

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -
“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

East Anglia Three Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	18/11/2015	16/12/2015	15/12/2015
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes</p> <p>Section 4 of the Application Form (Document 1.2) states that the development proposal is to “<i>construct and operate the proposed East Anglia THREE Offshore Wind farm, which comprises up to 172 wind turbine generators and associated infrastructure</i>”.</p> <p>It also states “<i>As the proposed wind farm is expected to have an installed capacity of up to 1,200 MW, it qualifies as an NSIP pursuant to section 14(1)(a) and 15(3) of PA2008</i>”.</p> <p>The Planning Inspectorate agrees with the applicant’s view as stated in the Application Form (Document 1.2) that the development is an NSIP as it includes an offshore renewable energy generating station in England or Wales with a capacity of more than 100MW, is within s15 of the PA2008, and so requires development</p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	consent in accordance with s31 of the PA2008.
Summary – s55(3)(a) and s55(3)(c)	The applicant has demonstrated that the application as submitted is an application for an order granting development consent, and that development consent under the PA2008 (as amended) is required.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	Yes The applicant made a request for a scoping opinion on 12 November 2012 (Doc 6.5 Scoping Report). The letter also included notification that it proposed to provide an environmental statement. The request was made before the applicant opened the s42 consultation, which commenced on 27 May 2014.
2.2 Have any adequacy of consultation representations ⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	Yes Of the 16 relevant authorities, 11 have provided adequacy of consultation representations. These are: <ul style="list-style-type: none"> • The Broads Authority • Babergh District Council • Mid Suffolk District Council • Suffolk Coastal District Council • Ipswich Borough Council • South Norfolk Council

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

- Breckland Council
- Colchester Borough Council
- Suffolk County Council
- Norfolk County Council
- Essex County Council

A response was submitted on 27 November 2015 on behalf of Suffolk County Council, Mid Suffolk District Council and Suffolk Coastal District Council confirming that the applicant had met '*the Planning Act pre-application consultation requirements and objectives in both practice and in spirit.*' Babergh Council were copied in to this email, and they responded to PINS 4 December 2015 confirming that they were in agreement with this.

Norfolk County Council, the Broads Authority, Breckland Council and South Norfolk Council submitted confirmation that they were satisfied that the applicant had met all consultation requirements.

Essex County Council, Ipswich Borough Council and Colchester Borough Council responded that they had no observations or comments to make.

Copies of responses can be accessed here;
<http://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-three-offshore-wind-farm/?ipcsection=docs>

Responses were sought but were not received from Waveney District Council, St Edmundsbury Borough Council, Braintree District Council, Tendring District Council and Cambridgeshire County Council

s42: Duty to Consult	
2.3 Did the applicant consult the following about the proposed application:	
s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>The applicant has consulted the relevant parish councils under s42(1)(a) as consultees under s42(1)(b) (see Table 11.2 of the Consultation Report (Doc 5.1) for list of consulted parish councils).</p> <p>The applicant sets out in Table 11.1 of the Consultation Report (Doc 5.1) its justification of the exclusion of some s42(1)(a) consultees. For example, they have excluded the Welsh Ministers as the proposed development does not affect land in Wales and they have excluded the Commission for Rural Communities as this Commission was abolished in 2013. A full list with reasons can be found in Table 11.1</p> <ul style="list-style-type: none"> • In addition to the above, there are some consultees identified by the Inspectorate who appear to have not been explicitly listed by the applicant however the application documents indicate that the applicant has undertaken consultation with these bodies as follows: East Anglia One Ltd - Appendix 29 (Master Consultee List) lists East Anglia Offshore Wind Limited. EA Offshore Wind Ltd was formed for the whole licence area, and EA One Ltd is a subsidiary for that particular development, just as EA Three Ltd is for this application. • Galloper wind farm Ltd - Appendix 29 lists SSE Galloper, SSE owns Galloper Wind Farm – EA3 have consulted with Galloper with respect to developing a cable

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

crossing agreement, see Table 18.1 of ES volume 1 Chapter 18 under s42 consultation

- Scottish Power Renewables UK Ltd - Not listed in **Appendix 29** but mentioned twice in the Consultation Report as follows;

(1) In relation to advertising the Phase IIa PIDs, p.46 para 154: 'The press office page on the Scottish Power Renewables web page

(http://www.scottishpowerrenewables.com/pages/press_office.asp) published the dates of the PEIR PIDs (see Appendix 22). Links to this advert were included on other websites including the BBC news website (See Appendix 25).'

