Category D:</p> <ul style="list-style-type: none"> <li>• Dorset Council</li> <li>• Surrey County Council</li> <li>• West Sussex County Council</li> <li>• Wiltshire Council</li> </ul>
<b>Section 44 Categories for purposes of section 42(1)(d)</b>	
<p>(1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.</p> <p>(2) A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person— (a) is interested in the land, or (b) has power— (i) to sell and convey the land, or (ii) to release the land.</p>	<p>The Applicant confirms that all categories of persons falling within the meaning of Section 44 have been consulted.</p> <p>The process used to identify all landowners and persons with interest in land (PIL) that fall within Section 44 is set out in the Book of Reference (Document reference 4.3, DCO Volume 4), and the Consultation Report, through methods including land registry searches and written requests for information. Data refreshes were aligned to</p>

Requirement	How the Applicant complied
<p>(3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.</p> <p>(4) A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled—</p> <p>(a) as a result of the implementing of the order,</p> <p>(b) as a result of the order having been implemented, or</p> <p>(c) as a result of use of the land once the order has been implemented, to make a relevant claim. This is subject to subsection (5).</p> <p>(5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.</p> <p>(6) In subsection (4) “relevant claim” means—</p> <p>(a) a claim under section 10 of the Compulsory Purchase Act 1965 (c. 56) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);</p> <p>(b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works);</p>	<p>consultation milestones to demonstrate diligence and proportionality.</p> <p>Whilst general practice is to obtain Land Registry updates bi-annually, in the early stages of land referencing for the Project, additional refreshes of data were timed to occur prior to key milestones, such as the commencement of Spring 2025 Consultation and Autumn 2025 Consultation.</p> <p>How consultation was carried out with those identified under Section 44 is set out in:</p> <ul style="list-style-type: none"> <li>• Section 9.3 for Summer 2024 Consultation</li> <li>• Section 10.3 for Spring 2025 Consultation</li> <li>• Section 11.3 for Autumn 2025 Consultation</li> <li>• Section 12.3 for Spring 2026 Consultations</li> </ul>

Requirement	How the Applicant complied
(c) a claim under section 152(3).	
<b>Section 45 Timetable for consultation under section 42</b>	
<p>(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.</p> <p>(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> <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>	<p>The Applicant confirms that persons were notified of the deadline for the receipt by the Applicant of response to the statutory consultations; Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations. The Applicant confirms that persons had at least the statutory 28 day period beginning with the day after the day on which the person received the consultation documents to respond to the statutory consultations.</p> <p>The consultation period for each consultation under Section 42 was:</p> <ul style="list-style-type: none"> <li>• Summer 2024 Consultation launched on 29 May and closed on 23 July 2024, therefore allowing 56 days.</li> <li>• Spring 2025 Consultation launched on 4 March and closed on 5 April 2025, therefore allowing 32 days. The Applicant sent a bespoke letter to newly identified Section 42 consultees who were given the opportunity to respond to both statutory Summer 2024 Consultation and Spring 2025 Consultation. These consultees were given the deadline of 11:59 on 5 April 2025 and still gave consultees the statutory 28 days to respond as required, however, the Applicant stated that consultees could request more time to review the material by getting in touch.</li> </ul>

Requirement	How the Applicant complied
	<p>The Applicant confirms that it received no requests for extensions from any of these newly identified consultees.</p> <ul style="list-style-type: none"> <li>• Autumn 2025 Consultation launched on 10 September and closed on 8 October 2025, therefore allowing 28 days. Newly identified Section 42 consultees were given the opportunity to respond to the Summer 2024 Consultation, Spring 2025 Consultation, and Autumn 2025 Consultation. These consultees were given the deadline of 11.59pm on 8 October 2025 and still gave consultees the statutory 28 days to respond as required. However, the Applicant stated that consultees could request more time to review the material by getting in touch. The Applicant confirms that it received no requests for extensions from any of these newly identified consultees.</li> <li>• For the Spring 2026 Consultations, the Otterbourne Water Supply Works (WSW) Consultation launched on 17 March 2026 and closed on 16 April 2026, therefore allowing 30 days. The Kiln Lane Consultation launched on the 18 March 2026 and closed on 17 April 2026, also allowing 30 days to respond.</li> </ul> <p>The Applicant confirms that the consultation documents were supplied by the Applicant to consultees at least the statutory 28 days prior to the deadline for providing comments. The consultation documents provided for the</p>

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	<p>Summer 2024 Consultation are outlined in section 9.2 of the Consultation Report. The consultation documents provided for the Spring 2025 Consultation are outlined in section 10.2 of the Consultation Report. The consultation documents provided for the Autumn 2025 Consultation are outlined in section 11.3 of the Consultation Report. The consultation documents provided for the Spring 2026 Consultations are outlined in section 12.3 of the Consultation Report.</p>
<p><b>Section 46 Duty to notify Secretary of State of proposed application</b></p>	
<p>(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> <p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>In preparation for the Summer 2024 Consultation, the Section 46 notification dated 24 May 2024 was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. Please refer to Appendix F.22 (Section 46 notification). The information provided in accordance with Section 46 comprised PDF versions of the following documents:</p> <ul style="list-style-type: none"> <li>• Template of letter to be sent to consultees set out in section 42(1)(a) to (b) of the PA 2008 (including those prescribed in Schedule 1 to the APFP Regulations 2009 (as amended)).</li> <li>• Template of letter to be sent to Category 1, 2 and 3 persons as defined in Section 44 of the PA 2008 as required by Section 42(1)(d) of the PA 2008; and</li> <li>• Copy of the Section 48 notice.</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 24 May 2024. The</p>

Requirement	How the Applicant complied
	<p>notification under Section 46 was provided on 24 May 2024, the commencement of the Summer 2024 Consultation period was 29 May 2024. The Secretary of State was therefore notified before statutory consultation under Section 42 of the PA 2008 commenced.</p> <p>In preparation for the Spring 2025 Consultation, the Section 46 notification dated 5 March 2025 was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. Please refer to Appendix G.21 (Section 46 notification). The information provided in accordance with Section 46 comprised of PDF versions of the following documents:</p> <ul style="list-style-type: none"> <li>• Template letters sent to consultees set out in Section 42(1)(a) to (b) of the PA 2008 (including those prescribed in Schedule 1 to the APFP Regulations 2009 (as amended)).</li> <li>• Template letters sent to Category 1, 2 and 3 persons as defined in Section 44 of the PA 2008 as required by Section 42(1)(d) of the PA 2008</li> <li>• Copy of Section 48 notice.</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 6 March 2025. The notification under Section 46 was provided on 5 March 2025, the commencement of the Spring 2025 Consultation period was 5 March 2025. The Secretary of State was therefore notified of the statutory consultation under Section 42 of the PA 2008 on commencement.</p>

Requirement	How the Applicant complied
	<p>In preparation for the Autumn 2025 Consultation, the Section 46 notification dated 10 September 2025 was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. Please refer to Appendix H.7 (Section 46 notification). The information provided in accordance with Section 46 comprised of PDF versions of the following documents:</p> <ul style="list-style-type: none"> <li>• A copy of the letter to be sent to Hampshire County Council under Section 42(1)(a), (b) and (d), and Section 44 of the PA 2008.</li> <li>• Template of letters to be sent to Category 1, 2 and 3 persons as defined in Section 44 of the PA 2008 and as required by Section 42(1)(d) and Section 44 of the PA 2008.</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 10 September 2025. The notification under Section 46 was provided on 10 September 2025, the commencement of the Spring 2025 Consultation period was 10 September 2025. The Secretary of State was therefore notified of the statutory consultation under Section 42 of the PA 2008 on commencement.</p> <p>In preparation for the Spring 2026 Consultations, the Section 46 notification dated 16 March 2026 was sent to the Planning Inspectorate notifying the Secretary of State of the proposed application. Please refer to Appendix I.11 (Section 46 notification). For the Otterbourne WSW Consultation, the information provided in accordance with</p>

Requirement	How the Applicant complied
	<p>Section 46 comprised of PDF versions of the following documents:</p> <ul style="list-style-type: none"> <li>• A copy of the letter sent to Southern Water Services Ltd under Section 42(1)(a) and (d), and Section 44 of the PA 2008.</li> <li>• Template of letters to be sent to Category 2 persons as defined in Section 44 of the PA 2008 and as required by Section 42(1)(d) and Section 44 of the PA 2008.</li> <li>• Template of letter to be sent to South Central Ambulance Service NHS Trust as a new Category 1, 2 and 3 persons as defined in Section 44 of the PA 2008 and as required by Section 42(1)(d) and Section 44 of the PA 2008.</li> <li>• Figures 1 and 2.</li> </ul> <p>For the Kiln Lane Consultation, the information provided in accordance with Section 46 comprised of PDF versions of the following documents:</p> <ul style="list-style-type: none"> <li>• A copy of the letter sent to Hampshire County Council under Section 42(1)(a) and (d), and Section 44 of the PA 2008.</li> <li>• A copy of the letter sent to National Highways under Section 42(1)(d), and Section 44 of the PA 2008.</li> <li>• Template of letters to be sent to existing Category 1, 2 and 3 persons as defined in Section 44 of the PA 2008 and as required by Section 42(1)(d) and Section 44 of the PA 2008.</li> </ul>

Requirement	How the Applicant complied
	<ul style="list-style-type: none"> <li>• Template of letters to be sent to existing Category 2 persons as defined in Section 44 of the PA 2008 and as required by Section 42(1)(d) and Section 44 of the PA 2008, who also have an interest in land affected by the consultation on a design refinement at the Kiln Lane/Main Road junction.</li> <li>• Figure 1.</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 17 March 2026. The notification under Section 46 was provided on 16 March 2026, the commencement of the Spring 2026 Consultations period was 17 March 2026. The Secretary of State was therefore notified before statutory consultation under Section 42 of the PA 2008 commenced.</p>
<p><b>Section 47 Duty to consult local community</b></p>	
<p>(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> <p>(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p> <p>(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</p>	<p>The Applicant prepared a Statement of Community Consultation (SoCC) on how it intended to carry out consultation in accordance with Section 47(1) of the PA 2008. A copy of the 2024 SoCC can be found in Appendix E.9 (2024 SoCC).</p> <p>The Applicant consulted with each of the local authorities that are within Section 43(1) between 22 March 2024 and 19 April 2024. On 21 March 2024, the Applicant shared a draft SoCC with local authorities and comments were requested by 19 April 2024, allowing at least 28 days (beginning with the day after the day on which the</p>

Requirement	How the Applicant complied
<p>begins with the day after the day on which the local authority receives the consultation documents.</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>(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>(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>(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>document is received). Consultation with East Hampshire District Council commenced on 17 April 2024, and comments were requested by 15 May 2024, allowing at least 28 days. The local authorities are East Hampshire District Council, Eastleigh Borough Council, Fareham Borough Council, Hampshire County Council, Havant Borough Council, Portsmouth City Council, and Winchester City Council. Please refer to Chapter 8 of the Consultation Report for detail about the comments received from local authorities, how they influenced the final 2024 SoCC, and the Applicant’s response.</p> <p>The 2024 SoCC was made available online at the dedicated consultation website on 28 May 2024, and for the duration of the statutory consultation.</p> <p>The 2024 SoCC was also made available at the following deposit locations from 29 May to 23 July 2024:</p> <ul style="list-style-type: none"> <li>• Bishop’s Waltham Library, Free Street, Bishop's Waltham, Southampton SO32 1EE.</li> <li>• Cosham Library, Spur Road, Cosham, Portsmouth, PO6 3EB.</li> <li>• Eastleigh Library, 1ST Floor, Swan Centre, Eastleigh, SO50 5S.</li> <li>• Fair Oak Community Library, Fair Oak Community Library, Campbell Way, SO50 7AX.</li> <li>• Fareham Library, Osborn Road, Fareham, PO16 7EN.</li> </ul>

Requirement	How the Applicant complied
	<ul style="list-style-type: none"> <li>• Havant Library, Havant Meridian Centre, Havant, PO9 1UN.</li> <li>• Leigh Park Library, 50 Park Parade, Leigh Park, PO9 5AB.</li> <li>• Paulsgrove Library, Marsden Road, Portsmouth, PO6 4JB.</li> <li>• Waterlooville Library, The Precinct, Waterlooville, PO7 7DT.</li> </ul> <p>In accordance with Sections 47(6)(a) and (b), Section 47 notices were placed in the following local newspapers circulated in the vicinity of the Project:</p> <ul style="list-style-type: none"> <li>• The News (Portsmouth) on 27 May 2024</li> <li>• Southern Daily Echo on 27 May 2024</li> <li>• Hampshire Chronicle on 30 May 2024</li> </ul> <p>The Applicant then undertook its Summer 2024 Consultation in accordance with its commitments as set out in the 2024 SoCC. Please refer to Table 5-8 of the Consultation Report which outlines the Applicant’s conformity with the 2024 SoCC.</p> <p>The Applicant produced Appendix G.5 (Approach to Consultation Document) as part of Spring 2025 Consultation which outlined that the Spring 2025 Consultation would be undertaken in accordance with the principles set out in the 2024 SoCC whereby these principles applied to all statutory consultations undertaken by the Applicant.</p>

Requirement	How the Applicant complied
<b>Section 48 Duty to publicise</b>	
<p>(1) The applicant must publicise the proposed application in the prescribed manner.</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 Summer 2024 Consultation Section 48 notice was prepared and published in accordance with Regulation 4(2) of the APFP Regulations 2009 (as amended) in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Two successive weeks in the Hampshire Chronicle which published on:                             <ul style="list-style-type: none"> <li>○ 23 May 2024; and</li> <li>○ 30 May 2024.</li> </ul> </li> <li>• Two successive weeks in the Southern Daily Echo which published on:                             <ul style="list-style-type: none"> <li>○ 22 May 2024; and</li> <li>○ 31 May 2024.</li> </ul> </li> <li>• Two successive weeks in The News Portsmouth which published on:                             <ul style="list-style-type: none"> <li>○ 22 May 2024; and</li> <li>○ 31 May 2024.</li> </ul> </li> <li>• Two successive weeks in the Hampshire Independent which published on:                             <ul style="list-style-type: none"> <li>○ 24 May 2024; and</li> <li>○ 31 May 2024</li> </ul> </li> <li>• Once in The Times which published 5 June 2024</li> <li>• Once in the London Gazette which published on 29 May 2024</li> </ul> <p>The Applicant confirms that the notice included a deadline by which responses should be received of 11:59 on 23 July</p>

Requirement	How the Applicant complied
	<p>2024. Copies of the notices can be found in Appendix F.21 (Section 48 published notices).</p> <p>The Spring 2025 Consultation Section 48 notice was prepared and published in accordance with Regulation 4(2) of the APFP Regulations 2009 (as amended) in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Two successive weeks in the Portsmouth News which published on:                             <ul style="list-style-type: none"> <li>○ 5 March 2025; and</li> <li>○ 12 March 2025</li> </ul> </li> <li>• Two successive weeks in the Southern Daily Echo which published on:                             <ul style="list-style-type: none"> <li>○ 5 March 2025; and</li> <li>○ 12 March 2025</li> </ul> </li> <li>• Two successive weeks in the Hampshire Chronicle which published on:                             <ul style="list-style-type: none"> <li>○ 6 March 2025; and</li> <li>○ 13 March 2025</li> </ul> </li> <li>• Once in The Times which published on 4 March 2025; and</li> <li>• Once in the London Gazette which published on 4 March 2025</li> </ul> <p>The Applicant confirms that the notice included a deadline by which responses should be received of 11:59 on 5 April 2025. Copies of the notices can be found in Appendix G.24 (Section 48 published notices).</p>

Requirement	How the Applicant complied
	<p>The Project does not involve land in Scotland and as such there was no requirement to publish a notice in the Edinburgh Gazette.</p> <p>Although an existing outfall in the Solent is proposed to be used (the Eastney Long Sea Outfall (LSO)) there would be no physical change to the existing pipeline so no construction at the LSO is required as part of the Project.</p> <p>As such there was no requirement to publish a notice in the Lloyds List or within an appropriate fishing journal. There would be some changes to the connecting infrastructure and what is released from the pipeline which could impact inshore waters and therefore the MMO has been consulted. In addition, the proposed Sustainable Drainage System (SuDS) outfall would comprise works in an inshore environment and furthermore do not occur in a fisheries or navigation corridor area. These works were, nevertheless, included in the Spring 2025 Consultation, and the MMO, Maritime and Coastguard Agency, The Canal and River Trust, Trinity House and RNLI were consulted.</p>
<b>Section 49 Duty to take account of responses to consultation and publicity</b>	
<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>The consideration of relevant responses received to consultation and publicity has been set out in the following locations:</p> <ul style="list-style-type: none"> <li>• Summer 2024 Consultation                         <ul style="list-style-type: none"> <li>○ Section 9.7 of the Consultation Report; and</li> </ul> </li> </ul>

Requirement	How the Applicant complied
<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>	<ul style="list-style-type: none"> <li>○ Appendix F.29 (The Applicant’s response to feedback)</li> <li>● Spring 2025 Consultation                         <ul style="list-style-type: none"> <li>○ Section 10.7 of the Consultation Report; and</li> <li>○ Appendix G.25 (The Applicant’s response to feedback)</li> </ul> </li> <li>● Autumn 2025 Consultation                         <ul style="list-style-type: none"> <li>○ Section 11.7 of the Consultation Report; and</li> <li>○ Appendix H.9 (The Applicant’s response to feedback)</li> </ul> </li> <li>● Spring 2026 Consultations                         <ul style="list-style-type: none"> <li>○ Section 12.7 of the Consultation Report; and</li> <li>○ Appendix I.13 (The Applicant’s response to feedback)</li> </ul> </li> </ul>
<b>Section 50 Guidance about pre-application procedure</b>	
<p>(1) Guidance may be issued about how to comply with the requirements of this Chapter.</p> <p>(2) Guidance under this section may be issued by the Secretary of State.</p> <p>(3) The applicant must have regard to any guidance under this section.</p>	<p>The Applicant confirms that it has had regard to the following guidance about pre-application procedure:</p> <ul style="list-style-type: none"> <li>● In Table 1-4, the Applicant’s regard to the Department for Levelling Up, Housing and Communities (2024) Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (‘Pre-application Guidance 2024’). The Applicant notes that the Department for</li> </ul>

Requirement	How the Applicant complied
	<p>Communities and Local Government (2015) Guidance on the pre-application process was withdrawn on 30 April 2024 but was the relevant statutory guidance in force when the Applicant initiated its SoCC preparation and early consultation activity.</p> <ul style="list-style-type: none"> <li>In Table 1-5, the Applicant's regard to the Ministry of Housing, Communities and Local Government (2020) Guidance on procedural requirements for major infrastructure projects.</li> </ul>
<b>Section 51 Advice for potential applicants and others</b>	
<p>(1) This section applies to advice about—</p> <p>(a) applying for an order granting development consent;</p> <p>(b) making representations about an application, or a proposed application, for such an order.</p> <p>(3) The Secretary of State may by regulations make provision about the giving of advice to which this section applies.</p> <p>(4) In particular, regulations under subsection (3) may make provision that has the effect that—</p> <p>(a) a request for advice made by an applicant, potential applicant or other person, or</p> <p>(b) advice given to an applicant, potential applicant or other person,</p>	<p>The Applicant confirms that it has had regard to the following published advice about pre-application procedure:</p> <ul style="list-style-type: none"> <li>In Table 1-6, the Applicant's regard to the Planning Inspectorate (2024, updated 2025), Nationally Significant Infrastructure Projects: Advice on the Consultation Report.</li> <li>In Table 1-7, the Applicant's regard to the Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus ('Pre-application Prospectus 2024').</li> <li>In Table 1-8, the Applicant's regard to the Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation.</li> </ul>

Requirement	How the Applicant complied
must be, or may be, disclosed by the Secretary of State to other persons or to the public generally.	Please also refer to Appendix A.1 (Regard to Section 51 advice) which demonstrates the Applicant’s regard to further pre-application advice in the form of the Advice Log, pursuant to Section 51 of the PA 2008.

### 1.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

1.3.1 Table 1-2 below sets out the key sections of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the ‘EIA Regulations’, which are relevant to pre-application consultation. The table includes information on where further information regarding evidence of compliance can be found within the Consultation Report.