(2) On 7 July 2014 EATL met with Scottish Power Renewables during a meeting which was already taking place with the Whale and Dolphin Conservation Society (WDC). Non-statutory consultation activities can be found in paragraph 236 on page 69.

Although these were not listed, on balance the Inspectorate is satisfied that these parties were consulted in principle at the pre-application stage.

It appears that some consultees identified by the Planning Inspectorate as potentially prescribed by section 42(1)(a) have been omitted from the applicant's consultation and are not included in **Appendix 29** of the **Consultation Report (Doc 5.2)** or in the table described above as prescribed consultees.

In light of this, and in accordance with regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP regulations), the Inspectorate requested the original consultation responses from the applicant who provided the following:

	<ul style="list-style-type: none"> • Highways England Historical Railway Estates • Hutchinson Ports (UK) Ltd • Scotland Gas Networks Plc • Southern Gas Networks Plc • Utility Assets Ltd • Wales and West Utilities Ltd <p>As these bodies were identified on a precautionary basis, the Inspectorate has issued section 51 advice on how to address these omissions. On balance the Inspectorate considers that the applicant has met its consultation requirements under s42(1)(a).</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes</p> <p>The MMO was consulted during phase IIa and III consultation (Appendix 29 of the Consultation report, Doc 5.2(29))</p>
s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>Table 11.2 of the Consultation Report (Doc 5.1) identifies the following Local Authorities under s42(1)(b) for the purpose of s43 of PA2008:</p> <ul style="list-style-type: none"> • Babergh District Council^b • Suffolk Coastal District Council^b • Mid Suffolk District Council^b • Waveney District Council^a

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

- South Cambridgeshire District Council*
- East Cambridgeshire District Council*
- Tendring District Council^a
- Braintree District Council^a
- South Norfolk District Council^a
- Breckland District Council^a
- Ipswich Borough Council*
- Colchester Borough Council^a
- Great Yarmouth Borough Council*
- King's Lynn and West Norfolk Borough Council*
- Suffolk County Council^c
- Essex County Council^d
- Norfolk County Council^d
- Cambridgeshire County Council^d

The following Local Authorities have been consulted by the applicant under s42 of the PA2008 but appear not to have been identified as Local Authorities under s.42(1)(b) for the purpose of s43 of the PA2008.

- St Edmundsbury Borough Council^a
- The Broads Authority^d

In accordance with regulation 5(5) of the APFP regulations, the Inspectorate requested original consultation responses from the applicant who in turn noticed a typing error in the Consultation report at **page 94, table 11.2**: St Edmundsbury Borough Council has been omitted from the list of Local Authorities, despite having

	<p>been consulted by the applicant.</p> <p>In addition, whilst the Inspectorate did not receive an adequacy of consultation response from St Edmundsbury Borough Council, it did receive an adequacy of consultation response from The Broads Authority confirming that they were satisfied that the applicant had met all consultation requirements. (See section 2.2 above).</p> <p>On balance, although the applicant did not correctly identify the categories of A,B,C & D authorities, the Inspectorate is satisfied the consultation report identifies that all relevant authorities were consulted on the application. In addition, the Inspectorate is satisfied that all category B and C authorities were consulted on the draft Statement of Community Consultation in line with section 47 of the Act (see section 2.7 below).</p> <p>Additional section 51 advice on this matter has been issued.</p> <p><i>a) Identified by the Inspectorate as Category 'A' Local Authorities</i></p> <p><i>b) Identified by the Inspectorate as Category 'B' Local Authorities</i></p> <p><i>c) Identified by the Inspectorate as Category 'C' Local Authorities</i></p> <p><i>d) Identified by the Inspectorate as Category 'D' Local Authorities</i></p> <p><i>*) Not identified as a Local Authority under section 42 (1)(b) for the purpose of s43 of the PA2008 by the Planning Inspectorate</i></p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>Appendix 29 of the Consultation report, Doc 5.2(29) provides a list of land owners but does not state which category they come</p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

under, and the majority are listed as an assigned number.

Chapter 11 of the **Consultation Report, (Doc 5.1)** provides a description of how s42(1)(d) consultees were identified.

Table 15.1 of the **Consultation Report (Doc 5.1)** refers to the s44 consultees being listed in the **Book of Reference (doc 4.3)** but does not specify which part of the book of reference the s42(1)(d) consultees are listed. **The Book of Reference (doc 4.3)** explains in the preamble that:

The information contained in this Book of Reference includes:

Part 1 – Names and addresses for service for each person within categories 1 and 2

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 (s57(1))

A person is within Category 2 if the applicant, after making diligent inquiry knows that the person is: (a) interested in the land; (b) has the power to: (i)

sell or convey the land; or (ii) release the land (s57(2)(a))

Part 2 – Names and addresses for service for each person within category 3

A person is within category 3 if the applicant thinks that, if the order sought by the application were to be made and fully implemented, the person

would or might be entitled: (a) as a result of making the order; (b) as a result of the order having been implemented; or (c) as a result of the use of

the land once the order has been implemented; to make a relevant claim (s57(4)).S.57 defines category 1, 2 and 3 persons in the same way as S.44.

	<p>Section 11.3.3 and 11.3.4 of the Consultation Report describes how landowners were initially identified using information gained during the East Anglia One project, as both projects follow the same cable route, and that additional landowners have been identified through land registry checks, as additional accesses are required for the East Anglia Three project.</p> <p>The applicant has listed all affected persons in the Book of Reference, included all the relevant information and has set out how it has consulted such persons in the consultation report. Although it is not possible to read across the Inspectorate is satisfied that the test under section 42(1)(d) has been met.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes</p> <p>Phase IIa S42 consultation letter dated 8/05/2014, advised that the consultation period would begin on 27 May 2014 and the deadline for receipt of responses was given as 08/07/2014 (Appendix 42) which equates to 42 days.</p> <p>Phase IIb S42 consultation letter dated 25/07/2014, advised that the consultation period would begin on 29 July 2014 and the deadline for receipt of responses was given as 9/09/2014 (Appendices 51-53) which equates to 42 days.</p> <p>Phase III S42 consultation letter dated 12/06/2015 advised that the consultation period would begin on 19 June 2015 and the deadline for receipt of responses was given as 23/07/2015 (Appendices 30-33) which equates to 34 days.</p>
<p>s46: Duty to notify Secretary of State of proposed application</p>	
<p>2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so</p>	<p>Yes</p> <p>Phase II S46 letter dated 19/05/2014 provided at Appendix 45 to</p>

<p>was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>the Consultation Report. Phase IIa S42 consultation letter dated 21/05/2014 provided at Appendix 42 of the Consultation Report. Section 11.5.2, paragraph 321 of the Consultation Report confirms the dates of the Phase II consultation period as 27/05/2014 – 08/07/2014</p> <p>Although a second s46 wasn't necessary; the applicant provided this on 12/06/2015 for completeness during Phase III consultation. A copy is available at Appendix 60 to the Consultation Report. Phase III S42 consultation letter also dated 12/06/2015 is provided at Appendices 30-33 to the Consultation Report. Section 11.7, paragraph 356 of the Consultation Report confirms the dates of the Phase III consultation period as 19/06/2015 – 23/07/2015, which is consistent with the dates given in the above S42 & S46 letters</p>
<p>s47: Duty to consult local community</p>	
<p>2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes</p> <p>The S47 consultation undertaken by the applicant is covered in chapter 6 of the Consultation Report. A number of references are made to Appendices 1 – 8 where there are further details demonstrating how, for example:</p> <ul style="list-style-type: none"> • Appendix 1 to the Consultation Report contains the Early Draft Statement of Community Consultation (SoCC) and early draft Report to inform the SoCC used for consultation under S47 of the Planning Act, submitted 30 May 2013. <p>In paragraph 1 of appendix 1, reference is made to an email accompanying these documents although it does not appear to have been appended. The Inspectorate is satisfied the omission is not fundamental to the acceptance of this application and considers</p>