**Table 1-2 Compliance with the EIA Regulations**

Regulation	How the Applicant complied
<b>8. Procedure for establishing whether environmental impact assessment is required</b>	
<p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42(1) (duty to consult) either—</p> <p>(a) ask 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>The Applicant made a request to the Planning Inspectorate (acting on behalf of the Secretary of State) for an EIA Scoping Opinion on 21 July 2023, and at the same time notified the Secretary of State under Regulation 8(1)(b) that the Applicant proposed to provide an Environmental Statement in respect of the Project. Please refer to ES Appendix 5.1 Scoping Opinion, Volume II (Document Reference 6.2, DCO Volume 6).</p>

Regulation	How the Applicant complied
<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>	<p>On 21 July 2023, ES Appendix 5.2 Scoping Report, Volume II (Document Reference 6.2, DCO Volume 6) was submitted to the Planning Inspectorate. ES Appendix 5.2 Scoping Report, Volume II (Document Reference 6.2, DCO Volume 6) included:</p> <ul style="list-style-type: none"> <li>• A plan sufficient to identify the land.</li> <li>• A description of the Project, including the physical characteristics of the whole development and a description of the location of the development.</li> <li>• A description of the aspects of the environment likely to be significantly affected by the development.</li> <li>• To the extent the information is available, a description of any likely significant effects of the development on the environment resulting from the expected residues and emissions and the production of waste, where relevant; and the use of natural resources, in particular soil, land, water and biodiversity.</li> </ul>
<p><b>12. Consultation statement requirements</b></p>	

Regulation	How the Applicant complied
<p>(1) The consultation statement prepared under section 47(1) (duty to consult local community) must set out—</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p> <p>(2) In this regulation, “preliminary environmental information” means information referred to in regulation 14(2) which—</p> <p>(a) has been compiled by the applicant; and;</p> <p>(b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development).</p>	<p>The 2024 SoCC was prepared and made available for inspection on 29 May 2024 both online and available at deposit locations. The 2024 SoCC provided information on how the Applicant intended to publicise and consult on the preliminary environmental information. A copy of the 2024 SoCC is enclosed in Appendix E.9 (2024 SoCC).</p> <p>The information below (contained within Section 6 of the 2024 SoCC) was included to demonstrate how the Applicant informed the public that it intends to apply for a Development Consent Order (DCO) and that the Project is EIA development. The Applicant also confirmed that Summer 2024 Consultation would include the publication of a Preliminary Environmental Information (PEI) Report, providing preliminary information on the potential likely significant environmental effects of the Project. Sections of the 2024 SoCC are outlined below for reference.</p> <p>Section 6</p> <p><i>‘The Project is one for which an Environmental Impact Assessment is required. Environmental Impact Assessment is a process where the likely significant environmental effects of a project are studied, surveys are carried out and mitigation measures (aimed at avoiding, reducing, managing, or compensating for environmental impacts) are identified.’</i></p> <p><i>‘The consultation will include the publication of the Preliminary Environmental Information Report, providing</i></p>

Regulation	How the Applicant complied
	<p><i>information on the likely significant environmental effects of the Project. The Preliminary Environmental Information Report will provide environmental information and early assessment outcomes known at this stage of the Project, to help understanding and those responding to the consultation make informed responses about the proposals. The environmental assessments undertaken to date represent a point in the assessment process when the design of the Project is still in development, and the likely significant effects are continuing to be understood. Measures to address environmental effects will continue to be considered, and feedback from this consultation will continue to help inform the design development of the Project. Detailed environmental information, including the findings of our Environmental Impact Assessment, will be provided in the Environmental Statement that will be submitted as part of the DCO application.'</i></p> <p>The Applicant confirmed that it provided a PEI Report as part of the Summer 2024 Consultation material. The PEI Report described the likely significant environmental effects of the Project so consultation bodies could develop an informed view.</p> <p>The Applicant complied with the 2024 SoCC and provided the full PEI Report available to view/download, on the dedicated consultation website along with the full PEI Report available at deposit locations.</p>

Regulation	How the Applicant complied
<b>13. Pre-application publicity under section 48 (duty to publicise)</b>	
<p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>	<p>For all statutory consultations, Summer 2024 Consultation and Spring 2025 Consultation (apart from Autumn 2025 Consultation which was targeted in nature so no noticing under Section 48 was required), the respective Section 48 notices were enclosed alongside the notification letters and sent to all Section 42(1)(a), (aa), (b), and (d) consultees under the PA 2008 prior to the launch of the statutory consultations with the view that letters would arrive with consultees by 29 May 2024 and 5 March 2025 respectively. This included the persons notified to the applicant in accordance with Regulation 11(1)(c) whereby only one was identified, Royal National Lifeboat Institution (RNLI) therefore encompassing the persons consulted as defined in the EIA Regulations.</p> <p>For the Summer 2024 Consultation, please see:</p> <ul style="list-style-type: none"> <li>• Appendix F.19 (Section 42(1)(a), (aa) and (b) cover letter - prescribed bodies)</li> <li>• Appendix F.20 (Section 42(1)(d) cover letter – landowners)</li> </ul> <p>For the Spring 2025 Consultation, please see:</p> <ul style="list-style-type: none"> <li>• Appendix G.15 (Section 42(1)(a), (aa) and (b) cover letter – existing consultees)</li> <li>• Appendix G.16 (Section 42(1)(a), (aa) and (b) cover letter – new consultees)</li> </ul>

Regulation	How the Applicant complied
	<ul style="list-style-type: none"><li>• Appendix G.17 (Section 42(1)(d) and 44 cover letter – existing landowners)</li><li>• Appendix G.18 (Section 42(1)(d) and 44 cover letter – new landowners)</li><li>• Appendix G.19 (Bespoke Section 42 cover letter for West Thorney Parish Council)</li></ul>

## 1.4 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

1.4.1 Table 1-3 below demonstrates how the Applicant has complied with the provisions relevant to pre-application consultation contained in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, ('the APFP Regulations 2009'), as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024.

**Table 1-3 Compliance with the APFP Regulations 2009 (as amended)**

Regulation	How the Applicant complied
<b>3. Prescribed consultees</b>	
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.	The 'prescribed consultees' for the purpose of Section 42(1)(a) are set out in Regulation 3 and Schedule 1 of the APFP Regulations 2009 (as amended). The consultees from Schedule 1 who were consulted in respect of the Project pursuant to section 42(1)(a) are set out in Table F17-1 of Appendix F.17 (Lists of consultees).
<b>4. Publicising a proposed application</b>	
(1) This regulation prescribes for the purpose of section 48(1) (duty to publicise), the manner in which an applicant must publicise a proposed application.	The Applicant prepared and published Section 48 notices in the manner prescribed by the APFP Regulations 2009 (as amended). Copies of the published Section 48 notices can be found in Appendix F.21 (Section 48 published notices) for the Summer 2024 Consultation, and Appendix G.24 (Section 48 published notices) for the Spring 2025 Consultation.  The Applicant confirms that no Section 48 notice was produced nor distributed for the Autumn 2025 Consultation or Spring 2026

Regulation	How the Applicant complied
	<p>Consultations due to their targeted nature. Therefore, Section 48 notices were not required.</p>
<p>(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation of the proposed application—</p> <p>(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p> <p>(b) once in a national newspaper;</p> <p>(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 confirms that in accordance with regulation 4(2) the prescribed notices were publicised for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Project would be situated. The Applicant confirms that the notice was published once in a national newspaper, and once in the London Gazette. The Applicant also confirms that, as explained in Table 1-1, the Project is not an offshore development, therefore there was no requirement to publish the notice in Lloyd’s list, nor in an appropriate fishing trade journal.</p> <p>Please refer to Table 1-1 under ‘Section 48 Duty to publicise’ for detail of when the notices were published at each statutory consultation, apart from Autumn 2025 Consultation and Spring 2026 Consultations which were targeted in nature so no noticing under Section 48 was required. Please refer to section 9.6 and section 10.6 of the Consultation Report for further details of where notices were placed and when.</p>
<p>(3) The matters which the notice must include are—</p>	<p>The Applicant confirms it included all information as required under regulation 4(3). Copies of the Applicant’s relevant Section 48 notices can be found in:</p> <ul style="list-style-type: none"> <li>• Appendix F.21 (Section 48 published notices); and</li> </ul>

Regulation	How the Applicant complied	
	<ul style="list-style-type: none"> <li>Appendix G.24 (Section 48 published notices).</li> </ul>	
	<b>Wording included in the Summer 2024 Consultation Section 48 notice</b>	<b>Wording included in the Spring 2025 Consultation Section 48 notice</b>
(a) the name and address of the applicant;	<i>'Notice is hereby given that Southern Water Services Limited (Company number 02366670) ("the Applicant") of Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX...'</i>	<i>Southern Water Services Limited (Company number 02366670) ("the Applicant") of Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX...'</i>
(b) a statement that the applicant intends to make an application for development consent to the Commission;	<i>'...intends to make an application to the Secretary of State for Environment, Food and Rural Affairs under Section 37 of the Planning Act 2008 for a Development Consent Order ("DCO"). The DCO, if granted, would authorise the construction, operation, maintenance and decommissioning of the Hampshire Water Transfer and Water Recycling Project (the "Project").'</i>	<i>'...intends to make an application to the Secretary of State for Environment, Food and Rural Affairs under Section 37 of the Planning Act 2008 for a Development Consent Order ("DCO"). The DCO, if granted, would authorise the construction, operation, maintenance and decommissioning of the Hampshire Water Transfer and Water Recycling Project (the "Project").'</i>

Regulation	How the Applicant complied	
(c) a statement as to whether the application is EIA development;	<i>'The Project is an Environmental Impact Assessment ("EIA") development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This means that the proposed works constitute development for which an EIA is required and the application for a DCO will therefore be accompanied by an Environmental Statement.'</i>	<i>'The Project is an Environmental Impact Assessment ("EIA") development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This means that the proposed works constitute development for which an EIA is required and the application for a DCO will therefore be accompanied by an Environmental Statement.'</i>
(d) a summary of the main proposals, specifying the location or route of the proposed development;	See section 2 of the Section 48 notice.	See section 2 of the Section 48 notice.
(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 sub-paragraph (i));	<i>'During this time.... Consultation documents, plans and maps showing the nature and location of the Project and which explain the Applicant's consultation process and details of the Project (together, the "Consultation Documents") may be viewed on the Project's website at: www.HampshireWTWRP.'</i>	<i>'All of the Supplementary Consultation Materials are available to read, download and print on the Project's website at: www.HampshireWTWRP.co.uk/consultation/html. These will be available until at least 4 April 2025.'</i>

Regulation	How the Applicant complied	
	<p><i>co.uk/feedback.html. The Consultation Documents will be available to read, download and print from 29 May 2024 to 23 July 2024.'</i></p> <p><i>'The Consultation Documents are also available for inspection free of charge at the following deposit locations from 29 May 2024 to 23 July 2024:</i></p> <p>Followed by a table detailing 9 deposit locations names and addresses.</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><i>'Hard copies of the Consultation Documents can be provided at a fee: £350 for all Consultation Documents including the PEI Report, or £100 for all Consultation Documents excluding the PEI Report.'</i></p>	<p><i>'Hard copies of the Supplementary Consultation Materials can be provided free of charge.'</i></p>
<p>(h) details of how to respond to the publicity; and</p>	<p><i>'Feedback can be provided through the Applicant's website at <a href="http://www.HampshireWTWRP.co.uk">www.HampshireWTWRP.co.uk</a>, by email at <a href="mailto:FeedbackHWTWRP@southernwater.co.uk">FeedbackHWTWRP@southernwater.co.uk</a> or by post to FREEPOST HAMPSHIRE</i></p>	<p><i>'Feedback can be provided through the Applicant's website at <a href="http://www.HampshireWTWRP.co.uk">www.HampshireWTWRP.co.uk</a>, by email to <a href="mailto:FeedbackHWTWRP@southernwater.co.uk">FeedbackHWTWRP@southernwater.co.uk</a>, or by post</i></p>

Regulation	How the Applicant complied	
	<p><i>WTWRP CONSULTATION. Hardcopy feedback forms will also be available by request at public information events or at the public document inspection locations.'</i></p> <p><i>'Any responses to or other representations in respect of the Project can also be sent to the applicant by email FeedbackHWTWRP@southernwater.co.uk or by post (free of charge) to FREEPOST HAMPSHIRE WTWRP CONSULTATION.'</i></p>	<p><i>to FREEPOST HAMPSHIRE WTWRP CONSULTATION.</i></p> <p><i>'Any responses to or other representations in respect of the Project can also be sent to the applicant by email FeedbackHWTWRP@southernwater.co.uk or by post (free of charge) to FREEPOST HAMPSHIRE WTWRP CONSULTATION.'</i></p>
<p>(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>	<p><i>'All responses or representations in respect of the Project must be received by the Applicant on or before 11.59pm on 23 July 2024.'</i></p> <p>23 July 2024 was in excess of 28 days after the date when the last notice was published.</p>	<p><i>Any person can provide a response or representation in respect of this supplementary consultation. Any such response or representation must be received by the Applicant on or before 11.59pm on 4 April 2025.'</i></p> <p>4 April 2025 was in excess of 28 days after the date when the last notice was published.</p>

## 1.5 Department for Levelling Up, Housing and Communities (2024) Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects

- 1.5.1 The Applicant undertook four statutory consultations, referred to as Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation, and Spring 2026 Consultations hereafter. The Applicant notes that the guidance on the pre-application process (Department for Communities and Local Government, March 2015) was withdrawn on 30 April 2024 but was the relevant statutory guidance in force when the Applicant initiated its 2024 SoCC preparation and early consultation activity. However, the Applicant has had regard to the Department for Levelling Up, Housing and Communities (2024) Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (the ‘Pre-application Guidance 2024’) for the Summer 2024 Consultation and subsequent consultations.
- 1.5.2 The PIA 2025 received Royal Assent in December 2025, however the majority of pre-application consultation (Summer 2024, Spring 2025, and Autumn 2025) for the Project was undertaken prior to December 2025. Additional targeted consultation (the Spring 2026 Consultations) was undertaken following the PIA 2025 receiving Royal Assent. In the absence of published guidance setting out how consultation should be undertaken under the new legislative framework, this further consultation was undertaken in accordance with the PA 2008 and associated guidance.
- 1.5.3 Table 1-4 outlines how the Applicant has met requirements of the Pre-application Guidance 2024 relevant to the pre-application statutory consultations undertaken by the Applicant on the Project.

**Table 1-4 The Applicant’s regard to the Pre-application Guidance 2024**

Reference	Guidance	The Applicant’s regard to guidance
<b>What is the purpose of the pre-application stage?</b>		
004	The overriding objective of this guidance is to encourage a pre-application process which is effective and proportionate to the nature of the proposed project. This must ensure that the legal requirements of the Planning Act and the EIA Regulations 2017 are met, particularly involving	Table 1-1 and Table 1-2 demonstrate how the Applicant has complied with the legal requirements of the PA 2008 and the EIA Regulations relevant to the pre-application consultation of the Project.

Reference	Guidance	The Applicant's regard to guidance
	<p>consultation stages and the early consideration of alternatives. At the same time, pre-application processes should not be unnecessarily time-consuming and burdensome for the Applicant, consultees, and communities affected by the proposal.</p>	
	<p>Chapter 2 of Part 5 of the Planning Act sets out statutory requirements for applicants to engage in pre-application consultation with local communities, local authorities, statutory consultees and those who would be directly affected by the project. This includes the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in section 42(2) of the Planning Act. The front-loaded emphasis on consultation in the NSIP consenting process is designed to ensure a good standard of preparation of applications enabling efficient acceptance and post-acceptance stages.</p>	<p>The Applicant has undertaken meaningful engagement and consultation with the local community, persons with an interest in land, local authorities, statutory consultees, and other relevant stakeholders.</p> <p>The Applicant has consulted with the MMO for the Summer 2024 Consultation and the Spring 2025 Consultation as the Project could impact waters in or adjacent to England up to the seaward limits. Please see section 9.3 of the Consultation Report for more information.</p>
<p><b>How is the pre-application stage structured?</b></p>		
005	<p>The pre-application stage includes work that an Applicant will undertake to prepare their application through to its submission to the</p>	<p>The Applicant developed a SoCC, the 2024 SoCC, in accordance with Section 47 of the PA 2008. The Applicant consulted local authorities on the draft 2024 SoCC between 22 March 2024 and 19 April 2024.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>Planning Inspectorate. Key statutory milestones during preapplication include:</p> <ul style="list-style-type: none"> <li>• Consultation on, and publication of, a Statement of Community Consultation (SoCC)</li> </ul>	<p>Appendix E.11 (Section 47 published notices) evidence the publication of the 2024 SoCC. See Chapter 8 of the Consultation Report.</p>
	<ul style="list-style-type: none"> <li>• Where applicable, preparation of a screening opinion, scoping opinion and preliminary environmental information associated with any Environmental Statement to be submitted as part of the application</li> </ul>	<p>The Applicant prepared and submitted an EIA Scoping Opinion on 21 July 2023. Preliminary environmental information in the form of the PEI Report was consulted on at the Summer 2024 Consultation between 29 May 2024 and 23 July 2024. An Environmental Statement is submitted as part of the DCO application.</p>
	<ul style="list-style-type: none"> <li>• Notification of the proposed application to the Planning Inspectorate acting on behalf of the Secretary of State</li> </ul>	<p>Ahead of the Summer 2024 Consultation, the Applicant wrote to the Planning Inspectorate (acting on behalf of the Secretary of State) on 24 May 2024 by letter and email, please refer to Appendix F.22 (Section 46 notification).</p> <p>Ahead of the Spring 2025 Consultation, the Applicant wrote to the Planning Inspectorate (acting on behalf of the Secretary of State) on 5 March 2025 by letter and email, please refer to Appendix G.21 (Section 46 notification).</p> <p>Ahead of the Autumn 2025 Consultation, the Applicant wrote to the Planning Inspectorate (acting on behalf of the Secretary of State) on 10 September 2025, via</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>email, please refer to Appendix H.7 (Section 46 notification).</p> <p>Ahead of the Spring 2026 Consultations, the Applicant wrote to the Planning Inspectorate (acting on behalf of the Secretary of State) on 16 March 2026, via email, please refer to Appendix I.11 (Section 46 notification).</p> <p>These notifications were in accordance with Section 46(1) of the PA 2008 and each case set out the Applicant's intention to submit an application for development consent, and notifying the Planning Inspectorate that the Applicant would be shortly undertaking a period of statutory consultation.</p>
	<ul style="list-style-type: none"> <li>Statutory consultation with specified bodies, any persons with interests in the affected land, and communities</li> </ul>	<p>The Applicant confirms it has undertaken statutory consultation with specified bodies, any persons with interests in the affected land, and communities in accordance with Section 42 and Section 47 of the PA 2008. Further information can be found in the below chapters:</p> <ul style="list-style-type: none"> <li>Chapter 9 Summer 2024 Consultation</li> <li>Chapter 10 Spring 2025 Consultation</li> <li>Chapter 11 Autumn 2025 Consultation</li> <li>Chapter 12 for Spring 2026 Consultations.</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>Preparation of a consultation report</li> </ul>	In accordance with Section 37(3)(c), the Applicant has prepared and submitted a Consultation Report (Document Reference 5.1, DCO Volume 5).
	<ul style="list-style-type: none"> <li>Submission of the application documentation to the Planning Inspectorate.</li> </ul>	The Applicant confirms that it has prepared and submitted the DCO application documentation to the Planning Inspectorate.
<p><b>What statutory requirements does the applicant need to comply with during the pre-application stage?</b></p>		
006	During the pre-application stage an applicant must: <ul style="list-style-type: none"> <li>Notify the Planning Inspectorate acting on behalf of the Secretary of State of the proposed application on or before commencing statutorily required consultation under Section 46 of the Planning Act, principally with statutory bodies, local authorities and persons with interests in the land</li> </ul>	Please refer to the following sections of the Consultation Report for evidence of how the Applicant has notified the Planning Inspectorate at each statutory consultation: <ul style="list-style-type: none"> <li>Section 9.4 for the Summer 2024 Consultation and Appendix F.22 (Section 46 notification)</li> <li>Section 10.4 for the Spring 2025 Consultation and Appendix G.20 (Section 46 notification)</li> <li>Section 11.4 for the Autumn 2025 Consultation and Appendix H.7 (Section 46 notification)</li> <li>Section 12.4 for the Spring 2026 Consultations and Appendix I.11 (Section 46 notification).</li> </ul>
	<ul style="list-style-type: none"> <li>Notify the Planning Inspectorate on behalf of the Secretary of State that they intend to provide an Environmental Statement in respect of the proposed development, or</li> </ul>	The Applicant made a request to the Planning Inspectorate (acting on behalf of the Secretary of State) for an EIA Scoping Opinion on 21 July 2023, and at the same time notified the Secretary of State under