	<p>the applicant has fulfilled its duties.</p> <ul style="list-style-type: none"> • Appendix 8 to the Consultation Report contains the advert for the Statement of Community Consultation and Phase I consultation.
<p>2.7 Were "B" and (where relevant) "C" authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p>Yes</p> <p>As stated in section 1.5, paragraph 15 of the Consultation Report:</p> <p><i>'As required under Section 47 of the Act, East Anglia THREE consulted relevant authorities on drafts of the SoCC and the Report to Inform the SoCC (Appendix 1 and Appendix 2), including officials at Suffolk County Council, Suffolk Coastal District Council, Mid-Suffolk District Council, Waveney District Council, Babergh District Council, Ipswich Borough Council and the Marine Management Organisation (MMO).'</i></p> <p><i>Ipswich Borough Council did not provide comment on either the draft SoCC or final SoCC.'</i></p> <p>Appendix 1 to the Consultation Report provides an Early Draft SoCC, Draft Report to inform the SoCC, and a response from Suffolk County Council (as well as the Marine Management Organisation and the Planning Inspectorate).</p> <p>Paragraph 3 of Appendix 1: <i>'The early draft of the East Anglia THREE SoCC and Report to inform the SoCC were sent out on 30th May 2013 to Suffolk County Council, Suffolk Coastal District Council, Babergh District Council, Mid Suffolk District Council, Ipswich Borough Council, the Planning Inspectorate and the Marine Management Organisation (MMO) for their informal comments.'</i></p> <p>Table 15.2 of the Consultation Report, East Anglia THREE Limited Completed Section 55 Acceptance of Application Checklist states:</p>

'An early version of the SoCC was provided to the authorities on 30th May 2013 with a deadline of 25th June 2013. A formal draft of the SoCC was provided to the authorities on 9th August 2013 with a deadline of 11th September 2013.'

Appendix 2 to the **Consultation Report** provides the draft SoCC, the draft Report to Inform the SoCC, the email that accompanied the request for comments on the SoCC & Report and comments received from stakeholders regarding the SoCC and draft report to inform the SoCC

Section 2.2, paragraph 3 of **Appendix 2** to the **Consultation Report** lists the authorities who were consulted on this version of the draft SoCC and Report to Inform the SoCC as the MMO, Suffolk County Council, Mid Suffolk and Babergh District Council and Suffolk Coastal District Council

The email accompanying the request for comments is dated 9 August 2013 and confirms the deadline date for responses as 11 September 2013 **(2.4 of Appendix 2)**

Appendix 14 (Consultation on early draft update to SoCC) contains the early draft of the update to the SoCC, the email accompanying the draft update and responses received as a result of consultation on this document. The appendix does not state the local authorities who were consulted, however the emails provided are addressed to and from Michael.Wilks@suffolk.gov.uk (Suffolk County Council)

Appendix 3 of the **Consultation Report** contains the email that accompanied the distribution of the draft update to the SoCC, a copy of the draft update to the SoCC and responses to the consultation on these documents. It lists the consultees as Suffolk County Council, Mid Suffolk & Babergh District Councils and Suffolk Coastal District Council.