Reference	Guidance	The Applicant's regard to guidance
	<p>that they will be asking the Planning Inspectorate on behalf of the Secretary of State to adopt a screening opinion ahead of submitting the application (Regulation 8 of the EIA Regulations 2017); this should be informed by early engagement with interested parties before formal consultation under Section 42 of the Planning Act</p>	<p>Regulation 8(1)(b) that the Applicant proposed to provide an Environmental Statement in respect of the Project. Please refer to ES Appendix 5.1 Scoping Opinion, Volume II (Document Reference 6.2, DCO Volume 6). An EIA Scoping Opinion was adopted by the Planning Inspectorate on behalf of the Secretary of State on 31 August 2023. Please refer to Chapter 7 of the Consultation Report for more information.</p> <p>On page 9 of the 2024 SoCC, the Applicant explained that an EIA for the Project was required.</p>
	<ul style="list-style-type: none"> <li>Prepare a statement in consultation with the relevant local authority or authorities, commonly termed the Statement of Community Consultation ("SoCC"), which describes how the Applicant proposes to consult the local community about their project and then carry out consultation in accordance with that statement, as required by Section 47 of the Planning Act and Regulation 12 of the EIA Regulations 2017</li> </ul>	<p>In accordance with Section 47 of the PA 2008 and Regulation 12 of the EIA Regulations the Applicant prepared the 2024 SoCC. Table 9-6 of the Consultation Report provides the evidence explaining how the Applicant undertook the Summer 2024 Consultation in accordance with the commitments made in the 2024 SoCC.</p>
	<ul style="list-style-type: none"> <li>Make the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, publishing the statement and a</li> </ul>	<p>The 2024 SoCC was made available online at the dedicated consultation website on 28 May 2024, and for the duration of the statutory consultation.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>newspaper notice stating where and when the statement can be inspected, as required by Section 47 of the Planning Act</p>	<p>The 2024 SoCC was also made available at the following deposit locations from 29 May to 23 July 2024:</p> <ul style="list-style-type: none"> <li>• Bishop's Waltham Library, Free Street, Bishop's Waltham, Southampton SO32 1EE.</li> <li>• Cosham Library, Spur Road, Cosham, Portsmouth, PO6 3EB.</li> <li>• Eastleigh Library, 1ST Floor, Swan Centre, Eastleigh, SO50 5S.</li> <li>• Fair Oak Community Library, Fair Oak Community Library, Campbell Way, SO50 7AX.</li> <li>• Fareham Library, Osborn Road, Fareham, PO16 7EN.</li> <li>• Havant Library, Havant Meridian Centre, Havant, PO9 1UN.</li> <li>• Leigh Park Library, 50 Park Parade, Leigh Park, PO9 5AB.</li> <li>• Paulsgrove Library, Marsden Road, Portsmouth, PO6 4JB.</li> <li>• Waterlooville Library, The Precinct, Waterlooville, PO7 7DT.</li> </ul> <p>In accordance with Sections 47(6)(a) and (b), Section 47 notices were placed in the following local newspapers circulated in the vicinity of the Project:</p> <ul style="list-style-type: none"> <li>• The News (Portsmouth) on 27 May 2024</li> <li>• Southern Daily Echo on 27 May 2024</li> <li>• Hampshire Chronicle on 30 May 2024</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
		<p>The Applicant produced Appendix G.5 (Approach to Consultation Document) as part of Spring 2025 Consultation which outlined that the Spring 2025 Consultation would be undertaken in accordance with the principles set out in the 2024 SoCC. The Approach to Consultation document also sets out the Applicant's rationale for not producing an updated SoCC for the subsequent consultations (Spring 2025, Autumn 2025 and Spring 2026). This rationale was based on the provision in the 2024 SoCC which states <i>"if we deem a significant change is made to the Project as a whole, or new statutory consultees are affected, we will consider further targeted and proportionate consultation beyond what is specified in this document, to help inform the final design of the Project. If further consultation is carried out, we will provide appropriate notification to relevant stakeholders who may be affected by the change(s) in question"</i></p>
	<ul style="list-style-type: none"> <li>Identify and consult statutory consultees, local authorities and all persons with land interests as required by Section 42 of the Planning Act and Regulation 3 and Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ("the APFP Regulations 2009")</li> </ul>	<p>The identification of statutory consultees is explained in sections 9.3, 10.3 and 11.3 of the Consultation Report. The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 came into force on 30 April 2024 which amended the APFP Regulations 2009, therefore, as this was prior to the Summer 2024 Consultation period commencing, the Applicant was required to identify and consult Section 42 consultees in</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>accordance with the amended APFP Regulations 2009 to ensure adequate consultation was undertaken. Statutory consultees, local authorities and PILs notified at each pre-application consultation are listed in Tables F17-1, F17-2 and F17-3 in Appendix F.17 (Lists of consultees).</p>
	<ul style="list-style-type: none"> <li>Publicise the proposed application in accordance with Section 48 of the Planning Act, Regulation 13 of the EIA Regulations 2017 and Regulation 4 of the APFP Regulations 2009</li> </ul>	<p>The Applicant confirms that the Summer 2024 Consultation Section 48 notice was published in four local newspapers, The Times as a national newspaper, and the London Gazette. Copies can be found in Appendix F.21 (Section 48 published notices).</p> <p>At the Spring 2025 Consultation, a Section 48 notice was published in three local newspapers, The Times as a national newspaper, and the London Gazette. Copies can be found in Appendix G.24 (Section 48 published notices).</p>
	<ul style="list-style-type: none"> <li>Set a deadline for consultation responses required by Section 42 of the Planning Act of not less than 28 days from the day after receipt of the consultation documents as required by Section 45 of the Planning Act</li> </ul>	<p>The Applicant confirms that persons were notified of the deadline for consultation responses to the statutory consultations; Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations. The Applicant confirms that persons had more than the statutory minimum of 28 days to respond to the statutory consultations. Newly identified consultees at the Spring 2025 Consultation and Autumn 2025 Consultation could request additional time to review subsequent statutory consultation</p>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>Have regard to relevant responses to publicity and consultation required by Section 49 of the Planning Act</li> </ul>	<p>material. The Applicant did not receive any requests for an extension to the deadline for a consultation response.</p> <p>The consideration of relevant responses received to consultation and publicity has been set out in the following locations:</p> <ul style="list-style-type: none"> <li>Summer 2024 Consultation                             <ul style="list-style-type: none"> <li>Section 9.7 of the Consultation Report; and</li> <li>Appendix F.29 (The Applicant's response to feedback)</li> </ul> </li> <li>Spring 2025 Consultation                             <ul style="list-style-type: none"> <li>Section 10.7 of the Consultation Report; and</li> <li>Appendix G.25 (The Applicant's response to feedback)</li> </ul> </li> <li>Autumn 2025 Consultation                             <ul style="list-style-type: none"> <li>Section 11.7 of the Consultation Report; and</li> <li>Appendix H.9 (The Applicant's response to feedback)</li> </ul> </li> <li>Spring 2026 Consultations                             <ul style="list-style-type: none"> <li>Section 12.7 of the Consultation Report; and</li> <li>Appendix I.13 (The Applicant's response to feedback).</li> </ul> </li> </ul>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>Prepare a consultation report showing how the Applicant has met the consultation requirements of sections 42, 47 and 48 of the Planning Act and how the proposed application has been amended to take account of the relevant responses</li> <li>Meet the requirements of Section 37 of the Planning Act by submitting this consultation report to the Planning Inspectorate acting on behalf of the Secretary of State with the application for development consent for consideration in the decision whether the application is accepted for examination; and</li> </ul>	<p>The Applicant confirms that it has prepared a Consultation Report which provides detail on how it has complied with Section 42, Section 47 and Section 48 of the PA 2008. Further information is located within Chapter 3 of the Consultation Report and Table 1-2 of this annex.</p> <p>The Applicant has submitted the Consultation Report to the Planning Inspectorate acting on behalf of the Secretary of State as part of the application for development consent.</p>
	<ul style="list-style-type: none"> <li>Have regard to this guidance as required by Section 50 of the Planning Act.</li> </ul>	<p>Please see Table 1-4 and Table 1-5 which confirms that the Applicant has complied with Section 50 of the PA 2008.</p>
<p><b>What is the timescale for pre-application and when does it start?</b></p>		
007	<p>Applicants will normally carry out preparatory work of project development, including informal early engagement with local communities, local authorities and statutory consultees prior to the formal start of the pre-application stage of the NSIP consenting process.</p>	<p>The Applicant has undertaken engagement throughout the development of the Project through EIA Working Groups, Joint Officer Groups (JOG), and bi-lateral meetings. In addition to ongoing engagement, the Applicant has undertaken six stages of consultation between 2021 and 2026. The first two stages were early, non-statutory consultations with the local</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>There is no prescribed period of time for the pre-application stage. The amount of work involved in preparation and consultation will vary, driven by the complexity of the proposed NSIP, the time necessary to address issues raised in the preparation of the application, and other factors including any surveys necessary for an environmental impact assessment.</p>	<p>community and local authorities. All stages of consultation have been undertaken in advance of the DCO submission in 2026. The pre-application consultations have allowed consultees an opportunity to influence the Project. The Applicant has undertaken meaningful engagement and consultation and as a result, the Project has evolved through an iterative process and multiple stages of project development. The Applicant applied the Gunning Principles, which are engaging early, providing sufficient information, allowing adequate time, and considering responses, to each stage of pre-application consultation to ensure the process is fair, lawful and worthwhile. Sufficient time was allowed for the Applicant to address issues raised before submitting the DCO application.</p> <p>Detail about the non-statutory consultations can be found in:</p> <ul style="list-style-type: none"> <li>• Chapter 5 Public Consultation 2021</li> <li>• Chapter 6 Summer 2022 Consultation</li> </ul> <p>Detail about the statutory consultations can be found within:</p> <ul style="list-style-type: none"> <li>• Chapter 9 Summer 2024 Consultation</li> <li>• Chapter 10 Spring 2025 Consultation</li> <li>• Chapter 11 Autumn 2025 Consultation</li> <li>• Chapter 12 Spring 2026 Consultations</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
<b>What is the Inception Meeting with the Planning Inspectorate?</b>		
008	<p>The purpose of the Inception Meeting is for the applicant to discuss with the Planning Inspectorate their Programme Document, which sets out the intended programme for the pre-application stage and what work and studies are required for the preparation of an application. This Inception Meeting should include discussion of any anticipated requests for screening or scoping to help inform decisions on the right level of pre-application service to be provided by Planning Inspectorate.</p>	<p>The Inception Meeting was held on 15 June 2021 which was before the requirement of a Programme Document. Following the publication of the Pre-application Guidance 2024, the Applicant drafted a Pre-application Programme Document (Document reference 1.4, DCO Volume 1).</p>
	<p>In most cases applicants will need to engage statutory consultees and others early in the preparation of applications. Separate guidance on cost recovery explains where and how the Planning Inspectorate and some statutory consultees may recover costs for the services they provide in relation to NSIP applications / proposed applications.</p> <p>Before commencing statutory consultation under section 42 of the Planning Act, section 46 of the Planning Act requires an applicant to notify the Planning Inspectorate acting on behalf of the Secretary of State of their intention to make an</p>	<p>The Applicant wrote to the Planning Inspectorate (acting on behalf of the Secretary of State) on 24 May 2024 by letter and email, (please refer to Appendix F.22 (Section 46 notification)) in accordance with Section 46(1) of the PA 2008 setting out its intention to submit an application for development consent and notifying the Planning Inspectorate that the Applicant would be shortly undertaking a period of statutory consultation.</p> <p>Please refer to Table 1-1 for detail about how the Applicant has met the requirements under the following sections of the PA 2008:</p> <ul style="list-style-type: none"> <li>• Section 42</li> <li>• Section 43</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
	<p>application for development consent, and it must supply information in relation to the proposed application. This will be recorded and published by the Planning Inspectorate on the appropriate project page of the National Infrastructure Planning website. Where an applicant has not yet submitted a request or notification under Regulation 8 of the EIA Regulations 2017, they can ask the Planning Inspectorate to delay publication of early project discussions by up to 6 months (further advice is provided in the Planning Inspectorate's Pre-application Prospectus - to be published Spring 2024).</p>	<ul style="list-style-type: none"> <li>• Section 44</li> <li>• Section 45</li> <li>• Section 46</li> <li>• Section 47</li> <li>• Section 48</li> <li>• Section 49</li> <li>• Section 50</li> <li>• Section 51</li> </ul> <p>Please refer to Table 1-2 for detail about how the Applicant has met the following regulations under the EIA Regulations:</p> <ul style="list-style-type: none"> <li>• Regulation 8</li> <li>• Regulation 12</li> <li>• Regulation 13</li> </ul>
<p><b>What is the purpose of the Programme Document?</b></p>		
009	<p>The pre-application process is applicant-led. To deliver a good pre-application process, including effective engagement and a well-prepared application, applicants should put together a Programme Document at the outset of the pre-application stage for submission to the Planning Inspectorate and agreement at the Inception Meeting. The Programme Document is an</p>	<p>The Applicant prepared a Programme Document and made it available to inspect on its dedicated consultation website on 18 February 2025 after the requirement of a Programme Document was required by the Pre-application Guidance 2024. The Applicant updated the Programme Document on the dedicated consultation website on 6 May 2025, 15 October 2025 and again on 18 March 2026. Please refer to Appendix A.2 (Programme Document).</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>essential element of the quality standard for applications seeking a fast-track route to consent.</p> <p>The Programme Document will enable all those engaged in the pre-application process, particularly statutory consultees, to understand the timescales and ensure their contribution is programmed into the pre-application stage at the most effective point. It will also assist the applicant in managing the preparation and subsequent submission of the application documents for consideration by the Planning Inspectorate at the acceptance stage.</p> <p>Following the Inception Meeting, it is expected that the applicant will host and maintain the agreed Programme Document on its website, and update it as necessary during the pre-application period to publicise completion of significant stages and demonstrate progress in preparation of the application.</p>	
<p><b>What should the Programme Document contain?</b></p>		
010	<p>The Programme Document is not a statutory requirement and is not for consultation apart from agreement with the Planning Inspectorate. It should set out the timetable and activities necessary for an effective pre-application process</p>	<p>The Programme Document, published on 18 February 2025, updated on 6 May 2025, 15 October 2025 and again on 18 March 2026 on the dedicated consultation website, was prepared by the Applicant and sets out the programme of proposed activities for the pre-application</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>including the level of pre-application services from the Planning Inspectorate, and consultation with various parties required under the Planning Act.</p> <p>The Programme Document should include:</p> <ul style="list-style-type: none"> <li>• The date the applicant intends to submit their application</li> <li>• A comprehensive timetable of the applicant's pre-application process, the main events with dates and milestones demonstrating how the pre-application process will be completed (using the maximum target of 2 years as a benchmark)</li> <li>• The applicant's view on the main issues for resolution and activities they will undertake to address those</li> <li>• The applicant's proposals for engaging with statutory consultees and local authorities during the pre-application period and any intended financial support agreements, such as Planning Performance Agreements (PPAs)</li> <li>• The applicant's identification of risks to achievement of the pre-application stage and the process by which these risks are tracked and managed; and</li> </ul>	<p>process, including the Planning Inspectorate service and consultation under the PA 2008, in line with paragraph 010 of the Pre-application Guidance 2024.</p>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>• Cross references to the SoCC required by section 47 of the Planning Act.</li> </ul>	
<p><b>How should Environmental Impact Assessment (EIA) be considered in preparing an application?</b></p>		
011	<p>Major infrastructure projects will normally be of a size, scale and nature that they will constitute Environmental Impact Assessment (EIA) development described within the terms of the EIA Regulations 2017. An applicant cannot begin to carry out statutory consultation under section 42 of the Planning Act until they have taken the necessary steps under Regulation 8 of the EIA Regulations 2017 to establish whether an EIA is required.</p> <p>Where the proposed development is determined to be EIA development, an applicant will need to submit an Environmental Statement along with their application. Although it is not mandatory, an applicant can request the Planning Inspectorate on behalf of the Secretary of State to provide an opinion on the scope of the Environmental Statement (the 'scoping opinion') i.e. what the assessment does, and does not, need to consider. Such a request must be accompanied by the information provided by the applicant required by Regulation 10 of the EIA Regulations 2017 in</p>	<p>An EIA is required for the Project. As such, the Applicant made a request to the Planning Inspectorate (acting on behalf of the Secretary of State) for an EIA Scoping Opinion on 21 July 2023, accompanied by the information required by Regulation 10 of the EIA Regulations 2017, and at the same time notified the Secretary of State under Regulation 8(1)(b) of the EIA Regulations that the Applicant proposed to provide an Environmental Statement (ES) in respect of the Project. Please refer to ES Appendix 5.1 Scoping Opinion, Volume II (Document Reference 6.2, DCO Volume 6). An EIA Scoping Opinion was adopted by the Planning Inspectorate on behalf of the Secretary of State on 31 August 2023 in accordance with Regulation 10(6) of the EIA Regulations following consultation with the consultation bodies.</p> <p>The Applicant has submitted an ES with the DCO application (Document reference 6.1, DCO Volume 6).</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>order that Planning Inspectorate can make a fully informed view and respond within 42 days.</p> <p>The scoping opinion will take into account advice received from statutory consultees and other relevant organisations following the required consultation over a 28-day period within the 42 days. Any potential for transboundary effects must also be considered. The scoping opinion will confirm the programme of data collection and studies to be undertaken by the applicant, and contain recommendations where there is no need to explore certain topics (based on the information submitted at that time).</p>	
	<p>Regulations 11 to 13 of the EIA Regulations 2017 set out the pre-application publicity and consultation requirements for the EIA process pursuant to sections 47 and 48 of the Planning Act. Where there are obligations upon the Secretary of State, these are carried out by the Planning Inspectorate:</p>	<p>The Applicant undertook pre-application consultation and publicity in accordance with Regulations 11 and 13 of the EIA Regulations, as detailed in the table reporting separately against Regulation 11, 12 and 13.</p>
	<ul style="list-style-type: none"> <li>Regulation 11 of the EIA Regulations 2017 requires the Secretary of State to notify the prescribed consultation bodies of their duty to consult with the applicant and make any information relevant to the preparation of the Environmental Statement available to</li> </ul>	<p>The EIA Scoping Opinion, received on 31 August 2023, included a list of consultation bodies consulted by the Planning Inspectorate on behalf of the Secretary of State.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>the applicant (if requested to do so by the applicant). It also requires the Secretary of State to provide the applicant with a list of those notified consultation bodies;</p> <ul style="list-style-type: none"> <li>Regulation 12 of the EIA Regulations 2017 requires that the applicant's SoCC must state whether the project constitutes EIA development and, if it does, how the applicant intends to publicise and consult on preliminary environmental information (PEI); and</li> </ul>	<p>A copy of the 2024 SoCC is enclosed in Appendix E.9 (2024 SoCC). The 2024 SoCC states the following:</p> <p><i>'The Project is one for which an Environmental Impact Assessment is required. Environmental Impact Assessment is a process where the likely significant environmental effects of a project are studied, surveys are carried out and mitigation measures (aimed at avoiding, reducing, managing, or compensating for environmental impacts) are identified.'</i></p> <p><i>'The consultation will include the publication of the Preliminary Environmental Information Report, providing information on the likely significant environmental effects of the Project. The Preliminary Environmental Information Report will provide environmental information and early assessment outcomes known at this stage of the Project, to help understanding and those responding to the consultation make informed responses about the proposals. The environmental assessments undertaken to date represent a point in the assessment process when the design of the Project is still in development, and the likely significant effects are continuing to be understood.'</i></p>

Reference	Guidance	The Applicant's regard to guidance
		<p><i>Measures to address environmental effects will continue to be considered, and feedback from this consultation will continue to help inform the design development of the Project. Detailed environmental information, including the findings of our Environmental Impact Assessment, will be provided in the Environmental Statement that will be submitted as part of the DCO application.'</i></p>
	<ul style="list-style-type: none"> <li>Regulation 13 of the EIA Regulations 2017 requires that publicity of project proposals under section 48 of the Planning Act must also encompass the requirements of the EIA process and at the time of publishing the proposed application, applicants must notify all the notified consultation bodies.</li> </ul>	<p>At the Summer 2024 Consultation, the publicised Section 48 notice was produced in accordance with Regulation 13 of the EIA Regulations. Section 9.6 of the Consultation Report details the activities undertaken by the Applicant pursuant to Section 48 of the PA 2008. A copy of the Section 48 notice (see Appendix F.12 (Section 48 notice)) was sent to all consultees under Section 42.</p>
	<p>Applicants need to give consultation bodies sufficient information about the characteristics of the proposed NSIP in order to enable them to respond in an effective and timely way about the likely environmental effects and avoid unnecessary delay. Applicants should discuss providing digital material where possible with relevant statutory consultees.</p>	<p>A PEI Report and Non-Technical Summary were produced as part of the consultation documents for the Summer 2024 Consultation. The PEI Report explained the preliminary likely significant environmental effects of the Project. Copies of the consultation documents were available to view and download on the Applicant's dedicated consultation website from 29 May 2024 and for the duration of the Summer 2024 Consultation.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>Part 6 of the Levelling-up and Regeneration Act 2023 contains provisions to replace the current Strategic Environmental Assessment (SEA) and EIA requirements with a new regime of Environmental Outcome Reports (EOR). Until the EOR regulations are in place to commence this new regime, the existing arrangements for environmental assessment remain in place and this guidance should be followed accordingly.</p>	<p>This is noted. The Applicant has followed the existing EIA requirements which remain in place.</p>
	<p>Where an NSIP is determined to be EIA development in line with Regulation 8 of the EIA Regulations 2017 the applicant is required by Regulation 12 of the EIA Regulations 2017 to publish sufficient Preliminary Environmental Information (PEI) to enable consultees to develop an informed view of the likely significant environmental effects of the proposed development. The information required will be different for different types and sizes of projects and it may also vary depending on the audience of a particular consultation.</p> <p>Applicants are advised to consult any relevant existing environmental assessments or survey information, in the first instance to get an idea of what environmental effects could arise. The key issue is that the information presented must be</p>	<p>A PEI Report was published on 29 May 2024. This provided preliminary environmental information on the potential likely significant effects of the Project and was an early draft of the ES. The PEI Report Non-Technical Summary was also provided. This environmental information was shared at Summer 2024 Consultation to enable consultation bodies and the public to develop an informed view of the likely significant effects of the Project.</p> <p>The Applicant consulted prescribed bodies as required under Section 42(1)(a). Refer to Table F17-1 in Appendix F.17 (Lists of consultees). Throughout the pre-application period the Applicant's approach to consultation and engagement has been collaborative. In addition to consultation undertaken, five EIA Working Groups were set up by the Applicant (from summer 2022) to facilitate engagement with statutory consultees</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>clear to all consultees, even if it is of specialised technical nature. As required by Schedule 4 of the EIA Regulations 2017 any difficulties or areas of uncertainty such as in data collection, forecasting methods or scientific knowledge must be identified and acknowledged.</p> <p>There is no prescribed format for PEI. However, depending on the availability of material, applicants are encouraged to prepare this as an early draft of the Environmental Statement and include it as such as part of the statutory consultation under sections 42, 47 and 48 of the Planning Act. If applicants decide to take a different approach, they should be clear with consultees about the status of the PEI.</p> <p>In any event, applicants will need to maintain close dialogue with statutory consultees throughout the pre-application period. The provision of PEI can help statutory consultees to understand the environmental effects of the development and may assist in the identification and addressing of potential issues at an early stage in the pre-application process.</p>	<p>and relevant non-statutory consultees. This method of engagement was designed to support the EIA process by enabling feedback to be provided on an ongoing basis on the design of the Project, baseline data, assessment scope and methodology, impact significance and mitigation and monitoring requirements. Technical Working Groups were also set up to engage specifically with the Environment Agency, Natural England and MMO on a regular basis.</p> <p>As part of the DCO application, a Potential Main Issues for Examining Authority document (PMIE) (Document reference 5.7, DCO Volume 5) has been prepared in consultation with relevant local authorities and submitted by the Applicant which includes the key matters and issues that may arise during Examination.</p>
<p><b>What is needed for consideration of alternatives?</b></p>		