The email that accompanied the draft update to the SoCC dated 04

	<p>May 2015 is also included, and does not give a deadline date but states: <i>'I understand that under the terms of the Planning Act you have 28 days to respond to this consultation request'</i> therefore the evidence suggests that the authorities were consulted.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p>Yes</p> <p>Section 4.4.2 p.29 of the Consultation Report (Statutory Consultation on the SoCC) provides a summary of the responses received from consultation on the original SoCC, and the subsequent amendments made. E.g., from section 4.4.2:</p> <p><i>'The Local Planning Authorities (combined) requested that a Non-technical summary of the scoping report be made accessible to members of the public to accompany the SoCC. Consequently two documents were produced which summarised the project's environmental considerations, onshore and offshore. These were available in libraries alongside the SoCC and at the PIDs, and are presented in Appendix 9 and Appendix 10.'</i></p> <p>Appendix 2 lists the responses received.</p> <p>Section 4.7.2 of the Consultation Report (Consultation on Formal Draft under Section 47 of the Act) describes the response received from Suffolk County Council on the Update to the SoCC, for example <i>'...it should be made clearer that it is the full application that is to be submitted in November 2015, rather than just the Environmental Statement'...</i> para 11 of the updated SoCC states <i>'...The submission date for the full application including the ES was originally November 2014 but due to the additional project review period it has now been changed to November 2015'</i>.</p>
<p>2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a</p>	<p>Yes</p> <p>2013 Original SoCC:</p>

newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?

The Final Report to Inform the Statement of Community Consultation (**Appendix 4**) states:

'Once finalised, an advertisement for the SoCC and associated Public Information Days (PIDS) will be placed in the East Anglia Daily Times, the Eastern Daily Press, the Ipswich Star and the Fishing News and in Harbour Notices; the document itself will be available online as well as being distributed at local libraries and, on agreement, in Suffolk County Council's office in Ipswich. This supporting information will be available to the public on the project website.'

Appendix 12 of the **Consultation Report** contains copies of the notifications of the SoCC as it appears in situ in the following publications:

- East Anglian Daily Times – 17 September 2013
- Eastern Daily Press – 17 September 2013
- Ipswich Star – 17 September 2013
- Fishing News – 13 September 2013

(**Section 4.6, p.32** of the **Consultation Report** also lists the SoCC Notice publications and dates, which correspond with the notices provided in **Appendix 12.**)

The notice provides details of where and when the SoCC can be inspected, including:

- A project website
- Project email address
- Freepost address

Appendix 11 to the Consultation Report: Evidence of Statement of Community Consultation and Report to inform the Statement of Community Consultation on the project

website: A screenshot is provided within this appendix of the East Anglia Three project website including a link to the SoCC (however there is no date on this screen shot)

Information is not given in the notice on the libraries where the SoCC will be made available, as mentioned in the Final Report to Inform the Statement of Community Consultation.

Paragraph 64, p.24 of the Consultation Report states:

'Due to an administrative error, copies of the SoCC and Report to inform the SoCC were not provided to libraries located along the cable route until 18th October 2013; however they were displayed until 1st December 2013 to account for this delay. The SoCC was available to view online from September 2013. EATL were not made aware, by any of the libraries, of any requests to view the SoCC prior to its display. Furthermore, no emails were sent to the project website requesting to see it, nor were there any mentions of this delay during the PIDs.'

2015 Update to the Statement of Community Consultation

A copy of the final update to the SoCC is provided in **Appendix 6** to the **Consultation Report**

Copies of the notice as it appeared in situ in the following publications are provided within Appendix 15 to the Consultation Report, which correspond with the details given at paragraph 106, p.34 of the Consultation Report (the compliance table within the Consultation Report gives the number of the Appendix where these documents are provided as 12, which is incorrect).