Reference	Guidance	The Applicant's regard to guidance
015	<p>There are particular occasions in the NSIP consenting process where alternatives to the proposed development must be examined as required by legislation. For example, to meet the requirements of the EIA Regulations 2017, and where compulsory acquisition of land is sought by the applicant it should be able to demonstrate that reasonable alternatives to compulsory acquisition of the precise parcels of land have been explored.</p> <p>That said, applicants do now routinely set out in brief the main alternatives to their preferred scheme which were considered early during the pre-application stage and the consultees' responses to them. Applicants are encouraged to do so as this can demonstrate how project designs have been refined to take into account environmental, socio-economic and community effects. Any such consideration of alternatives should be submitted as part of the application, perhaps as part of the Planning Statement. All this will help to reinforce the applicant's case for promoting the NSIP in the particular form of the submitted application.</p>	<p>The Applicant has assessed alternatives and explained at each consultation stage its process and outcomes after assessing reasonable alternatives. Please refer to ES Chapter 4 Consideration of alternatives, Volume I (Document reference 6.1, DCO Volume 6) for further detail about how the Applicant has assessed alternatives.</p> <p>To support its DCO application, the Applicant has produced the Scheme Development Report (Document reference 5.10, Volume 5) which provides an overview of the scheme development process, and the outcomes that have informed the design of the Project.</p> <p>The Applicant has followed Compulsory Acquisition guidance in that the minimum amount of land necessary to deliver the Project has been included within the Order Limits, whilst ensuring suitable flexibility is retained until the detailed design has been confirmed.</p> <p>The Applicant's appointed land agent supported ongoing meaningful engagement with landowners through non-statutory and statutory consultation, landowner meetings and site visits where required to gather feedback, which informed refinements to the Project design. The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, please see the Pre-application Land and Rights Negotiations Tracker</p>

Reference	Guidance	The Applicant's regard to guidance
		(Document reference 4.4, DCO Volume 4) for the status of such negotiations.
<b>What is needed for consideration of land matters?</b>		
016	Applicants will often need to compile detailed records of land interests as part of the preparation of an NSIP application. These will be principally for the assembly of the Book of Reference required by Regulations 5 and 7 of the APFP Regulations 2009 where applicable, including where compulsory acquisition of land is proposed, or where applicants require rights to use land (for example, to undertake surveys) or carry out protective works to buildings.	The Applicant has prepared a Book of Reference, as required by Regulations 5 and 7 of the APFP Regulations 2009 (as amended). The Book of Reference (Document reference 4.3, DCO Volume 4) includes details of where compulsory acquisition of land is proposed, and where the Applicant requires rights to use land (for example, to undertake surveys), and to carry out protective works to buildings.
	The strong expectation is that applicants of proposed NSIPs will act reasonably in engaging with landowners, and likewise landowners will cooperate with applicants to provide them with the information that they need and facilitate access to their land as required, even if they object to the principle of the development. Such cooperation does not preclude, remove or reduce any of the landowner's rights to participate in the consultation on an application or make representations about it during the examination.	The Applicant has engaged with PILs, as defined by Section 44 of the PA 2008. Please refer to the Statement of Engagement (Document reference 5.9, DCO Volume 5) for detail of how the Applicant has undertaken extensive engagement and acted reasonably in engaging with PILs throughout the development of the Project and ahead of the DCO application being submitted to the Planning Inspectorate. The Applicant has sought to address concerns raised by PILs by making refinements to the design of the Project. These refinements were

Reference	Guidance	The Applicant's regard to guidance
		consulted on as part of the Spring 2025 Consultation, Autumn 2025 Consultation.
<b>How should applicants obtain a marine licence?</b>		
018	<p>Section 149A of the Planning Act provides that a DCO may include a marine licence deemed to have been issued under Part 4 of the Marine and Coastal Access Act 2009. Such marine licences are issued by the Marine Management Organisation (MMO), and where an applicant intends to seek such a licence as part of the DCO it is essential that the MMO is consulted at the earliest opportunity to agree the content of the deemed marine licence (DML) and the range of conditions which will be applied. The MMO is responsible for enforcing these conditions, post-consent monitoring, and varying, suspending, or revoking any DML(s) included as part of a made DCO.</p> <p>In common with other statutory consultees, the MMO has a range of functions under the Planning Act during the pre-application and examination stages. In addition, for NSIP applications that have a marine element the MMO is the body responsible for ensuring that Marine Plans are</p>	<p>Although an existing outfall in the Solent is proposed to be used (the Eastney Long Sea Outfall (LSO)) there would be no physical change to the existing pipeline so no construction at the LSO is required as part of the Project. There would be some changes to the connecting infrastructure and what is released from the LSO, and therefore the MMO has been consulted. ES Chapter 9 Marine biodiversity, Volume I (Document reference 6.1, DCO Volume 6) concludes that there would be no significant impacts as a result of the change to the LSO release.</p> <p>The pipelines that are consented separately by Portsmouth Water for the transfer of recycled water and source water between Bedhampton Springs and Havant Thicket Reservoir are considered exempt activities not requiring a marine licence.</p> <p>The only works in the marine environment would be the construction of a Sustainable Drainage System outfall from the Water Recycling Plant (WRP) site to the tidal Hermitage Stream. The works would be the subject of a deemed marine licence on which the MMO has been consulted.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>considered alongside any significant marine issues in the area of the proposed development.</p> <p>The MMO has powers under the Infrastructure Planning (Fees) Regulations 2010 (as amended) to charge fees for its services in relation to any advice, information or other assistance (including a response to a consultation) provided in connection with an application or proposed application.</p>	<p>Engagement with the MMO has been conducted through structured EIA Working Groups and targeted Technical Working Groups. Please refer to the Statement of Engagement (Document reference 5.9, DCO Volume 5) for further information on how the Applicant has engaged with the MMO. As well as ongoing engagement, the Applicant has consulted the MMO under Section 42(1)(aa) of the PA 2008 at the statutory Summer 2024 Consultation and Spring 2025 Consultation.</p> <p>The Applicant has included a DML in the draft DCO (Document reference 3.1, DCO Volume 3) which covers the relevant works within the UK marine area.</p> <p>The Applicant has submitted a SoCG (Document reference 5.8, DCO Volume 5) with the DCO application which details the areas of agreement and disagreement with the MMO. This includes content related to the DML.</p>
<p><b>How can pre-application consultation shape proposals and help prepare applications that are accepted for examination?</b></p>		
019	<p>Applicants are responsible for consulting on proposed applications for DCOs. Applicants are specifically required to undertake statutory pre-application consultation activities as stipulated in the following legislation:</p>	<p>The Applicant confirms that it has consulted all persons prescribed under Section 42(1)(a), Section 42(1)(aa), 42(1)(b) under Section 43, Section 42(1)(d) under Section 44 for the purposes the PA 2008 as set out in Schedule 1 to the APFP Regulations 2009, as amended</p>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>Section 42 of the Planning Act, together with the provisions of sections 43 and 44 of the Planning Act, requires applicants to consult certain persons, including statutory consultees, local authorities, and others with a relevant interest in the land to which the proposed application relates, prior to the submission of an application. The prescribed list of statutory consultees for the purposes of section 42 of the Planning Act is set out in Schedule 1 to the APFP Regulations 2009, as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024.</li> </ul>	<p>by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024.</p> <p>A full list of the bodies consulted under Section 42 (1)(a), as identified through Schedule 1 of the APFP Regulations 2009 (as amended) can be found in Table F17-2 of Appendix F.17 (Lists of consultees).</p> <p>The local authorities, as defined under Section 43, identified and consulted during the pre-application stage are documented in Table F17-2 of Appendix F.17 (Lists of consultees).</p> <p>Section 44 consultees are included in Table F17-3 of Appendix F.17 (Lists of consultees).</p>
	<ul style="list-style-type: none"> <li>Section 47 of the Planning Act requires applicants to consult relevant local authorities on what is to be in their SoCC setting out how applicants intend to consult the local community on the proposed DCO application, and then carry out consultation in accordance with the SoCC.</li> </ul>	<p>The Applicant prepared a draft SoCC which set out how the Applicant proposed to consult the community. In compliance with Section 47 of the PA 2008, it explained how the Applicant would consult the local community on the Project, when and where the consultation would be held, the information that would be available during the consultation, and who would be consulted.</p> <p>The Applicant's consultation process was carried out in accordance with the 2024 SoCC. Chapter 8 of the Consultation Report sets out how the statutory Summer 2024 Consultation was undertaken in accordance with the SoCC and the process for preparing the SoCC. The</p>

Reference	Guidance	The Applicant's regard to guidance
		final published SoCC is provided in Appendix E.9 (2024 SoCC).
	<ul style="list-style-type: none"> <li>Section 48 of the Planning Act requires applicants to publicise the proposed application in the prescribed manner as set out in Regulation 4 of the APFP Regulations 2009; and</li> </ul>	<p>The Applicant prepared and published Section 48 notices in the manner prescribed by the APFP Regulations 2009 (as amended). Copies of the published Section 48 notices can be found in Appendix F.21 (Section 48 published notices) for the Summer 2024 Consultation, and Appendix G.24 (Section 48 published notices) for the Spring 2025 Consultation.</p> <p>Please refer to Table 1-1 under 'Section 48 Duty to publicise' for detail of when the notices were published at each statutory consultation, apart from Autumn 2025 Consultation and Spring 2026 Consultations which were targeted in nature so no noticing under Section 48 was required.</p>
	<ul style="list-style-type: none"> <li>The EIA Regulations 2017 set out requirements for preparing Environmental Statements prior to the submission of a DCO application, including engaging with statutory consultees and local authorities prior to formal pre-application activities under section 42 of the Planning Act.</li> </ul>	<p>The Applicant confirmed that it provided a PEI Report as part of the Summer 2024 Consultation material. The PEI Report described the likely significant environmental effects of the Project so consultation bodies could develop an informed view. The 2024 SoCC explained that an ES would be submitted with the DCO application. Please refer to Table 1-2 under '12. Consultation statement requirements' for more information.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>Effective pre-application consultation is key to developing well-prepared applications that are understood by the public. Consultation on development proposals allows consultees and local communities to influence how infrastructure that meets a national need can be accommodated in their area, and enables applicants to more effectively shape proposals.</p> <p>From a consultee's perspective, engaging in pre-application consultation, including for example offering constructive mitigations to reduce a scheme's impact on the local community and environment, does not undermine any submission on the principle of whether or not development consent should be granted.</p>	<p>The Applicant has undertaken six stages of consultation between 2021 and 2026. These stages were undertaken in advance of the DCO submission in 2026. The pre-application consultations have allowed consultees an opportunity to influence the Project.</p> <p>Please refer to Table 4-1 in the Consultation Report for a summary of the pre-application consultation stages.</p>
	<p>Early involvement of local communities, local authorities and statutory consultees during the pre-application stage, both through consultation and other forms of engagement, can bring about significant benefits for all parties, by:</p> <ul style="list-style-type: none"> <li>Helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes much more difficult to make changes once an</li> </ul>	<p>Wider pre-application engagement undertaken with statutory consultees and local authorities has been undertaken through EIA Working Groups, Joint Officer Groups (JOG), and bi-lateral meetings.</p> <p>Regular JOG meetings with local authorities provided a regular forum for technical discussions as the Project developed.</p> <p>In a series of twelve EIA Working Group sessions, the Applicant presented design and environmental information with the purpose to agree and discuss</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>application has been submitted and accepted for examination.</p> <ul style="list-style-type: none"> <li>• Enabling interested parties to understand and influence proposed projects, providing feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any disbenefits.</li> <li>• Enabling applicants to obtain important information about the economic, social, community and environmental effects of a scheme from consultees, which can help rule out unsuitable options; and</li> <li>• Enabling appropriate mitigation measures to be identified at the outset; considered and, if appropriate, embedded into the proposed NSIP before an application is submitted.</li> </ul>	<p>baseline data, assessment methodologies, impact significance, and potential mitigation measures. Further information on EIA Working Groups are described in ES Chapter 5 EIA approach and methodology, Volume 1 (Document reference 6.1, DCO Volume 6). Detail about the Applicant's approach to engagement can be found in the Statement of Engagement (Document reference 5.9, DCO Volume 5).</p> <p>The Applicant has consulted the local community at each consultation during the pre-application stage.</p> <p>Please refer to sections 9.9, 10.9, 11.7 and 12.7 of the Consultation Report which explain how the feedback received from statutory consultations has influenced the development of the Project and enabled appropriate mitigation measures to be embedded into the application.</p>
	<p>Without adequate pre-application consultation in line with the legislation, the subsequent application when it is submitted to the Planning Inspectorate will not be accepted to proceed to examination. The Planning Inspectorate takes into account the responses received from local authorities during the acceptance period to</p>	<p>The Applicant has undertaken six consultation stages between 2021 and 2026, four of which had statutory elements.</p> <p>On 29 October 2025, the Applicant submitted an Adequacy of Consultation Milestone (AoCM) submission, please see Appendix A.3 (AoCM). As part of this submission, the Applicant asked local authorities</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>determine on behalf of the Secretary of State whether the consultation is adequate.</p> <p>The Planning Inspectorate can either accept or decline to accept the application for examination. Where during the acceptance stage the Planning Inspectorate considers that the application is not satisfactory, it may advise the applicant to withdraw the application, and if appropriate can also recommend that the applicant carries out further consultation activity or engagement before the application is resubmitted.</p>	<p>for their views on the Applicant's compliance with the PA 2008. All local authorities assessed the Applicant as having complied with the duties to consult and publicise (Sections 42, 47, and 48 of the PA 2008) for the Summer 2024 Consultation and Spring 2025 Consultation.</p> <p>The Applicant undertook a final statutory consultation stage in Spring 2026, and this was undertaken after the submission of the AoCM to the Planning Inspectorate.</p>
<p><b>How can applicants ensure consultation is proportionate?</b></p>		
020	<p>The pre-application consultation undertaken should be proportionate to the scale and nature of the project and its effects. A 'one-size-fits-all' approach is not appropriate. For a straightforward and uncontroversial application, an applicant may choose to discharge the obligations of sections 42, 47 and 48 of the Planning Act concurrently in a single round of consultation, or in separate stages. For more complex proposals, an applicant may choose to conduct a non-statutory round of consultation (for example considering options) before undertaking a statutory round of</p>	<p>The Applicant undertook six stages of pre-application consultation. The six stages ensured thorough, effective and proportionate consultation. Please see Chapter 4 of the Consultation Report for an overview and summary of the consultation stages.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>consultation, or they may choose to run a multi-stage statutory consultation process.</p> <p>What consultation is planned and when will form a key part of the applicant's overall programme for completing the pre-application stage. It will need to be included in the Programme Document supplied by the applicant to the Planning Inspectorate for the Inception Meeting. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to warrant going beyond the statutory 28-day minimum timescales for consultation laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response.</p> <p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the effects. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. Equally, 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</p>	<p>Although the requirement for a Programme Document was published after the Applicant's Inception Meeting with the Planning Inspectorate, the Applicant has discussed the approach to engagement and consultation with the Planning Inspectorate. Please see Appendix A.1 (Regard to Section 51 advice).</p> <p>The Applicant prepared a Programme Document and made it available for inspection on its dedicated consultation website on 18 February 2025. The Programme Document was updated on 6 May 2025, 15 October 2025 and again on 18 March 2026.</p> <p>The Summer 2024 Consultation and Spring 2025 Consultation were 56 days and 31 days respectively, therefore allowing more than the statutory minimum of 28 days. The Autumn 2025 Consultation and Spring 2026 Consultations observed the statutory 28 day minimum, as prescribed by Section 45 of the PA 2008.</p> <p>Where practicable, the Applicant accepted late consultation responses where this was agreed in advance with the Applicant.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p> <p>Once applicants have completed the consultation process set out in their SoCC, where a proposed application is amended in the light of responses to consultation then, unless those amendments materially and substantially change the proposed application or materially changes its effects as a whole, the amendments themselves should not trigger a need for further consultation. The amendments can be reported as part of the consultation report submitted with the application.</p> <p>Only where the project taken as a whole changes very significantly, and to such a large degree that what is being taken forward is fundamentally different from what was previously consulted on, should re-consultation on the proposed application as a whole be considered.</p> <p>In understanding whether there has been a material and substantial change, applicants should take into account the following guiding factors:</p> <ul style="list-style-type: none"> <li>• The degree of change as compared to the proposals previously consulted upon as a whole</li> </ul>	<p>At the Summer 2024 Consultation, the Applicant explained that extensive environmental water quality modelling was being undertaken and that the outputs of the modelling and assessment of effects would be fully reported in the ES with the DCO application. After the Summer 2024 Consultation, the Applicant made further developments to the design of the Project which, when reviewed against the Pre-application Guidance 2024, warranted additional statutory consultation. The Applicant took the opportunity to share the updated environmental water quality modelling alongside 25 Project design refinements as part of the Spring 2025 Consultation.</p>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>The number of materially worse environmental effects as compared to what has been the subject of previous consultations; and</li> <li>The level of public interest, and the likelihood that such interest would merit further consideration in the context of that change.</li> </ul> <p>For any material change to a part of the proposed application where the project as a whole is not fundamentally changed, for example in the case of linear aspects where new information leads to a new alignment for a particular section of the proposal, a bespoke and targeted approach to further consultation can be adopted, which can address the specific consultation obligations arising proportionately.</p> <p>Targeted consultation can be statutory or non-statutory or a combination of the two depending on whether new persons needing to be consulted under section 42 of the Planning Act have been identified, but such targeted consultation will not require the production of PEI provided proportionate and appropriate information on environmental implications of any changes, where necessary, is provided.</p>	<p>The Applicant undertook a further, targeted statutory consultation in Autumn 2025 on eight design refinements. Consultation was undertaken with those whose land was directly affected or had a property interest. Newly identified Section 42 consultees were given the opportunity to comment on the PEI Report, publicised as part of the Summer 2024 Consultation, and the Spring 2025 Consultation. Refer to Chapter 11 of the Consultation Report.</p> <p>The Applicant undertook two further statutory, targeted consultations on the Project in Spring 2026 on two separate refinements to the design of the Project in response to Project design development and assessment outcomes. Consultation was undertaken with those whose land was directly affected or had a property interest. A potential new landowner was also identified with a possible interest in land under Section 42(1)(d) and Section 44 of the PA 2008. However, as this stakeholder had previously been consulted under</p>

Reference	Guidance	The Applicant's regard to guidance
		Section 42(1)(a) as a prescribed body, the Applicant did not invite them to additionally respond to the two previous statutory consultations.
<b>Who should be consulted?</b>		
021	<p>Sections 42 to 44 of the Planning Act, Regulation 3 and Schedule 1 to the APFP Regulations 2009 set out details of who must be consulted, including statutory bodies, the Marine Management Organisation where appropriate, local authorities, and persons having an interest in the land to be developed. Section 47 of the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants will want to consider the issues that may need to be addressed ahead of submission and may also wish to seek the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	<p>The Applicant engaged with all parties as required by Section 42 to 44 of the PA 2008. Please see Table 1-1 for further information.</p> <p>As set out in the 2024 SoCC, the Applicant consulted the local community and those that may be affected by the Project. Sections 7 and 8 of the 2024 SoCC outlined who the Applicant would consult and how awareness of the Project and the Summer 2024 Consultation would be raised. The Applicant defined four Consultation Zones. The Applicant then undertook its Summer 2024 Consultation in accordance with its commitments as set out in the 2024 SoCC. Please refer to Table 5-8 in the Consultation Report which outlines the Applicant's conformity with the 2024 SoCC.</p>
	<p>The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 amended the APFP Regulations 2009 by substituting a new table of persons prescribed for the purpose of section 42(1)(a) of the Planning Act (duty to consult) and also section 56(2) of the Planning Act (notifying persons of an accepted applications) which is</p>	<p>The Summer 2024 Consultation was undertaken after the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 came into force on 30 April 2024, amending the APFP Regulations 2009. Therefore, the Applicant compiled a list of prescribed bodies from the prescribed bodies listed in column 1 of the table in Schedule 1 to the APFP Regulations 2009 (as</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>covered in the acceptance guidance. It is the applicant's responsibility to ensure all relevant prescribed consultees are consulted about a proposed application.</p> <p>While the list of prescribed bodies who must be consulted was updated in April 2024, from time to time a body may cease to exist but may still be listed as a statutory consultee in the Regulations pending their updating. In such situations 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 Planning 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>amended). Please refer to Table F17-1 in Appendix F.17 (Lists of consultees) for the prescribed bodies consulted, and the relevance to the Project, for the Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations.</p>
<p><b>How can applicants consult communities effectively?</b></p>		
022	<p>It is good practice for applicants to work with local stakeholders in the formative stages of the project, through early engagement. This can help inform the Programme Document that they later take to the Inception Meeting with the Planning</p>	<p>The Applicant has consulted with local stakeholders, local authorities, and parish councils at each stage of pre-application consultation. The Statement of Engagement (Document reference 5.9, DCO Volume 5) details how the Applicant has proactively engaged with</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>Inspectorate. Early engagement with local authorities, parish and town councils can help applicants to ensure they find the best approach to engage the relevant communities in the most effective and proportionate way.</p>	<p>stakeholders in addition to each consultation stage reported.</p>
	<p>Under section 47 of the Planning Act, applicants are required to produce a SoCC, setting out how they intend to consult the local community on the proposed application. Applicants should consider how they can engage communities in a way that supports them to understand the necessary issues at an appropriate stage to support preparation of their application, and how they will show how they have responded to their issues of concern.</p>	<p>In accordance with Section 47(2), the Applicant consulted local authorities on the SoCC, which outlined how the Applicant intended to consult. Sections 7 and 8 of Appendix E.9 (2024 SoCC) which explain who and how the Applicant planned to consult with the local community. Please refer to Chapter 8 of the Consultation Report for more detail about how the Applicant developed and complied with the 2024 SoCC.</p>
	<p>Local communities may need support to help them to input to the NSIP consenting process. Independent community liaison chairs or forums can be used to provide support to local communities and non-statutory consultees to enable them to provide an effective input to the pre-application process. Applicants will want to consider whether these should be used, not least to assist an applicant's own assessment of potential examination issues in preparing their Programme Document and SoCC.</p>	<p>The Applicant considered how best to communicate and raise awareness of the Project in an accessible manner as part of its pre-application consultation planning. The Applicant also acknowledges that local communities may require additional support to enable effective participation in the consenting process, and that mechanisms such as independent community liaison chairs or forums can, in some circumstances, assist non-statutory consultees and local communities to engage meaningfully in the pre-application process.</p> <p>In developing the statutory consultation approach, as outlined in the SoCC, the Applicant considered the</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>scale and nature of the Project, the characteristics of the local communities, and the need for a proportionate approach to engagement. It was concluded that the establishment of an independent community liaison chair or forum was not necessary in order to achieve effective consultation for this Project.</p> <p>However, a range of measures were implemented to ensure that both Summer 2024 Consultation and Spring 2025 Consultation was accessible and inclusive, and that local communities were supported to engage meaningfully. Specifically, the Applicant:</p> <ul style="list-style-type: none"> <li>• Set up a freephone telephone line to enable consultees to contact the Project team at no cost.</li> <li>• Confirmed within the Appendix F.2 (Brochure) that where additional support was required, or where consultees had specific accessibility needs or special requests, they were encouraged to contact the Applicant in advance of consultation events. The Applicant advised that it was working with venues to provide additional support where reasonably practicable, while noting that it might not be possible to accommodate all needs on the day. This approach was taken at Summer 2024 Consultation and not Spring 2025 Consultation</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
		<p>as there were no events as part of Spring 2025 Consultation; and</p> <ul style="list-style-type: none"> <li>• Made printed copies of the Appendix F.2 (Brochure) and Appendix F.4 (Feedback form) available on request, which could be posted to consultees along with a freepost return envelope.</li> </ul> <p>The Applicant considers that these measures provided proportionate and appropriate support to enable effective engagement by local communities and non-statutory consultees during the statutory consultation periods and were consistent with relevant guidance.</p>
<p><b>How should applicants engage statutory consultees and other relevant groups?</b></p>		
023	<p>Applicants must:</p> <ul style="list-style-type: none"> <li>• Consult the prescribed bodies as appropriate under Regulation 3 and Schedule 1 to the APFP Regulations 2009, as well as the Marine Management Organisation in certain circumstances, under section 42 of the Planning Act, giving the consultees at least 28 days to respond</li> </ul>	<p>The Applicant has consulted with the prescribed bodies, as required under Regulation 3 and Schedule 1 of the APFP Regulations 2009 (as amended). The consultees from Schedule 1 who were consulted in respect of the Project pursuant to Section 42(1)(a) are set out in Table F17-1 of Appendix F.17 (Lists of consultees).</p> <p>The Applicant has consulted the MMO for the Summer 2024 Consultation and the Spring 2025 Consultation as the application is likely to affect the marine environment.</p> <p>The Summer 2024 Consultation and Spring 2025 Consultation were 56 days and 31 days respectively,</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>therefore allowing more than the statutory minimum of 28 days. The Autumn 2025 Consultation and Spring 2026 Consultations observed the statutory 28 day minimum, as prescribed by Section 45 of the PA 2008.</p>
	<ul style="list-style-type: none"> <li>Publicise their proposed application under section 48 of the Planning Act, and Regulation 4 of the APFP Regulations 2009 sets out the detail of what this publicity must entail; and</li> </ul>	<p>The Summer 2024 Consultation Section 48 notice and Spring 2025 Consultation Section 48 notice were prepared and published in accordance with Regulation 4(2) of the APFP Regulations 2009 (as amended). Please refer to Table 1-1 for the publications and dates when the notices were published in local newspapers, a national newspaper and the London Gazette. The Applicant confirms that the Section 48 notices contained the matters listed in Regulation 3 of the APFP Regulations 2009 (as amended). Please see Table 1-3 for this evidence.</p>
	<ul style="list-style-type: none"> <li>By section 49 of the Planning Act have regard to any relevant consultation responses from either statutory consultees under section 42 of the Planning Act, local communities under section 47 of the Planning Act, or wider publicity under section 48 of the Planning Act.</li> </ul>	<p>The consideration of relevant responses received to consultation and publicity has been set out in the following locations:</p> <ul style="list-style-type: none"> <li>Summer 2024 Consultation                             <ul style="list-style-type: none"> <li>Section 9.7 of the Consultation Report; and</li> <li>Appendix F.29 (The Applicant's response to feedback)</li> </ul> </li> <li>Spring 2025 Consultation                             <ul style="list-style-type: none"> <li>Section 10.7 of the Consultation Report; and</li> </ul> </li> </ul>

Reference	Guidance	The Applicant's regard to guidance
		<ul style="list-style-type: none"> <li>○ Appendix G.25 (The Applicant's response to feedback)</li> <li>● Autumn 2025 Consultation                             <ul style="list-style-type: none"> <li>○ Section 11.7 of the Consultation Report; and</li> <li>○ Appendix H.9 (The Applicant's response to feedback)</li> </ul> </li> <li>● Spring 2026 Consultations                             <ul style="list-style-type: none"> <li>○ Section 12.7 of the Consultation Report; and</li> <li>○ Appendix I.13 (The Applicant's response to feedback)</li> </ul> </li> </ul>
	<p>Applicants will often need detailed technical input from statutory consultees as expert bodies to assist with identifying and mitigating the impacts of projects, and other important matters. In many cases applicants will need to engage statutory consultees and others before the Inception Meeting with the Planning Inspectorate.</p> <p>Some statutory consultees have cost recovery arrangements in place for the advice they provide. The ability for statutory consultees to respond effectively to pre-application requests for advice means they have the information they need from applicants to do so. It is essential therefore that applicants arrange early engagement with statutory consultees to avoid unnecessary delays</p>	<p>Throughout the pre-application stage, the Applicant has proactively engaged with statutory consultees, and where required, has established cost recovery agreements. For example, Planning Performance Agreements (PPAs) were entered into with local authorities early in the pre-application stage to ensure local authorities had the required resource to contribute fully to the process. PPAs allowed local authorities to join the JOG, EIA Working Groups, Scheme Development Workshops, and bilateral meetings. They facilitated technical discussions and ensured local knowledge was incorporated into the design of the Project. Further detail is outlined in the Statement of Engagement (Document Reference 5.9, DCO Volume 5).</p>

Reference	Guidance	The Applicant's regard to guidance
	and the costs of having to make changes at later stages of the consenting process.	
<b>What do applicants have to do to consult people with an interest in land?</b>		
024	Where an applicant proposes to compulsorily acquire an interest or take temporary possession of land it does not own in order to implement a proposed NSIP, under section 42 of the Planning Act they must identify and consult people, including those who own, occupy or have another interest in the land in question.	Consultees pursuant to Section 42(1)(d) of the PA 2008 have been identified by the Applicant through ongoing diligent inquiries. The Applicant has outlined the methodology used to identify PILs at each statutory consultation in sections 9.3, 10.3, 11.3 and 12.3 of the Consultation Report. The land interests consulted can be found in Table F17-3 in Appendix F.17 (Lists of consultees).
	It is the applicant's responsibility to demonstrate at submission of the application to the Planning Inspectorate that due diligence has been undertaken in identifying all land interests. Applicants must ensure that the Book of Reference (which records and categorises those land interests) is sufficiently up to date at the time of submission (acknowledging the timescales for preparing and updating it) and fully meets the requirements of Regulations 5 and 7 of the APFP Regulations 2009.	The Applicant has produced and submitted its Book of Reference which details which persons with an interest in land were consulted across all statutory consultations. Please refer to the Book of Reference (Document reference 4.3, DCO Volume 4) which is sufficiently up to date at the time of submission. Refreshes were undertaken periodically in advance of submission in order to ensure any new or changed land interests which may have arisen were captured and the Book of Reference (Document reference 4.3, DCO Volume 4) made sufficiently up to date.
	Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory	The Applicant in sections 9.3, 10.3, 11.3 and 12.3 of the Consultation Report, explains how new PILs have been consulted on the Project. The land interests consulted

Reference	Guidance	The Applicant's regard to guidance
	consultation having regard to their duties to consult and take account of any responses.	can be found in Table F17-3 in Appendix F.17 (Lists of consultees).
<b>What is the early adequacy of consultation milestone?</b>		
025	The Programme Document will enable the Planning Inspectorate to determine at the Inception Meeting that the proposed consultation arrangements are adequate for the level of complexity of the proposed project. The Programme Document should also identify an appropriate milestone during the pre-application stage to enable the Planning Inspectorate to test the progress of the consultation.	The Applicant prepared a Programme Document and made it available for inspection on its dedicated consultation website on 18 February 2025. The Programme Document was updated on 6 May 2025, 15 October 2025 and again on 18 March 2026, in which the Applicant stated that the AoCM submission would be provided to the Planning Inspectorate in Q3 2025.
	This adequacy of consultation milestone should be early enough to enable applicants to consider how to undertake any additional engagement that may be needed, but sufficiently towards the end of the pre-application stage to assess the adequacy of the consultation that has been done. It is likely therefore to be no later than around 3 months before the intended date of submission of the application.	The AoCM was submitted to the Planning Inspectorate on 29 October 2025 which was more than 3 months before the DCO submission in Spring 2026. Please see Appendix A.3 (AoCM).
	The adequacy of consultation milestone should be recorded by the applicant and submitted to the Planning Inspectorate as a short statement of the elements of consultation which have been carried	The AoCM documents the approach, delivery and the consideration of feedback for the Public Consultation 2021, Summer 2022 Consultation, Summer 2024 Consultation, and Spring 2025 Consultation. The

Reference	Guidance	The Applicant's regard to guidance
	<p>out compared with the components set out in the Programme Document and the SoCC. The statement should include the views and any relevant supporting material from local authorities if available.</p> <p>The adequacy of consultation milestone is an informal but nonetheless important opportunity to check that the pre-application programme is on track, and if it is seriously adrift the Planning Inspectorate will advise the applicant about the steps necessary to enable the application to be submitted having fulfilled the statutory requirements. Inevitably this could mean a renegotiation of the expected date of submission, with the objective of avoiding the prospect of an application not being accepted for examination.</p>	<p>Applicant reported that the Summer 2024 Consultation meets the commitments of the 2024 SoCC. The AoCM did not include information about the Autumn 2025 Consultation or Spring 2026 Consultations as these consultations closed in October 2025 and April 2026 respectively.</p> <p>The Applicant engaged with local authorities to support the AoCM submission and asked local authorities for their views and any relevant supporting material on the Applicant's compliance with Sections 42, 47 and 48 of the PA 2008. All seven local authorities assessed the Applicant as having complied with the duties to consult and publicise.</p> <p>Please refer to Appendix A.1 (Regard to Section 51 advice) for the Applicants regard to the Planning Inspectorates comments on the AoCM. The Applicant did not receive any comments from the Planning Inspectorate that required additional steps pre-application.</p>
	<p>Under section 55(4)(b) of the Planning Act, at the acceptance stage the Planning Inspectorate will seek the formal views from local authorities about the adequacy of consultation.</p>	<p>The Applicant notes this guidance. Please refer to Appendix B of Appendix A.3 (AoCM) for the local authorities' views on the adequacy of consultation.</p>
<p><b>What is the consultation report and how should applicants respond to consultees?</b></p>		

Reference	Guidance	The Applicant's regard to guidance
026	<p>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 Planning Act and how the proposed application has been shaped as a result. The Planning Inspectorate on behalf of the Secretary of State will consider this report when deciding whether or not the applicant has complied with the pre-application consultation requirements, and ultimately, whether or not an application can be accepted to proceed to examination.</p>	<p>In accordance with Section 37(3)(c), the Applicant has produced the Consultation Report which details how it has complied with the consultation requirements set out in the PA 2008 and how the proposed application has been shaped as a result of consultation.</p>
	<p>This report should not include an excessively detailed description of every element of the consultation programme. The main objective should be to provide clarity not just on what consultation has been done but, crucially, how the applicant has taken it into account. It should therefore:</p> <ul style="list-style-type: none"> <li>• Provide a general description of the consultation process undertaken including the timeline</li> </ul>	<p>Chapter 4 of the Consultation Report includes a description of the pre-application consultation undertaken by the applicant on the Project. Table 4-1 provides a summary of the consultation process timeline in table format.</p>
	<ul style="list-style-type: none"> <li>• Set out specifically what the applicant has done to comply with the statutory requirements of the Planning Act, including</li> </ul>	<p>Chapter 3 sets out specifically what the Applicant has done to comply with the statutory requirements of the</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>advice issued under section 51 of the Planning Act, relevant secondary legislation and this guidance</p>	<p>PA 2008. Please also refer to Table 1-1 for the Applicants compliance with the PA 2008.</p> <p>Regard to advice issued in the form of the Advice Log under Section 51 is demonstrating Appendix A.1 (Regard to Section 51 advice).</p>
	<ul style="list-style-type: none"> <li>Set out how the applicant has complied with the requirements to consult local communities described in the SoCC</li> </ul>	<p>Chapter 8 of the Consultation Report sets out how the Applicant has complied with the requirements to consult local communities described in the 2024 SoCC. Please refer to Table 8-5.</p>
	<ul style="list-style-type: none"> <li>Set out any relevant responses to consultation (but not a complete list of responses);</li> <li>Provide a description of how the proposed application for submission has been informed and influenced by taking account of those responses, showing any significant changes made as a result</li> <li>Provide an explanation as to why any responses advising on changes to a proposed project, including advice from statutory consultees and local authorities on effects, were not followed; and</li> <li>Be expressed in terms sufficient to enable the Planning Inspectorate to understand fully how consultation has been undertaken, and how the issues raised</li> </ul>	<p>The Applicant has thematically summarised the relevant responses received as part of the statutory consultations and produced 'issue statements'. The Applicant has had regard to these issue statements, has identified where responses have resulted in a change to the Project, and where a request for a change has not been followed the Applicant has explained why. Please refer to the following parts of the Consultation Report:</p> <ul style="list-style-type: none"> <li>Summer 2024 Consultation                         <ul style="list-style-type: none"> <li>Section 9.7; and</li> <li>Appendix F.29 (The Applicant's response to feedback)</li> </ul> </li> <li>Spring 2025 Consultation                         <ul style="list-style-type: none"> <li>Section 10.7 of; and</li> </ul> </li> </ul>

Reference	Guidance	The Applicant's regard to guidance
	<p>through consultation have been addressed or responded to.</p>	<ul style="list-style-type: none"> <li>○ Appendix G.25 (The Applicant's response to feedback)</li> <li>● Autumn 2025 Consultation                             <ul style="list-style-type: none"> <li>○ Section 11.7; and</li> <li>○ Appendix H.9 (The Applicant's response to feedback)</li> </ul> </li> <li>● Spring 2026 Consultations                             <ul style="list-style-type: none"> <li>○ Section 12.7 of the Consultation Report; and</li> <li>○ Appendix I.13 (The Applicant's response to feedback)</li> </ul> </li> </ul> <p>The Consultation Report explains how the pre-application consultation has been undertaken and details how the issues raised have been responded to and addressed.</p>
	<p>It is good practice that those who have contributed to the consultation are informed of the results. 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.</p>	<p>The Applicant has produced an Executive Summary to support its Consultation Report. The Executive Summary has been written in plain English for the local community and sets out the headline findings and how they have been addressed in developing the Project. This summary is contained within the Consultation Report.</p> <p>Following the Summer 2022 Consultation, a Response to Feedback Report was produced and shared at the Summer 2024 Consultation, see Appendix C.16</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>(Summer 2022 Consultation Response to Feedback Report).</p> <p>After Summer 2024 Consultation, the Applicant produced a Summary of Feedback Report, Appendix F.30 (Summer 2024 Summary of Feedback Report). This report was published on 20 January 2025 ahead of the Applicant's next planned Spring 2025 Consultation.</p>
	<p>A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant effects, or whether a targeted response would be more appropriate.</p>	<p>The Consultation Report provides detailed responses to the technical comments received from consultees. As detailed in the Statement of Engagement (Document reference 5.9), the Applicant has undertaken engagement with local authorities, statutory environmental bodies, community groups, parish councils, businesses, customers, statutory undertakers, PILs and neighbouring projects on technical information alongside the pre-application consultation to shape and inform the Project.</p>
<p><b>What is section 51 advice and how can it support the pre-application process?</b></p>		
028	<p>The Planning Inspectorate can give advice to potential applicants. Section 51 of the Planning Act, and the APFP Regulations 2009, provide for the giving of advice to potential applicants and others about applying for an Order granting development consent and about making representations. The APFP Regulations 2009 set</p>	<p>Appendix A.1 (Regard to Section 51 advice) provides a record of the advice given to the Applicant by the Planning Inspectorate from the Inception Meeting on 15 June 2021. Appendix A.1 (Regard to Section 51 advice) also shows how the Applicant has had regard to this advice.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>out that a record of this advice must be maintained on an accessible website. The Planning Inspectorate will therefore maintain an Advice Log on the appropriate project pages of the Planning Inspectorate's National Infrastructure Planning website.</p>	
<p><b>What should applicants and others involved in the pre-application process do where issues remain unresolved?</b></p>		
030	<p>The programme-led approach, driven by the applicant through their Programme Document, is intended to support preparation of the application and address the issues it gives rise to in such a way as those which remain outstanding at examination are minimised. Applicants, working with those engaged in the pre-application process, have an important role to play to ensure that an examination focuses on the main differences between the parties.</p> <p>Statements of Common Ground (SoCG) can support this by providing a written statement (prepared by the applicant and another party or parties), setting out matters on which they agree or disagree. Applicants are encouraged to submit SoCGs as part of the application documents, even if they are of a provisional or draft nature to be developed during the examination. It is therefore</p>	<p>The Applicant has drafted and submitted Statements of Common Ground (SoCGs) with the DCO application. SoCGs have been prepared with key interested parties, including the following:</p> <ul style="list-style-type: none"> <li>• East Hampshire District Council</li> <li>• Eastleigh Borough Council</li> <li>• Fareham Borough Council</li> <li>• Hampshire County Council</li> <li>• Havant Borough Council</li> <li>• Portsmouth City Council</li> <li>• South Downs National Park Authority</li> <li>• Winchester City Council</li> <li>• Environment Agency</li> <li>• MMO</li> <li>• Natural England</li> <li>• Historic England</li> <li>• Ministry of Defence</li> </ul>

Reference	Guidance	The Applicant's regard to guidance
	<p>important that these are prepared during the pre-application period wherever possible, particularly with statutory consultees and affected local authorities.</p>	<p>These SoCGs set out a record of engagement undertaken to date with each stakeholder, and the key areas of agreement and any outstanding issues. The SoCGs will be updated throughout the Examination period to reflect ongoing engagement and agreement with stakeholders.</p>
	<p>Principal Areas of Disagreement Summary Statements (PADSS) record the key areas of disagreement together with a statement as to what precise change to the draft DCO is sought by the relevant interested party to resolve the issues. Submission of PADSS are suitable for all types of application but are an essential element of a potential fast-track application.</p>	<p>A number of statutory consultees have produced Principle Areas of Disagreement Summary Statements (PADSS). Where provided to the Applicant, these PADSS (Document reference 5.13, DCO Volume 5) have been submitted with the DCO application to accompany the Statements of Common Ground (Document reference 5.8, DCO Volume 5).</p>
<p><b>How should applicants engage with local authorities?</b></p>		
<p>032</p>	<p>The Planning Act recognises the role that local authorities play as bodies with expert knowledge of the local community, business and other interests as well as their responsibility for development of the local area. They can support applicants in developing proposals, ensuring local issues are understood and taken into account.</p>	<p>The Applicant has engaged and consulted local authorities, as defined by Section 43 of the PA 2008. Wider pre-application engagement undertaken with statutory consultees and LPAs has been undertaken through EIA Working Groups, JOG, and bilateral meetings. EIA Working Groups are described in ES Chapter 5 EIA approach and methodology, Volume I (Document reference 6.1, DCO Volume 6) and further detail about the Applicant's approach to engagement</p>

Reference	Guidance	The Applicant's regard to guidance
		can be found in the Statement of Engagement (Document reference 5.9, DCO Volume 5).
	<p>The particular functions that local authorities have in the pre-application process include:</p> <ul style="list-style-type: none"> <li>• Consultation about the SoCC under section 47 of the Planning Act which sets out how an applicant will consult with the people living in the vicinity of the land for their proposed development</li> </ul>	<p>The Applicant consulted with each of the local authorities that are within Section 43(1) between 22 March 2024 and 19 April 2024. On 21 March 2024, the Applicant shared a draft SoCC with relevant local authorities and comments were requested by 19 April 2024. Consultation with East Hampshire District Council commenced on 17 April 2024, and comments were requested by 15 May 2024, allowing at least 28 days. Please refer to Chapter 8 of the Consultation Report for further detail about the comments received from local authorities and the Applicant's response.</p>
	<ul style="list-style-type: none"> <li>• Their role as a statutory consultee under section 42 of the Planning Act for any proposed application in or adjacent to their area (as defined by section 43 of the Planning Act) which they must be consulted on by the applicant</li> </ul>	<p>Local authorities within Section 43 were consulted during the statutory consultations, Summer 2024 Consultation, Spring 2025 Consultation and Autumn 2025 Consultation, as outlined in Table F17-2 in Appendix F.17 (Lists of consultees).</p>
	<ul style="list-style-type: none"> <li>• Their role as a relevant consultation body in relation to EIA scoping opinions</li> </ul>	<p>An EIA Scoping Report (see Appendix D.1 (Scoping report)) was submitted to the Secretary of State through the Planning Inspectorate on 21 July 2023, along with a request for an EIA Scoping Opinion.</p> <p>An EIA Scoping Opinion was adopted by the Planning Inspectorate on behalf of the Secretary of State on 31</p>