- East Anglian Daily Times – 11 June 2015 and 18 June 2015
- Eastern Daily Press 11 June 2015 and 18 June 2015
- Ipswich Star – 11 June 2015 and 18 June 2015

	The notice provides details of where the updated SoCC can be viewed, including libraries and the project website, as well as two public information days.
2.10 Does the SOCC set out whether the development is EIA development ¹⁰ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes</p> <p>Appendix 4, Final Statement of Community Consultation:</p> <p><i>'The East Anglia THREE Scoping Report, submitted to the Planning Inspectorate in November 2012 provides necessary Preliminary Environmental Information (PEI) in support of this consultation. Summaries of the onshore and offshore aspects of this document, the East Anglia THREE Summary of Environmental Constraints – Onshore, and East Anglia THREE Summary of Environmental Constraints –Offshore, have been produced to assist in consultation.</i></p> <p><i>A further, detailed PEI Report (PEIR) will be published for consultation in spring / summer 2014, and will be made available to the public through publication on the East Anglia THREE project website as well as the Planning Inspectorate website. There will be an opportunity to consult on these documents when they are published.</i></p> <p><i>Legislation requires that East Anglia THREE Limited undertake an Environmental Impact Assessment (EIA) to identify likely significant environmental effects of the project. The results of the EIA will be published in an Environmental Statement (ES) that will accompany the DCO application for the windfarm.'</i></p>
2.11 Has the applicant carried out the consultation in accordance with the SOCC?	<p>Yes</p> <p>The Inspectorate has found evidence of all consultation activities described in the 2013 (Appendix 4) and 2015 (Appendix 6) SoCC along with any corresponding appendix. Some headline examples</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>are listed below:</p> <ul style="list-style-type: none"> • Public Information Days publicised in local press, website, posters and flyers • The email notification and A3 notice sent to Parish Councils to remind them of the Public Information Days and PEIR consultation in general (26 parish councils are listed) • Liaising with fishermen and fishermen’s organisations • Display of key documents in libraries <p>Chapter 6 of the Consultation Report also provides details of the consultation activities set out in the SoCC and Update to the SoCC, and are in accordance with the appendices as described above.</p>
<p>s48: Duty to publicise the proposed application</p>	
<p>2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):</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>Yes</p> <p>The Newspaper Notices (Doc 1.3) provides copies of the section 48 notice displayed in the following newspapers:</p> <ul style="list-style-type: none"> • Ipswich Star (11 and 18 June 2015) • Eastern Daily Press (11 and 18 June 2015) • East Anglia Daily Times (11 and 18 June 2015) <p>The above newspapers and dates are also listed in para 106 and para 186 of the Consultation Report (Doc 5.1) and copies are contained in Consultation Report Appendix 15 (Doc 5.2).</p>

<p>(b) once in a national newspaper;</p>	<p>Yes</p> <p>The Newspaper Notices (Doc 1.3) provides a copy of the notice published in the Times (18 June 2015)</p> <p>This is also listed in para 186 of the Consultation Report (Doc 5.1) and a copy is contained in Consultation Report Appendix 15 (Doc 5.2).</p>
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Yes</p> <p>The Newspaper Notices (Doc 1.3) provides a copy of the notice published in the London Gazette (18 June 2015)</p> <p>This is also listed in para 186 of the Consultation Report (Doc 5.1) and a copy is contained in Consultation Report Appendix 15 (Doc 5.2).</p>
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p>Yes</p> <p>The Newspaper Notices (Doc 1.3) provides a copy of the notice published in:</p> <ul style="list-style-type: none"> i) Lloyds List (18 June 2015) ii) Fishing News (12 June and 18 June 2015) <p>These are also listed in para 186 of the Consultation Report (Doc 5.1) and copies are contained in Consultation Report Appendix 15 (Doc 5.2).</p>
<p>2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:</p>	
<p>(a) the name and address of the applicant;</p>	<p>Yes</p> <p>A copy of the section 48 notice is contained in Consultation Report Appendix 58 (Doc 5.2). This contains the name and</p>

	address of the applicant in the first paragraph.
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Yes This information is contained in the first paragraph of the section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) . It states that the applicant 'proposes to apply to the Planning Inspectorate (PINS), who will examine the application on behalf of the Secretary of State for Energy and Climate Change'.
(c) a statement as to whether the application is EIA development;	Yes This information is contained in the third column of the section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) .
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes This information is contained in the second, third and fourth paragraphs of the section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) .
(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;	Yes The section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) states that copies of the phase III Report will be available for inspection free of charge at the libraries listed in the accompanying table.
(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));	Yes The section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) states that the latest date that the Phase III Report will be available for inspection is 23 July 2015, the same date of the deadline for response given elsewhere in the notice.