Reference	Guidance	The Applicant's regard to guidance
		<p>August 2023. The EIA Scoping Opinion sets out the Planning Inspectorate's comments, on behalf of the Secretary of State, on the EIA approach and topic areas to be assessed and reported on.</p> <p>The EIA Scoping Opinion also included a list of all prescribed consultation bodies consulted by the Planning Inspectorate (in accordance with Regulation 10 of the EIA Regulations) on the EIA scope, approach and topic areas, including confirmation of topics/issues that could be scoped out on the basis that there is no potential for likely significant environmental effects. The consultation bodies included relevant local authorities within Section 43 of the PA 2008.</p> <p>The Applicant has had regard to consultation responses received as part of the EIA scoping process by the Planning Inspectorate, including those received after the statutory deadline. The responses received and the response from the Applicant was presented in tabular format in the PEI Report Appendix 5.1 Response to EIA Scoping Opinion, Volume II accompanying the Summer 2024 Consultation information. ES Appendix 5.3 Response to EIA Scoping Opinion, Volume II (Document reference 6.2, DCO Volume 6) is an updated version of Appendix 5.1 of the PEI Report and is submitted as part of the ES.</p>

Reference	Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>Although not a statutory requirement, a SoCG between the applicant and local authorities is now a well-established practical part of the process.</li> </ul>	<p>As listed above, SoCGs with each local authority have been prepared and submitted with the DCO application as a practical part of the process.</p>
	<p>Applicants are required to consult the local authority in whose area a proposed NSIP project lies (the 'host' local authority). They are also required to identify and consult the neighbouring local authorities under the requirements of section 43(2) and (2A) of the Planning Act. This explains how lower tier or unitary authorities adjacent to the host authority, and upper tier authorities adjacent to the upper tier authority within which the proposal is located, should be consulted. Determining which neighbouring authorities should be involved can only be done on a case-by-case basis. If the boundaries of the proposed applications change, applicants will need to consider whether there are any changes to the local authorities they need to consult.</p> <p>Applicants need to appreciate the range of local government structures in England particularly, and the meaning of 'local authority' in section 43(3) of the Planning Act for the purposes of consultation under the section 42 of the Planning Act. Where a combined authority or combined county authority</p>	<p>Table F17-2 in Appendix F.17 (Lists of consultees) contains the local authorities and the local authority categories as defined in Section 43 of the PA 2008.</p> <p>No combined authorities were identified through the stakeholder mapping process.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>is in place, applicants are recommended to review whether the relevant legislation which established those authorities brings them within scope of the consultation requirements under the Planning Act. Unless functions of county, district or unitary authorities have been specifically transferred by legislation, then these types of government bodies would not be a 'local authority' under these sections of the Planning Act. However, it is good practice for applicants to work with the constituent local authorities to consider how a combined authority could best support development of the application.</p>	
	<p>Depending on the nature and scale of the NSIP, and the extent to which a particular authority is affected, Planning Performance Agreements or mechanisms that provide cost recovery may be appropriate. This should be set out in the applicant's Programme Document for discussion and agreement with the Planning Inspectorate at the Inception Meeting.</p>	<p>PPAs were entered into with local authorities early in the pre-application stage to ensure local authorities had the required resource to contribute fully to the process. PPAs allowed local authorities to join the JOG, EIA Working Groups, Scheme Development Workshops, and bilateral meetings. The Programme Document confirms cost recovery in the form of PPAs are in place.</p>
<p><b>Where projects affect multiple local authority areas what considerations arise?</b></p>		
034	<p>In preparing a SoCC under section 47 of the Planning Act, applicants may need to consult with a number of different local authorities. This may</p>	<p>The Applicant undertook initial advance consultation on the draft 2024 SoCC and later undertook statutory consultation on the draft SoCC with a number of</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>particularly be the case for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the SoCC are coherent, effective, and work across local authority boundaries.</p>	<p>different local authorities. Please refer to Chapter 8 in the Consultation Report which describes how the Applicant produced the Summer 2024 Consultation and undertook consultation on the content of the 2024 SoCC with the seven local authorities.</p> <p>Further detail about the production of the Applicant's SoCC can be viewed within Chapter 8 of the Consultation Report.</p>
<p><b>What should local authorities take into account in working with applicants to help prepare their Statement of Community Consultation (SoCC)?</b></p>		
036	<p>Where a local authority raises an issue or concern about the draft SoCC which the applicant feels unable to address, the applicant is advised to work with the authority to find an appropriate way forward. Where this is not possible, they should explain the reasons for this and rationale for their course of action in the consultation report submitted as part of their application.</p> <p>Applicants have a statutory duty to consult any local authority in whose land a project is sited. So, where an offshore project also features land-based development such as an onshore cable route and substation, the applicant should treat the local authority where the land-based development is located as the main consultee for</p>	<p>The Applicant had regard to all feedback received on both initial advance consultation and statutory consultation. The Applicant has outlined how it had regard to feedback received in Chapter 8 of the Consultation Report.</p> <p>The Applicant shared its response to the comments raised on the draft 2024 SoCC at each consultation stage with the local authorities. This included a list of changes made.</p>

Reference	Guidance	The Applicant's regard to guidance
	<p>the SoCC. The applicant is also advised to consider seeking views on the SoCC 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 SoCC with any local authorities in the vicinity where there could be an effect on harbour facilities.</p>	

## 1.6 Ministry of Housing, Communities and Local Government (2020) Guidance on procedural requirements for major infrastructure projects

- 1.6.1 Table 1-5 outlines how the Applicant has complied with the Ministry of Housing, Communities and Local Government (MHCLG) (2020) Guidance on procedural requirements for major infrastructure projects relevant to the pre-application statutory consultations.

**Table 1-5 The Applicant’s regard to the MHCLG Guidance on procedural requirements for major infrastructure projects**

Guidance	The Applicant’s regard to guidance
<b>Making documentation available for inspection</b>	
<p>The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 (the 2020 Regulations) remove the obligations on applicants (or the Secretary of State, as the case may be) to include in relevant notices the addresses (including at least one address in the vicinity of the relevant project) where certain documentation is available for inspection. Instead, notices published by applicants must specify that the documents are available free of charge on a website, the address of the website and details of how the documents may be obtained from that website. Applicants are also required to provide a telephone number for general enquiries on where to find relevant information and on the documentation itself.</p>	<p>In accordance with the 2020 Regulations, all statutory notices, in accordance with Section 47 and 48 of the PA 2008, published by the Applicant clearly stated that the full suite of application documents was available free of charge on a dedicated consultation website (<a href="http://www.hampshirewtwrp.co.uk/index">www.hampshirewtwrp.co.uk/index</a>). Each notice provided the complete website address and set out clear instructions for accessing, viewing, and downloading the documents. The notices also included a dedicated email address for general enquiries (<a href="mailto:FeedbackHWTWRP@southernwater.co.uk">FeedbackHWTWRP@southernwater.co.uk</a>), ensuring that members of the public could obtain support in locating specific materials, or seeking clarification on the content.</p>
<p>Applicants should ensure the relevant website is well signposted when publishing their notices and that the</p>	<p>To further promote accessibility and transparency, the Applicant ensured that all notices signposted the</p>

Guidance	The Applicant's regard to guidance
<p>documents are readily accessible, i.e. documents should be clearly named and logically structured. Where needing to refer to a website maintained by or on behalf of the Secretary of State, we expect applicants to refer to the relevant project webpage on the Planning Inspectorate's National Infrastructure Planning website.</p>	<p>dedicated consultation website prominently and consistently. The website itself was structured to facilitate ease of navigation, with documents logically organised, clearly titled, and readily identifiable, thereby enabling stakeholders to locate relevant information efficiently.</p>
<p>As is currently the case, and subject to any charge that may be made, hard copies of any of the relevant documents must be provided by the applicant or the Secretary of State (as the case may be) on request.</p>	<p>In accordance with the 2020 Regulations, the Applicant also made hard copies of documents available upon request, subject to any applicable charge. Appendix F.21 (Section 48 published notices) demonstrates that at the Summer 2024 Consultation, the Applicant stated, '<i>Hard copies of the Consultation Documents can be provided at a fee: £350 for all Consultation Documents including the PEI Report, or £100 for all Consultation Documents excluding the PEI Report.</i>'. Appendix G.24 (Section 48 published notices) evidences that at the Spring 2025 Consultation, the Applicant stated, '<i>Hard copies of the Supplementary Consultation Materials can be provided free of charge.</i>'.</p>
<p>Applicants should engage proactively with local authorities and local communities to find alternative means to provide access to the documentation where required, to ensure on-going fair participation in the planning process, for example by providing copies of documents on a USB flash drive where parties have access to a computer but have limited or no internet access or, where reasonably practicable, by making</p>	<p>In addition to meeting statutory obligations, the Applicant engaged proactively with local authorities in the development of the 2024 SoCC to identify appropriate alternative means of providing access to materials where required. At the Summer 2024 Consultation, the Applicant provided access to hard copies of consultation documents available at in-person consultation events and supplying key information in various accessible formats,</p>

Guidance	The Applicant's regard to guidance
<p>copies of documents available for inspection free of charge where a person is unable to access the documentation electronically or finds it difficult to do so.</p>	<p>such as brochures, summary materials, and display boards at in-person consultation events, to support community understanding and engagement.</p> <p>At the Spring 2025 Consultation, consultation materials were made available at deposit locations in the vicinity of the Project.</p>
<p><b>Statement of Community Consultation</b></p>	
<p>Section 47(6) of the Planning Act 2008 requires that at the pre-application stage the Statement of Community Consultation must be made available for inspection. This requirement can be met by making documents available for inspection online. Applicants should take reasonable steps to ensure that anyone wishing to view the documentation can find these documents on their website. Hard copies should be made available by the applicant on request.</p>	<p>At the Summer 2024 Consultation, the Applicant published the 2024 SoCC in full on the dedicated consultation website (<a href="http://www.hampshirewtwrp.co.uk/index">www.hampshirewtwrp.co.uk/index</a>), ensuring that it was freely accessible to all interested parties. The website link was provided clearly and consistently within the Appendix E.11 (Section 47 published notices), alongside straightforward instructions on how the document could be viewed or downloaded.</p> <p>In taking reasonable steps to ensure that anyone wishing to inspect the 2024 SoCC could locate it easily, the Applicant positioned the document prominently within the website's consultation section and structured the online document library so that navigation was intuitive. The 2024 SoCC was clearly titled and signposted, allowing members of the public to identify and access it without difficulty.</p> <p>In addition to the online provision, the Applicant made hard copies of the 2024 SoCC available upon request, in accordance with the statutory requirement. Information on</p>

Guidance	The Applicant's regard to guidance
	<p>how to request a physical copy was included within the statutory notices and on dedicated consultation website. To support further accessibility, the Applicant provided a dedicated email address for general enquiries enabling individuals to obtain assistance in locating the 2024 SoCC or understanding its contents.</p> <p>Further information regarding the 2024 SoCC can be found in Chapter 8 of the Consultation Report.</p>
<p><b>Newspaper notices</b></p>	
<p>Requirements exist under the Planning Act 2008 to place notices in local newspapers. In circumstances where local newspapers are currently not available in a print format, this requirement can be met by placing adverts in appropriate online local newspaper publications.</p>	<p>The Applicant fully adhered to the requirements of the PA 2008 relating to the publication of Sections 47 and 48 notices in local newspapers.</p> <p>In accordance with Sections 47 and 48 of the PA 2008, all required notices were placed in the physical print editions of the relevant local newspapers covering the consultation area. The Applicant ensured that each notice appeared in the appropriate publications and on the correct dates, meeting the statutory deadlines and ensuring that the material was available to local communities through the traditional and widely recognised format of printed press.</p> <p>The publications where the Section 47 notices appeared in relation to the statutory consultation were:</p> <ul style="list-style-type: none"> <li>• Hampshire Chronicle</li> <li>• Portsmouth News</li> </ul>

Guidance	The Applicant's regard to guidance
	<ul style="list-style-type: none"> <li>• Southern Daily Echo</li> </ul> <p>Appendix E.11 (Section 47 published notices) evidences the publication of the 2024 SoCC.</p> <p>For Summer 2024 Consultation, a notice, as required by Section 48 of the PA 2008, publicising the proposed application for development consent for the Project was published between 22 May 2024 and 31 May 2024 in the London Gazette, once in a national newspaper (The Times), and for two successive weeks in a local newspaper (the Applicant opted to publish the notice in three local newspapers: Portsmouth News, Southern Daily Echo, Hampshire Chronicle and Hampshire Independent). Copies of the notices, as published, are enclosed in Appendix F.21 (Section 48 published notices).</p> <p>For Spring 2025 Consultation, a notice, as required by Section 48 of the PA 2008, publicising the proposed application for development consent for the Project was published on 4 March 2025 in the London Gazette, once in a national newspaper (The Times) (also on 4 March 2025), and for two successive weeks in a local newspaper (Portsmouth News, Hampshire Chronicle and Hampshire Independent). Copies of the notices, as published, are enclosed in Appendix G.24 (Section 48 published notices).</p> <p>As printed editions of the local newspapers were available throughout the required publication period, there</p>

Guidance	The Applicant's regard to guidance
	<p>was no need to rely on online equivalents to fulfil the statutory obligation. The Applicant therefore complied with the legislation in full by publishing exclusively in physical newspapers and did not utilise electronic or digital newspaper platforms for this purpose.</p> <p>This approach ensured both strict compliance with the statutory requirements and effective dissemination of information to local residents, including those who may rely on printed media as their primary source of local information.</p>

## 1.7 Planning Inspectorate (2024, updated 2025), Nationally Significant Infrastructure Projects: Advice on the Consultation Report

1.7.1 Table 1-6 outlines how the Applicant has complied with the advice set out in the Planning Inspectorate (2024, updated 2025), Nationally Significant Infrastructure Projects: Advice on the Consultation Report, the ‘Advice on the Consultation Report’, relevant to the pre-application statutory consultations.

**Table 1-6 The Applicant’s regard to Advice on the Consultation Report**

Advice	The Applicant’s regard to advice
<b>Purpose of the consultation report</b>	
The consultation report must explain how the Applicant has complied with the statutory pre application consultation requirements set down in the Planning Act, specifically the requirements to: <ul style="list-style-type: none"> <li>• Consult with prescribed consultees (Section 42)</li> </ul>	Sections 9.3, 10.3, 11.3 and 12.3 of the Consultation Report summarise the Section 42 consultation with prescribed consultees, statutory undertakers, PILs, and local authorities at each statutory consultation.
<ul style="list-style-type: none"> <li>• Consult with the community (Section 47)</li> </ul>	Section 9.5 and 10.5 of the Consultation Report summarise the consultation with the local community (including nonprescribed organisations) at each statutory consultation in accordance with Section 47.
<ul style="list-style-type: none"> <li>• Publicise the proposed application (Section 48)</li> </ul>	Section 9.6 and 10.6 of the Consultation Report summarise how the Applicant publicised the proposed application (the Project) for development consent in compliance with Section 48 of the PA 2008 at each statutory consultation. No responses were received that specifically identified themselves as being in response to the Section 48 statutory publicity, which in any event

Advice	The Applicant's regard to advice
	directed readers of that publicity to the same consultation materials as those provided to inform consultation responses pursuant to Section 42, Section 44, and Section 47.
<ul style="list-style-type: none"> <li>• Have regard to consultation responses (Section 49)</li> </ul>	The consideration of and regard had to relevant responses received to consultation and publicity has been set out in the following locations of the Consultation Report: <ul style="list-style-type: none"> <li>• Summer 2024 Consultation                             <ul style="list-style-type: none"> <li>○ Section 9.7; and</li> <li>○ Appendix F.29 (The Applicant's response to feedback)</li> </ul> </li> <li>• Spring 2025 Consultation                             <ul style="list-style-type: none"> <li>○ Section 10.7; and</li> <li>○ Appendix G.25 (The Applicant's response to feedback)</li> </ul> </li> <li>• Autumn 2025 Consultation                             <ul style="list-style-type: none"> <li>○ Section 11.7; and</li> <li>○ Appendix H.9 (The Applicant's response to feedback)</li> </ul> </li> <li>• Spring 2026 Consultations                             <ul style="list-style-type: none"> <li>○ Section 12.7 of the Consultation Report; and</li> <li>○ Appendix I.13 (The Applicant's response to feedback)</li> </ul> </li> </ul>

Advice	The Applicant's regard to advice
<ul style="list-style-type: none"> <li>Have regard to the government's guidance on the Pre-application stage (Section 50)</li> </ul>	<p>The Applicant confirms that it has complied with the following guidance about pre-application procedure:</p> <ul style="list-style-type: none"> <li>In Table 1-4, the Applicant's regard to the Pre-application Guidance 2024. The Applicant notes that the Department for Communities and Local Government (2015) Guidance on the pre-application process was withdrawn on 30 April 2024 but was the relevant statutory guidance in force when the Applicant initiated its SoCC preparation and early consultation activity.</li> <li>In Table 1-5, the Applicant's regard to the Ministry of Housing, Communities and Local Government (2020) Guidance on procedural requirements for major infrastructure projects.</li> </ul>
<p>The report should also explain any non-statutory pre-application consultation that has been undertaken by the Applicant.</p>	<p>Chapter 5 of the Consultation Report describes the non-statutory Public Consultation 2021.</p> <p>Chapter 6 of the Consultation Report describes the non-statutory Summer 2022 Consultation.</p>
<p>The consultation report should include an explanation of how the Applicant has had regard to the Planning Inspectorate's pre application advice and the advice provided by other statutory consultees and local authorities.</p>	<p>The Applicant confirms that it has had regard to the following published advice about pre-application procedure:</p> <ul style="list-style-type: none"> <li>In Table 1-6, the Applicant's regard to the Planning Inspectorate (2024, updated 2025), Nationally Significant Infrastructure Projects: Advice on the Consultation Report.</li> </ul>

Advice	The Applicant's regard to advice
	<ul style="list-style-type: none"> <li>• In Table 1-7, the Applicant's regard to the Pre-application Prospectus 2024.</li> <li>• In Table 1-8, the Applicant's regard to the Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation.</li> </ul> <p>Please also refer to Appendix A.1 (Regard to Section 51 advice), and to the tables within this annex.</p>
<p><b>Environmental Impact Assessment Regulations consultation</b></p>	
<p>The Applicant may wish to draw attention to consultation responses received under the EIA process, but any reference to the EIA consultation should be addressed separately from the non-statutory and statutory consultation carried out under the Planning Act.</p>	<p>ES Appendix 5.3 Response to EIA Scoping Opinion, Volume II (Document reference 6.2, DCO Volume 6) includes a summary of responses received during the EIA process and explains how these were addressed.</p> <p>Please refer to Chapter 7 of the Consultation Report which provides a summary of EIA consultation undertaken in 2023 under the EIA Regulations.</p>
<p><b>Format and content of this report</b></p>	
<p>There is no standard format for a consultation report. This advice provides some good practice guidelines about the structure of a consultation report.</p> <p>The main aim of this report is to provide clarity on what consultation has been done and how the Applicant has taken feedback into account. The Planning Inspectorate should be able to understand how the consultation was</p>	<p>The Consultation Report details the changes made following feedback received at every consultation stage.</p> <p>Section 5.4 of the Consultation Report provides a summary of the issues raised at the Public Consultation 2021 and the Applicant's response to feedback which includes information about how the Project evolved from the feedback received.</p>

Advice	The Applicant's regard to advice
<p>undertaken and how the issues raised have been addressed or responded to. The report does not need to include an excessively detailed description of every element of the consultation programme.</p>	<p>Table 6-7 of the Consultation Report provides a summary of the issues raised at the Summer 2022 Consultation and the Applicant's response to feedback which includes information about how the Project evolved from the feedback received.</p> <p>Table 9-14 of the Consultation Report provides a summary of the issues raised at Summer 2024 Consultation and the Applicant's response to feedback which includes information about how the Project evolved from the feedback received.</p> <p>Table 10-10 of the Consultation Report provides a summary of the issues raised at Spring 2025 Consultation and the Applicant's response to feedback which includes information about how the Project evolved from the feedback received.</p> <p>Section 11.7 of the Consultation Report provides a summary of the issues raised at Autumn 2025 Consultation and the Applicant's response to feedback which includes information about how the Project evolved from the feedback received.</p> <p>Section 12.7 of the Consultation Report provides a summary of the issues raised at Spring 2026 Consultations and the Applicant's response to feedback. No changes to the Project were made as a result of feedback received from this consultation.</p>

Advice	The Applicant's regard to advice
<p><u>Introductory text</u></p> <p>Introductory text should provide an overview including:</p> <ul style="list-style-type: none"> <li>• A summary of the consultation activities undertaken</li> <li>• A table or timeline summarising both statutory and non-statutory consultation in chronological order.</li> </ul> <p>This section should explain the relationship between any initial strategic options stages of the project, any subsequent non-statutory consultation that may have taken place, and the statutory consultation carried out.</p> <p>Many NSIPs evolve over an extended period with previous proposals, or elements of proposals, that may have been consulted on then abandoned. Where this is the case a brief description of any historic consultation activity, including any information available about the general content of the consultation and the number of responses at that time, can be helpful. However, a detailed planning history of the site is not necessary.</p>	<p>The Executive Summary of the Consultation Report provides a summary, including a high-level timeline, of all activities undertaken for non-statutory and statutory consultation.</p> <p>Section 2.1 in Chapter 2 of the Consultation Report provides a background to the Project.</p> <p>Chapter 4 of the Consultation Report includes a description of the pre-application consultation undertaken by the Applicant on the Project, and a summary of the aspects of the Project consulted on at each stage. Table 4-1 provides a summary of the consultation process timeline in table format.</p> <p>For each consultation, the Applicant has reported the general content of each consultation and how the Applicant has considered feedback and responded to feedback. Please see '<i>multi-stage consultations</i>' below for further detail.</p>
<p><u>Multi-stage consultations</u></p> <p>It is helpful if each stage of non-statutory and statutory consultation is presented and explained chronologically in separate chapters or sections of the report. This can also include separate summary schedules of consultation responses for each round of consultation, which could be included as an appendix to the report.</p>	<p>Each stage of pre-application consultation is reported in a separate chapter in the Consultation Report as follows:</p> <ul style="list-style-type: none"> <li>• Public Consultation 2021 in Chapter 5 and Appendix B</li> <li>• Summer 2022 Consultation in Chapter 6 and Appendix C</li> </ul>

Advice	The Applicant's regard to advice
	<ul style="list-style-type: none"> <li>• Summer 2024 Consultation in Chapter 9 and Appendix F</li> <li>• Spring 2025 Consultation in Chapter 10 and Appendix G</li> <li>• Autumn 2025 Consultation in Chapter 11 and Appendix H</li> <li>• Spring 2026 Consultations in Chapter 12 and Appendix I</li> </ul>
<b>Statutory consultation</b>	
<p><u>Duty to notify the Secretary of State (Section 46)</u></p> <p>The report should include details of when the Applicant notified the Planning Inspectorate of their intention to submit a NSIP application and carry out statutory consultation. As required by Section 46 of the Planning Act the Applicant must notify the Planning Inspectorate before commencing consultation under Section 42. The report should confirm when the full suite of consultation documents was provided to the Planning Inspectorate and include a list of those documents.</p>	<p>Section 9.6, section 10.6, section 11.4 and section 12.4 of the Consultation Report describes when the Applicant notified the Planning Inspectorate of the Project for development consent, details the consultation documents that were sent with the Section 46 notification letter, and intended to undertake statutory consultation for Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations.</p> <p>Appendix F.22 (Section 46 notification) dated 24 May 2024, Appendix G.20 (Section 46 notification) dated 5 March 2025, Appendix H.7 (Section 46 notification) dated 10 September 2025 and Appendix I.11 (Section 46 notification) dated 16 March 2026 of the Consultation Report exhibits the letters sent to the Planning Inspectorate.</p> <p>Appendix F.23 (Acknowledgement of Section 46 notification), Appendix G.21 (Acknowledgement of</p>

Advice	The Applicant's regard to advice
	Section 46 notification), Appendix H.8 (Acknowledgement of Section 46 notification) and Appendix I.12 (Acknowledgement of Section 46 notification) evidences the acknowledgement of the Section 46 notification by the Planning Inspectorate.
<p><u>Duty to consult (Section 42)</u></p> <p>The report should include a list of all persons and consultation bodies that were consulted. The Applicant should provide a sample of the letter sent to each type of consultee which includes the date it was sent, and the deadline given for responses. These can be included as an appendix. The Applicant should list the consultees in the order suggested below. For each type of consultee, the Applicant should include the dates they were consulted.</p>	<p>Sections 9.3, 10.3, 11.3 and 12.3 of the Consultation Report describe the process for consulting prescribed consultees under Section 42(1)(a), Section 42(1)(aa), Section 42(1)(b), and Section 42(1)(d), including the dates when correspondence was sent to consultees.</p> <p>Table F17-1 in Appendix F.17 (Lists of consultees) of the Consultation Report provides the list of prescribed consultees and their relevance to the Project.</p>
<ul style="list-style-type: none"> <li>Prescribed consultees (Section 42(1)(a), (aa) and (c))</li> </ul> <p>The list of the prescribed consultees should follow the order they are presented in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations 2009). Any variations between the Applicant's list of prescribed consultees and the list set out in Schedule 1 of the APFP Regulations 2009 should be justified. Where relevant, the list of prescribed consultees should</p>	<p>Table F17-1 in Appendix F.17 (Lists of consultees) of the Consultation Report provides a list of prescribed consultees as listed in Schedule 1 of the APFP Regulations 2009 as amended by the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 as the first statutory consultation, the Summer 2024 Consultation, was undertaken after 30 April 2024. For Section 41(1)(a) prescribed bodies, their relevance to the Project is provided.</p> <p>Consultation was undertaken with the MMO for the Summer 2024 Consultation and the Spring 2025</p>

Advice	The Applicant's regard to advice
<p>also include the MMO (Section 42(1)(aa)) and the Greater London Authority (Section 42(1)(c)).</p> <p>The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 introduced transitional provisions where the applicant has started to consult under section 42 before 30 April 2024.</p>	<p>Consultation as the Project is likely to affect the waters in or adjacent to England up to the seaward limits of the territorial sea as per the areas listed in Section 42(2).</p> <p>Consultation on the Project was not undertaken with the Greater London Authority as the Project is not located within Greater London.</p>
<ul style="list-style-type: none"> <li>Relevant local authorities (Section 42(1)(b))</li> </ul> <p>The report should include a short description of how Section 43 of the Planning Act has been applied in identifying the relevant local authorities. This can be illustrated by a map showing the site and identifying the boundaries of the relevant local authorities.</p>	<p>Section 9.3 in Chapter 9 of the Consultation Report includes description of how Section 43 of the PA 2008 has been applied in identifying the relevant local authorities.</p>
<ul style="list-style-type: none"> <li>Persons with an interest in land (Section 42(1)(d))</li> </ul> <p>The report should include the number of persons with an interest in the Order land who were consulted. This can be divided to show the numbers under each category set out in Section 44 of the Planning Act. It is not necessary to list the names of all individuals identified in the Book of Reference.</p>	<p>Sections 9.3, 10.3, 11.3 and 12.3 of the Consultation Report detail how PILs were identified and consulted during the statutory consultations, including Summer 2024 Consultation, Spring 2025 Consultation, Autumn 2025 Consultation and Spring 2026 Consultations.</p> <p>Table F17-3 in Appendix F.17 (Lists of consultees) of the Consultation Report provides the consultee list for PILs.</p>
<p>The Applicant must demonstrate that diligent enquiry was undertaken to identify persons under Section 44 and to ensure that an up-to date Book of Reference is submitted</p>	<p>Section 9.3 of the Consultation Report confirms that the Applicant undertook diligent enquiry to identify persons under Section 44 and to ensure that the Book of</p>

Advice	The Applicant's regard to advice
<p>with the application. It should also set out the methodology for identifying persons in Category 3 (those who may make a relevant claim).</p>	<p>Reference (Document reference 4.3, DCO Volume 4) is up to date and submitted with the DCO application. This includes the methodology of how the Applicant identified Category 3 persons.</p>
<p>If changes to the red line boundary of the project were made during the pre-application stage, and as a result additional persons with an interest in land were identified and consulted, the Applicant should describe:</p> <ul style="list-style-type: none"> <li>• How many additional persons with an interest in land were consulted</li> <li>• How and when they were consulted</li> <li>• What information they were provided with</li> </ul> <p>The Applicant should explain how they have dealt with any new interests in land that have emerged after the statutory consultation has concluded.</p>	<p>During the pre-application stage, changes to the draft Order Limits and ongoing land referencing resulted in some land interests being added or removed. Details of these changes, including the identification of additional persons with an interest in land (PILs), are set out in Table F17-3 of Appendix F.17 (Lists of consultees).</p> <p>Summer 2024 Consultation</p> <ul style="list-style-type: none"> <li>• Further information on how the Applicant undertook the identification of PILs for the Summer 2024 Consultation is provided in Section 9.3 of the Consultation Report. Section 9.3.25 describes how many additional persons with an interest in land were consulted, and Section 9.3.26 describes how and when newly identified PILs were consulted and what information they were provided with.</li> </ul> <p>Spring 2025 Consultation</p> <ul style="list-style-type: none"> <li>• Sections 10.3.5 to 10.3.14 describe how any additional persons with an interest in land identified for the Spring 2025 Consultation were engaged, including how and when they were consulted and the information provided.</li> </ul>

Advice	The Applicant's regard to advice
	<p>Autumn 2025 Consultation</p> <ul style="list-style-type: none"> <li>Section 11.3.3 to 11.3.6 describe how any additional persons with an interest in land identified for the Autumn 2025 Consultation were engaged, including how and when they were consulted and the information provided.</li> </ul> <p>Spring 2026 Consultations</p> <ul style="list-style-type: none"> <li>Section 12.3 describes how any additional persons with an interest in land identified for the Spring 2026 Consultations were engaged, including how and when they were consulted and the information provided.</li> </ul>
<p><u>Duty to consult the local community (Section 47)</u></p> <p>The Planning Inspectorate will need to be satisfied that the Applicant has complied with the SoCC preparation process. The report should include evidence which shows:</p> <ul style="list-style-type: none"> <li>Which local authorities were consulted about the content of the draft SoCC</li> <li>What the local authorities' comments were</li> <li>Confirmation that the local authorities were given 28 days to provide their comments</li> <li>A description of how the Applicant had regard to the local authorities' comments. For example,</li> </ul>	<p>Chapter 8 of the Consultation Report provides a summary of the SoCC preparation process, including the rationale, initial advance consultation, statutory consultation on the draft 2024 SoCC, and publication in May 2024.</p> <p>The Applicant consulted seven local authorities on the draft 2024 SoCC between 22 March 2024 and 19 April 2024. On 21 March 2024, the Applicant shared a draft SoCC with local authorities and comments were requested by 19 April 2024, allowing at least 28 days (beginning with the day after the day on which the document is received). Consultation with East Hampshire District Council commenced on 17 April 2024, and comments were requested by 15 May 2024, allowing at least 28 days. The local authorities consulted were:</p>

Advice	The Applicant's regard to advice
<p>where a local authority identified digitally disadvantaged groups the Applicant should explain what mitigation was put in place to allow those people to engage, such as providing a telephone helpline</p> <ul style="list-style-type: none"> <li>• Where appropriate, an explanation of why the Applicant did not act on a response from a local authority</li> </ul>	<ul style="list-style-type: none"> <li>• East Hampshire District Council</li> <li>• Eastleigh Borough Council</li> <li>• Fareham Borough Council</li> <li>• Hampshire County Council</li> <li>• Havant Borough Council</li> <li>• Portsmouth City Council</li> <li>• Winchester City Council</li> </ul> <p>Appendix E.8 (Regard to statutory consultation comments on the draft 2024 SoCC) of the Consultation Report details the comments received from local authorities, and the Applicant's response. Where a change to the draft 2024 SoCC was requested by a local authority and a change not made, the Applicant has explained why.</p>
<p>The Applicant should provide evidence that the SoCC:</p> <ul style="list-style-type: none"> <li>• Was available for inspection online, Evidence could include a screenshot of the relevant webpage showing the published SoCC and including the full website address, relevant telephone number for enquiries, and confirmation that the public could access the webpage free of charge</li> </ul>	<p>Appendix F.1 (Website) provides evidence that the 2024 SoCC was available for inspection online on the dedicated consultation website. Access was free of charge.</p>
<ul style="list-style-type: none"> <li>• Was published in the local press, Evidence should include a scanned copy of the published notice as it appeared, and details of the local newspapers it was published in and when</li> </ul>	<p>Appendix E.11 (Section 47 published notices) evidence the publication of the Summer 2024 Consultation. In accordance with Sections 47(6)(a) and (b), Section 47 notices were placed in the following local newspapers circulated in the vicinity of the Project:</p>

Advice	The Applicant's regard to advice
	<ul style="list-style-type: none"> <li>• The News (Portsmouth) on 27 May 2024</li> <li>• Southern Daily Echo on 27 May 2024</li> <li>• Hampshire Chronicle on 30 May 2024</li> </ul>
<p>Where it is not possible to provide a clear scanned copy of a notice the Applicant should provide the best available scanned copy and a document containing the text of the notice. If it was not possible to place the SoCC in a printed local newspaper the Applicant should provide a screenshot of the notice as it was published in an online local newspaper. The screenshot should include the full website address, relevant telephone number for enquiries and the date of publication.</p>	<p>Clear copies of the 2024 SoCC can be found in Appendix E.11 (Section 47 published notices).</p>
<p>Where a SoCC was subject to one or more updates, the updated versions of each SOCC should be included. The report should explain why the SoCC was reviewed and updated from the previous version.</p>	<p>The Applicant confirms it produced one SoCC which can be viewed within Appendix E.9 (2024 SoCC) of the Consultation Report.</p>
<p>Where there are inconsistencies between the SoCC and the consultation carried out by the Applicant, this should be clearly explained and justified. For example, where additional consultation took place that was not included in the SoCC.</p>	<p>The Applicant confirms that details of the 2024 SoCC and compliance are provided in Chapter 8 of the Consultation Report and there were no inconsistencies between the 2024 SoCC and the Summer 2024 Consultation.</p> <p>The Applicant produced Appendix G.5 (Approach to Consultation Document) as part of Spring 2025 Consultation which outlined that the Spring 2025 Consultation would be undertaken in accordance with the principles set out in the 2024 SoCC. The Approach to Consultation document also sets out the Applicant's</p>

Advice	The Applicant's regard to advice
	<p>rationale for not producing an updated SoCC for the subsequent consultations (Spring 2025, Autumn 2025 and Spring 2026). This rationale was based on the provision in the 2024 SoCC which states <i>"if we deem a significant change is made to the Project as a whole, or new statutory consultees are affected, we will consider further targeted and proportionate consultation beyond what is specified in this document, to help inform the final design of the Project. If further consultation is carried out, we will provide appropriate notification to relevant stakeholders who may be affected by the change(s) in question"</i>.</p>
<p><u>Duty to publicise (Section 48)</u>                      The report should include a scanned copy of the Section 48 notice as it appeared in the local and national newspapers and journals. Where it is not possible to provide a clear scanned copy of the notice then the Applicant should provide the best available scanned copy and a document containing the text of the notice. The scanned copy of the notice should clearly show the publication's name and the date of publication.</p>	<p>Appendix F.21 (Section 48 published notices) and Appendix G.24 (Section 48 published notices) of the Consultation Report contain evidence of the Section 48 notices in the local newspapers and national newspapers as part of the Summer 2024 Consultation and Spring 2025 Consultation.</p>
<p>Where it was not possible to place the notice in printed newspapers and journals, a screenshot of the notice as it was published in online publications should be provided. The screenshot should include the full website address,</p>	<p>The Section 48 notices were placed in printed newspapers.</p>

Advice	The Applicant's regard to advice
<p>relevant telephone number for enquiries and the date of publication.</p>	
<p>The report should confirm where and when the notice was published, and the time period given for responses.</p>	<p>For the Summer 2024 Consultation and Spring 2025 Consultation, Section 48 notices were published at the start of consultation and a week later consecutively. The Section 48 notices stated the deadline by which responses should be received.</p> <p>Full details of where and when the Section 48 notices were published can be found in sections 9.6 and 10.6 of the Consultation Report.</p>
<p>The report should confirm that the Section 48 notice was sent to the Environmental Impact Assessment (EIA) consultation bodies at the same time as it was published.</p>	<p>Copies of the Section 48 notices were sent to all EIA consultation bodies along with a consultation notification letter for both the Summer 2024 Consultation and Spring 2025 Consultation.</p> <p>Please refer to Appendix F.19 (Section 42(1)(a), (aa) and (b) cover letter - prescribed bodies), Appendix G.15 (Section 42(1)(a), (aa) and (b) cover letter – existing consultees), and Appendix G.16 (Section 42(1)(a), (aa) and (b) cover letter – new consultees) of the Consultation Report to view copies of the letters sent to the EIA consultation bodies at the same time the Section 48 notice was published. Appended to the letters was a copy of the corresponding Section 48 notice.</p>

Advice	The Applicant's regard to advice
<p><u>Duty to take account of responses to consultation (Section 49)</u></p> <p>The report should provide evidence that the Applicant has had regard to the responses to consultations when preparing their application.</p> <p><u>Summary of responses</u></p> <p>The Applicant should provide a summary of the individual responses received. The responses should be categorised in an appropriate way. It may be appropriate for the Applicant to group responses under headline issues. The Applicant must not present responses in a misleading way or out of context from the original views in the response.</p>	<p>Appendix B.9 (Consultation Feedback Report) includes a summary of issues raised and the Applicant's response for the Public Consultation 2021.</p> <p>Appendix C.15 (Summer 2022 Consultation Summary of Feedback Report) includes the summary of issues raised for the Summer 2022 Consultation, and Appendix C.16 (Summer 2022 Response to Feedback) provides the Applicant's response. These reports represents a point in time, and the Applicant has further developed the Project.</p> <p>The Applicant has thematically summarised the relevant responses received as part of the statutory consultations and produced 'issue statements'. The Applicant has had regard to these issue statements, has identified where responses have resulted in a change to the Project, and where a request for a change has not been followed the Applicant has explained why. Please refer to the following parts of the Consultation Report:</p> <ul style="list-style-type: none"> <li>• Summer 2024 Consultation                         <ul style="list-style-type: none"> <li>○ Section 9.7; and</li> <li>○ Appendix F.29 (The Applicant's response to feedback)</li> </ul> </li> <li>• Spring 2025 Consultation                         <ul style="list-style-type: none"> <li>○ Section 10.7; and</li> <li>○ Appendix G.25 (The Applicant's response to feedback)</li> </ul> </li> <li>• Autumn 2025 Consultation                         <ul style="list-style-type: none"> <li>○ Section 11.7; and</li> </ul> </li> </ul>

Advice	The Applicant's regard to advice
	<ul style="list-style-type: none"> <li>○ Appendix H.9 (The Applicant's response to feedback)</li> <li>• Spring 2026 Consultations                             <ul style="list-style-type: none"> <li>○ Section 12.7 of the Consultation Report; and</li> <li>○ Appendix I.13 (The Applicant's response to feedback)</li> </ul> </li> </ul>
<p>The Applicant should provide an explanation of the method used (coding) to group and organise responses, including any safeguarding and cross-checking processes.</p>	<p>The coding methodology is summarised in section 9.7 under <i>Coding process</i> in Chapter 9 of the Consultation Report.</p>
<p>The summary of responses should identify:</p> <ul style="list-style-type: none"> <li>• Comments that are relevant (directly or indirectly) to changes made to the project during the pre-application stage. For example, changes to siting, route, design, or scale of the scheme itself, or to mitigation or compensatory measures proposed</li> <li>• Comments that led to no change, including an explanation of why the Applicant considered that no change to the project was required</li> <li>• Comments that were received after deadlines set by the Applicant and the process used to deal with these</li> </ul>	<p>The Applicant has produced issue statements for statutory consultations Summer 2024 Consultation and Spring 2025 Consultation. The issue statements can be viewed in:</p> <ul style="list-style-type: none"> <li>• Appendix F.29 (The Applicant's response to feedback) of the Consultation Report; and</li> <li>• Appendix G.25 (The Applicant's response to feedback) of the Consultation Report</li> </ul> <p>The Applicant responded to coded feedback for Autumn 2025 Consultation which can be viewed in H.9 (The Applicant's response to feedback).</p> <p>The Applicant responded to coded feedback for Spring 2026 Consultations which can be viewed in Appendix I.13 (The Applicant's response to feedback).</p>

Advice	The Applicant's regard to advice
	The Applicant has responded to issues raised and addressed comments which resulted in refinements made to the Project in the pre-application stage. The Applicant also noted comments which did not lead to change and provided an explanation justifying the decisions made by the Applicant in terms of progressing the Project.
<p><u>Duty to have regard to the government's pre-application guidance (Section 50)</u></p> <p>The report should provide evidence that demonstrates how the Applicant has had regard to the government's guidance on the Pre application stage. The report should illustrate how the relevant guidance has been followed. If the Applicant has diverged from the guidance this should be explained and justified.</p>	<p>The Applicant confirms that it has complied with the following guidance about pre-application procedure:</p> <ul style="list-style-type: none"> <li>• In Table 1-4, the Applicant's regard to the Pre-application Guidance 2024. The Applicant notes that the Department for Communities and Local Government (2015) Guidance on the pre-application process was withdrawn on 30 April 2024 but was the relevant statutory guidance in force when the Applicant initiated its SoCC preparation and early consultation activity.</li> <li>• In Table 1-5, the Applicant's regard to the Ministry of Housing, Communities and Local Government (2020) Guidance on procedural requirements for major infrastructure projects.</li> </ul>
<p><b>Demonstrating regard to pre-application advice</b></p>	
<p>The Applicant's consultation report should include evidence which demonstrates how they have had regard to the Section 51 pre application advice from the Planning Inspectorate and advice from the other statutory</p>	<p>The Applicant confirms that it has had regard to the following advice about pre-application procedure:</p> <ul style="list-style-type: none"> <li>• In Table 1-6, the Applicant's regard to the Planning Inspectorate (2024, updated 2025), Nationally</li> </ul>

Advice	The Applicant's regard to advice
<p>consultees which provide advice on behalf of the Government.</p>	<p>Significant Infrastructure Projects: Advice on the Consultation Report.</p> <ul style="list-style-type: none"> <li>• In Table 1-7, the Applicant's regard to the Pre-application Prospectus 2024.</li> <li>• In Table 1-8, the Applicant's regard to the Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation.</li> </ul> <p>Appendix A.1 (Regard to Section 51 advice) of the Consultation Report details how the Applicant has had regard to advice from the Planning Inspectorate and advice from the other statutory consultees which provide advice on behalf of the Government.</p>
<p>Provision of this evidence will:</p> <ul style="list-style-type: none"> <li>• Support the Applicant's case to demonstrate that they have complied with the requirements of Part 5, Chapter 2 of the Planning Act</li> <li>• Give confidence to stakeholders that the Applicant has considered the statutory advice received and made all reasonable efforts to submit a well-prepared application</li> </ul> <p>There is no prescribed format for providing this evidence however it may be best presented in a table appended to the consultation report.</p>	<p>Table 1-6, Table 1-7, and Table 1-8 of this compliance checklist demonstrate how the Applicant has complied with the advice set out by the Planning Inspectorate.</p> <p>Appendix A.1 (Regard to Section 51 advice) of the Consultation Report details how the Applicant has had regard to advice from the Planning Inspectorate and advice from the other statutory consultees which provide advice on behalf of the Government.</p>
<p><b>Reporting on the adequacy of consultation milestone</b></p>	

Advice	The Applicant's regard to advice
<p>The adequacy of consultation milestone is a requirement established in the government's guidance on the Pre-application stage. The Planning Inspectorate's Pre-application Prospectus gives further details about the adequacy of consultation milestone procedure.</p>	<p>The Applicant prepared an AoCM which detailed the consultation undertaken to date for the Project. The AoCM submission was submitted to the Planning Inspectorate on 29 October 2025 which was more than 3 months before the DCO submission in Spring 2026. Please see Appendix A.3 (AoCM).</p>
<p>The Applicant should summarise how they have discharged the adequacy of consultation milestone procedure in the consultation report. This should include how the Applicant has had regard to any comments received from local authorities, statutory consultees and the Planning Inspectorate in relation to the adequacy of consultation milestone.</p>	<p>On 20 November 2025, the Applicant received comments from the Planning Inspectorate on the AoCM. Appendix A.1 (Regard to Section 51 advice) details the regard the Applicant has had to these comments.</p>
<p><b>Non-statutory consultation and engagement</b></p>	
<p>The Applicant may have undertaken early non statutory consultation. For example, with statutory consultation bodies when identifying options, or in advance of statutory consultation. The Applicant may also have been engaged in non-statutory consultation after the statutory consultation. For example, when changes have been made to the project.</p>	<p>The Applicant has undertaken six stages of consultation between 2021 and 2026 and has undertaken two non-statutory consultations in 2021 and 2022.</p> <p>The Applicant has engaged with statutory consultation bodies in between statutory consultation periods to invite stakeholders to contribute towards the development of the Project. Please refer to the Statement of Engagement (Document reference 5.9, DCO Volume 5) for information about how the Applicant has undertaken engagement throughout the Project lifecycle.</p>

Advice	The Applicant's regard to advice
<p>The Applicant should describe the non-statutory consultation that took place to the same level of detail as the statutory consultation. While it is not necessary for the Applicant to demonstrate how they have had regard to the non-statutory consultation comments, they should explain how comments received influenced the project.</p>	<p>Chapter 5 of the Consultation Report summarises the non-statutory consultation undertaken in 2021. Section 5.4 of the Consultation Report summarises how comments received have influenced the Project. Appendix B of the Consultation Report exhibits the non-statutory consultation undertaken in 2021.</p> <p>Chapter 6 of the Consultation Report summarises the non-statutory consultation undertaken in 2022. Section 6.4 summarises how comments received influenced the project. Appendix C of the Consultation Report exhibits the non-statutory consultation undertaken in 2022.</p>
<p>The Applicant should explain the nature and purpose of any targeted non-statutory consultation. For example, if it was geographically focused what consultees were included and what was the rationale for the geographic extent of the consultation. If a reduced number of prescribed consultees were consulted, the Applicant should explain the rationale for the selection.</p> <p>Where the Applicant has made changes to the project, whether material or non-material. They should explain which consultees were informed about the change, the approach taken to selecting consultees and an explanation of how and when they were consulted.</p>	<p>Following the Spring 2025 Consultation, the Applicant made eight further refinements to the Project design. These refinements were considered minor, as they did not materially or substantially alter the Project or its overall effects, individually or collectively, in accordance with the Pre-application Guidance 2024. As a result, the Applicant carried out targeted consultation to seek views from those affected. Chapter 11 of the Consultation Report explains the statutory, targeted Autumn 2025 Consultation. This includes an explanation of the nature, the purpose, and the outcome of the targeted consultation.</p> <p>The Applicant undertook two further, statutory, targeted consultations on the Project in Spring 2026 on two separate refinements to the design of the Project. These refinements were considered minor, as they did not</p>

Advice	The Applicant's regard to advice
	<p>materially or substantially alter the Project or its overall effects, individually or collectively, in accordance with the Pre-application Guidance 2024. As a result, the Applicant carried out targeted consultation to seek views from those affected. Chapter 12 of the Consultation Report explains the statutory, targeted Spring 2026 Consultations. This includes an explanation of the nature, the purpose, and the outcome of the Spring 2026 Consultations.</p>
<p><b>Consultation report appendices</b></p>	
<p>Appendices should be used to provide evidence that demonstrates compliance with the requirements of the Planning Act, government guidance and the advice of the Planning Inspectorate and other statutory consultees. The appendices should be clearly referenced in the report. The Applicant should use a referencing system that corresponds to the chapters or sections of the report. A chronological approach which demonstrates the journey through the consultation should be used.</p>	<p>Appendices have been used throughout the Consultation Report to provide clear, auditable evidence demonstrating compliance with the requirements of the PA 2008, relevant government guidance, and the advice of the Planning Inspectorate and statutory consultees. Each appendix is clearly referenced within the main body of the report using a structured referencing system that corresponds directly to the relevant chapter and section numbers, allowing the reader to easily trace evidence back to the narrative.</p>
<p>A separate appendix should be provided for each element of the Section 42 statutory consultation and the Section 48 publicity. For multi-stage statutory consultations, the appendices should be ordered chronologically with a separate appendix for each stage that is subdivided into the different elements of the consultation.</p>	<p>The consultation information has been structured to meet this requirement through the provision of chronological appendices, organised by consultation. Within each appendix, distinct subsections are provided for the Section 42 statutory consultation and the Section 48 publicity, ensuring that each element of the consultation is</p>

Advice	The Applicant's regard to advice
	clearly separated and traceable across all pre-application consultation stages.
Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.	The appendices are structured in a clear and logical sequence, following the chronological progression from non-statutory consultation, through statutory consultation, to targeted consultation.
The summary of responses table for each stage of consultation can also be included as an appendix.	A summary of consultation responses in the form of issue statements for the Summer 2024 Consultation and Spring 2025 Consultation can be found in Appendix F.29 (The Applicant's response to feedback) and Appendix G.25 (The Applicant's response to feedback).
<b>Request for the Applicant to provide consultation responses</b>	
During the acceptance stage the Planning Inspectorate may ask the Applicant to provide a copy of any, or all, of the statutory consultation responses they received. This may be requested when there is uncertainty about whether the duty to have regard to consultation responses has been met. The Applicant should prepare for this possibility during the pre-application stage so that they can provide the required information to the Planning Inspectorate at short notice during the 28 day acceptance stage.	The Applicant confirms that it is able to provide a copy of any statutory consultation responses on short notice when requested.
The Applicant is responsible for ensuring that copies of consultation responses can be provided in a timely manner. They should consider any obligations they have	The Applicant confirms that it is able to provide copies of consultation responses during the acceptance stage.

Advice	The Applicant's regard to advice
<p>under data protection legislation when preparing the responses. The acceptance stage cannot be suspended or extended pending the submission of the consultation responses. The consultation responses will not be published on the Find a National Infrastructure Project website.</p>	<p>Sensitive and confidential information has been removed in line with data protection requirements.</p>
<p><b>Data Protection and redaction guidelines</b></p>	
<p>The Applicant must ensure that the consultation report complies with data protection legislation and that the personal data of individuals is treated appropriately. This may include redaction of data and obtaining informed consent from the individuals concerned as appropriate.</p>	<p>The Applicant confirms that it is committed to protecting personal information. Whenever such information is provided, the Applicant is legally obliged to use it in line with all applicable laws concerning the protection of personal data, including the UK General Data Protection Regulation (GDPR).</p>
<p>The consultation report should not include the following items (if necessary, relevant information should be redacted by the Applicant):</p> <ul style="list-style-type: none"> <li>• Private home addresses of individuals or information that could lead to the identification of the location of a private individual</li> <li>• Private email addresses and telephone numbers of individuals</li> <li>• Sensitive or special category data within the meaning of the Data Protection Act 2018 and UK General Data Protection Regulation</li> <li>• Written signatures</li> </ul>	<p>Under the terms of the UK GDPR, individuals retain certain rights over how their personal data is retained and used by the Applicant. For more information, see the Applicant's Privacy Notice and its Privacy policies on the Applicant's website.</p> <p>The Applicant confirms that responses have been summarised in a way which protects personal data such as addresses and contact details. Personal data which the Applicant does not have permission to publish publicly has also been redacted throughout the Consultation Report and its associated appendices.</p>

Advice	The Applicant's regard to advice
<ul style="list-style-type: none"><li>• Photographs of the faces of individuals who have not given consent to have their image published, including images taken at consultation events</li><li>• Information that could lead to the identification of a specific location of a protected species</li></ul>	

## 1.8 Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus

1.8.1 Table 1-7 outlines how the Applicant has complied with the advice set out by the Planning Inspectorate on Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus, the ‘Pre-application Prospectus 2024’, relevant to the pre-application statutory consultations.

**Table 1-7 The Applicant’s regard to the Pre-application Prospectus 2024**

Reference	Advice	The Applicant’s regard to advice
<b>Primary service features</b>		
009	<p>1. Programme Document</p> <p>The production and maintenance, by the applicant, of a pre-application Programme Document setting out the main steps that the applicant anticipates taking during the preparation of the application. This document will be introduced by the applicant at the Inception Meeting and its development and maintenance monitored by the Inspectorate throughout the preapplication stage. A public version of the pre-application Programme Document must be published on the applicant’s website.</p> <p>Updates to the pre-application Programme Document should be communicated by the applicant proactively, with a clear description of the potential impacts on the requested services of the Inspectorate, relevant statutory bodies, local authorities and other stakeholders provided. A</p>	<p>The Applicant prepared a Programme Document and made it available to inspect on its dedicated consultation website on 18 February 2025 after the requirement of a Programme Document was required by the Pre-application Guidance 2024. The Applicant updated the Programme Document on the dedicated consultation website on 6 May 2025, 15 October 2025 and 18 March 2026, and has included the elements listed in paragraph 010 of the Pre-application Guidance 2024 in the Programme Document. Please refer to Appendix A.2 (Programme Document).</p>

Reference	Advice	The Applicant's regard to advice
	<p>reliable view of programmes across the NSIP portfolio is essential to enable these actors to resource and support the preapplication service effectively. In preparing and making updates to the pre-application Programme Document, we expect applicants to be responsive and reasonable in tailoring programmes to support the engagement of statutory bodies and local authorities where required.</p>	
	<p>2. Issues tracker and potential main issues for the examination</p> <p>The production and maintenance, by the applicant, of an issues tracker throughout the pre-application stage. The expectation is for applicants to be upfront about issues and who they affect. The issues tracker should be made available for regular review by the Inspectorate, affected statutory bodies and local authorities in order to encourage dialogue and, where possible, achieve resolution. The degree of risk associated with each issue identified in the tracker should be allocated a 'RAG' (red, amber, green) status. The issues tracker may be sustained into post-submission stages subject to the discretion of the appointed Examining Authority.</p> <p>The issues tracking process will culminate in a list of 'potential main issues for the examination' (PMIE) which will be entered into the examination as an</p>	<p>The Applicant has collaborated with local authorities, statutory bodies, environmental regulators, and other stakeholders during the pre-application stage to inform the design of the Project, engineering solutions, environmental assessments, mitigation, compensation, and enhancement opportunities.</p> <p>The Applicant has proactively sought to resolve issues raised by stakeholders during the pre-application stage and has been tracking these issues to document relevant areas of disagreement. This has led to the production of the Potential Main Issues for Examining Authority document (PMIE) (Document reference 5.7, DCO Volume 5) which sets out the matters which are likely to require examination. A 'RAG' status has been applied to issues to identify the likelihood of the issue being resolved during Examination.</p>

Reference	Advice	The Applicant's regard to advice
	<p>application document. The PMIE should be a short document which, where possible, is agreed by relevant statutory bodies and local authorities. It is entirely separate from the later 'initial assessment of principal issues' (IAPI) developed by the appointed Examining Authority, but may, per any evidence within the application documentation, influence the content of the IAPI. The function of the PMIE (along with PADSS) is to demonstrate that there are sufficiently few and uncomplex residual issues to potentially allow for a four-month examination to be timetabled (in Fast Track procedure cases) and/ or to facilitate more robust preparation for examination and a smoother and more proportionate examination experience for all parties. In the enhanced tier service, a multiparty meeting may be convened by the applicant to assist finalisation of the PMIE.</p>	
	<p>4. Advice Log                      Engagement in the Inspectorate's production of an Advice Log to replace meeting notes as a record of interactions between us and the applicant. Trials of the Advice Log approach have proved it to be an effective mechanism to streamline the way in which we record advice and free-up resources (both internal and external) to deal with other elements of the pre-application process which focus on improving the quality of the emerging application.</p>	<p>The Applicant and the Planning Inspectorate have been using an Advice Log. How the Applicant has had regard to the Advice Log received under Section 51 from the Planning Inspectorate is outlined in Appendix A.1 (Regard to Section 51 advice).</p>

Reference	Advice	The Applicant's regard to advice
	<p>The Advice Log is owned and maintained by the Inspectorate. After each meeting with the applicant, we will seek comments on drafting within the Advice Log from the applicant prior to publication on Find a National Infrastructure Project. The applicant will use the Advice Log as the basis for demonstrating regard to Section 51 advice within the application.</p>	
	<p>5. Adequacy of Consultation Milestone</p> <p>Engagement in a pre-submission Adequacy of Consultation Milestone (AoCM) intended to allow early consideration of the adequacy of consultation undertaken by the Applicant and minimise risk at the acceptance stage. The AoCM should be programmed to occur early enough to enable Applicants to consider how to undertake any additional engagement that may be needed, but sufficiently towards the end of the pre-application stage to assess the adequacy of the consultation that has been done. To inform the AoCM, the Applicant will make a written submission to the Inspectorate which establishes the consultation undertaken to date, confirms the approaches set out in the Statement of Community Consultation, and summarises the consultation responses and the way in which they are shaping the application.</p>	<p>The Applicant prepared an AoCM which detailed how pre-application consultation had been carried out in accordance with the components set out within section 1.4 of the Programme Document, and within section 4.2 of the 2024 SoCC. The AoCM was submitted on 29 October 2025 which was early enough for the Applicant to consider if additional engagement may be needed, but sufficiently towards the end of the pre-application stage to assess the adequacy of the consultation that has been undertaken.</p> <p>The AoCM report detailed the consultation undertaken up to the time when the AoCM was submitted, including the way consultation responses were shaping the Project, as follows:</p> <ul style="list-style-type: none"> <li>• The non-statutory Public Consultation 2021 which took place from 8 February to 16 April 2021, please refer to Chapter 2 of Appendix A.3 (AoCM)</li> </ul>

Reference	Advice	The Applicant's regard to advice
		<ul style="list-style-type: none"> <li>• The non-statutory Summer 2022 Consultation which ran from 5 July to 16 August 2022, please refer to Chapter 3 of Appendix A.3 (AoCM)</li> <li>• The statutory Summer 2024 Consultation which ran from 29 May to 23 July 2024, please refer to Chapter 4 of Appendix A.3 (AoCM)</li> <li>• The statutory Spring 2025 Consultation which ran from 5 March to 4 April 2025, please refer to Chapter 5 of Appendix A.3 (AoCM)</li> </ul>
	<p>Importantly, it should include the views and any relevant supporting material from local authorities if available. The written submission will be published on the relevant project page on Find a National Infrastructure Project.</p>	<p>The Applicant contacted local authorities on 16 May 2025 and asked local authorities for their views and any relevant supporting material on the Applicant's compliance with the following:</p> <ul style="list-style-type: none"> <li>• Section 42 Duty to consult</li> <li>• Section 47 Duty to consult local authorities</li> <li>• Section 48 Duty to publicise</li> </ul> <p>Feedback on the adequacy of consultation was received from all seven local authorities. Further detail on how the Applicant engaged with local authorities can be found within section 6.1 of Appendix A.3 (AoCM).</p> <p>A summary of the local authority responses in relation to the Applicant's compliance with the PA 2008 is presented in Table 6-1 within Appendix A.3</p>

Reference	Advice	The Applicant's regard to advice
		<p>(AoCM). All local authorities assessed the Applicant as having complied with the duties to consult and publicise (Sections 42, 47, and 48 of the PA 2008).</p> <p>The AoCM was submitted to the Planning Inspectorate on 29 October 2025 and is available to view on the 'Find a National Infrastructure Project' page.</p>
	<p>The AoCM and associated activities will be established in the Applicant's preapplication Programme Document. In the enhanced tier service, where requested and required, an additional multiparty meeting, chaired/ facilitated by the Inspectorate, will be made available to discuss the AoCM submission including the views from local authorities.</p>	<p>The Applicant prepared the Programme Document and made it available to inspect on its dedicated consultation website on 18 February 2025. The Applicant updated its Programme Document on 6 May 2025, 15 October 2025 and again on 18 March 2026.</p> <p>The Planning Inspectorate did not request a meeting with the Applicant to discuss the AoCM submission.</p>
	<p>6. Demonstrating Regard to Advice</p> <p>The production of evidence, presented within the Consultation Report accompanying the submitted application, demonstrating the applicant's regard to the advice that the Inspectorate and affected statutory bodies have issued during the pre-application stage. This should highlight amendments to the application arising from advice received, and similarly provide justification where advice received has not led to an amendment to the application. This</p>	<p>Appendix A.1 (Regard to Section 51 advice) details how the Applicant has had regard to advice received under Section 51 from the Planning Inspectorate which includes how and where amendments made to the application as a result of the advice received, and justification where advice received has not led to an amendment to the application.</p> <p>Chapter 8 of the Consultation Report details the feedback received from local authorities on the draft</p>

Reference	Advice	The Applicant's regard to advice
	<p>new requirement is expected to give rise to better evidence to support the applicant's case for compliance with Part 5, Chapter 2 of the PA 2008, and give better confidence to the stakeholder system that the applicant has taken account of the statutory advice received and made reasonable efforts to submit an application that is in an optimised condition for post-submission stages, including the examination.</p>	<p>2024 SoCC and how the Applicant had regard to the feedback received.</p> <p>Appendix A.3 (AoCM) details consultation with local authorities on the adequacy of consultation undertaken by the Applicant to date, as set out in the 2024 SoCC.</p>

## 1.9 Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation

1.9.1 Table 1-8 outlines how the Applicant has complied with the advice set out by the Planning Inspectorate on EIA Notification and Consultation, relevant to pre-application consultation.

**Table 1-8 The Applicant’s regard to the Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation**

Advice	The Applicant’s regard to advice
<b>Who should be consulted?</b>	
<p><u>Prescribed consultation bodies</u></p> <p>These bodies are defined under Regulation 3(1) of the EIA Regulations as:</p> <ul style="list-style-type: none"> <li>Those prescribed under section 42(1)(a) of the Planning Act 2008 and listed in column 1 of Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP)) Regulations 2009 (“APFP Regulations”) where they meet the criteria in column 2</li> </ul>	<p>Table F17-1 of Appendix F.17 (Lists of consultees) lists the prescribed consultees as they appear in column 1 of Schedule 1 of the APFP Regulations 2009 (as amended) and confirms the prescribed bodies the Applicant has consulted during the pre-application stage.</p>
<ul style="list-style-type: none"> <li>Authorities in section 43 of the Planning Act 2008 (hereafter referred to as section 43 local authorities)</li> </ul>	<p>Local authorities within Section 43 were contacted during the statutory consultations, Summer 2024 Consultation, Spring 2025 Consultation and Autumn 2025 Consultation, as outlined in Table F17-1 in Appendix F.17 (Lists of consultees).</p>

Advice	The Applicant's regard to advice
<ul style="list-style-type: none"> <li>The Greater London Authority, where the development falls within or relates to land in Greater London</li> </ul>	<p>Consultation on the Project was not undertaken with the Greater London Authority as the Project is not located within Greater London.</p>
<p><u>Regulation 11(1)(c) bodies</u></p> <p>Regulation 11(1)(c) of the EIA Regulations defines these as “persons whom the Secretary of State considers to be or likely to be affected by or to have an interest in the proposed development who are unlikely to become aware of the proposed development by the measures taken in compliance with Part 5 of the Planning Act”.</p> <p>The measures under Part 5 of the Planning Act include, for example, the requirement for applicants to engage in pre-application consultation with local communities, local authorities, statutory consultation bodies, and those who would be directly affected by the proposed development. Applicants need to follow the requirements under the EIA Regulations for notifying and consulting Regulation 11(1)(c) persons, as described for example in Regulations 13, 16, 19, 20, 22 and 24.</p>	<p>Please refer to Table 1-2, Regulation 13 of the EIA Regulations, that confirms the Applicant has consulted with Regulation 11(1)(c) bodies.</p>
<p><b>Non-prescribed consultation bodies</b></p>	
<p>These bodies are not defined as consultation bodies under the EIA Regulations. The Planning Inspectorate employs judgement as to whether they should be consulted based on if they have relevant functions and</p>	<p>Please refer to sections 9.5 and 10.5 of the Consultation Report which detail how the Applicant has consulted with non-prescribed bodies and the wider community at the Summer 2024 Consultation and Spring 2025 Consultation.</p>

Advice	The Applicant's regard to advice
<p>responsibility similar to identified consultation bodies under the EIA Regulations.</p> <p>A number of non-prescribed consultation bodies have been identified by the Planning Inspectorate and may be consulted where deemed appropriate.</p>	
<b>Notification and consultation of the prescribed consultation bodies by the Planning Inspectorate</b>	
<p>Applicants for proposed developments are required under Regulation 8 of the EIA Regulations to either notify the Planning Inspectorate in writing that they propose to provide an Environmental Statement in respect of the proposed development (a 'Regulation 8 notification') or request a screening opinion from the Planning Inspectorate.</p> <p>This is required before applicants can commence their statutory pre-application consultation under section 42 of the Planning Act 2008.</p>	<p>Please refer to Table 1-2, Regulation 8 of the EIA Regulations that demonstrates that the Applicant notified the Planning Inspectorate that an ES would be provided in respect of the Project. This notification was on 21 July 2023, before the Summer 2024 Consultation which commenced on 29 May 2024.</p>



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The Southern Water logo graphic consists of three white, stylized wavy lines that resemble water waves, positioned to the right of the word "Water".