<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>Yes</p> <p>The section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) states that 'a reasonable copying charge may be made for the reproduction of the Phase III Report'. It does not specify what this charge will be although gives a website address for further details.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes</p> <p>The bottom middle column of the section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) gives an email and freepost address to respond to.</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>Yes</p> <p>The bottom middle column of the section 48 notice shown in Consultation Report Appendix 58 (Doc 5.2) gives a deadline of 23 July 2015 to respond to by. This is more than 28 days after the last notice was published (on 18 June 2015)</p>
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹¹?</p>	<p>Yes</p> <p>Paragraph 22 of the Consultation Report (Doc 5.1) states the 'EATL carried out publicity requirements in accordance with Section 48 of the act'. Paragraph 186 states that 'in accordance with Regulation 11 of the EIA regulations, the Section 48 notice was sent to the section 42 consultees on 12 June 2015 along with the letters presented in Appendices 30 to 33 (Doc 5.2 (30), Doc 5.2 (31), Doc 5.2 (32) and Doc 5.2 (33)). Paragraph 187 states that 'at the same time as publishing the Section 48 notices, EATL sent a copy of that notice to the consultation bodies and to any person notified to the EATL in accordance with Regulation 9(1)(c)'. This is also confirmed in section 14 of the Application Form (Doc</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

1.2). A list of regulation 9 consultees is provided in Appendix 29 (**Doc 5.2 (29)**).

s49: Duty to take account of responses to consultation and publicity

2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?

Yes

Chapter 6 of the **Consultation Report** provides a description of the S42 consultation activities undertaken by the applicant, including key points of responses received and how the applicant has had regard to them.

E.g. **Section 6.4.4 (p.49)** of the **Consultation Report** (Traffic and Transport issues) lists the areas of concern raised during s47 consultation, specifically focussed on the suitability of accesses and HGV operation. Paragraph 166 (p.50) then lists the amendments made by the applicant as a result of these responses:

'A further additional consultation, Phase IIb (See section 11. 6) was undertaken under Section 42 to focus specifically on accesses;

EATL made a commitment to limit HGV movements during peak traffic hours;

EATL have commissioned the production of a traffic management plan which sets out how traffic associated with the proposed East Anglia THREE project would be managed to cause minimal disruption.

Following the Phase IIb Section 42 Consultation the access via Tye Lane was removed from the East Anglia THREE project.'

Chapter 11 of the **Consultation Report** provides a description of the S47 & 48 activities undertaken by the applicant , including key points of responses received and how the applicant has had regard to them.

	<p>Appendices 38 ,39 & 40 to the Consultation Report provide details of comments from formal consultees during Phases IIa (s42 and 47 consultees), IIb (section 42 consultees) and III (s42 and 47 consultees), and the responses (if any) shown by the applicant</p>
<p>Guidance about pre-application procedure</p>	
<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Table 15.1 (Table showing how legislation and guidance has been complied) , p.127 has been provided within the Consultation Report which lists the requirements set out in the Department for Communities and Local Government's Planning Act 2008 guidance on the Pre-Application Process, and provides the applicant's responses to each requirement listed, describing how they have complied with the guidance.</p> <p>E.g., in response to Requirement 18 of DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process':</p> <p><i>'Sections 42-44 of the Planning Act and secondary legislation set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.'</i></p> <p>The applicant provides the response:</p> <p><i>'The Applicant consulted with prescribed consultees in accordance with the consultees specified in the APFP Regulations as well as local authorities and those persons identified under Section 44. A full list of these bodies can be found at Appendix 29 of the</i></p>

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	<p><i>Consultation Report and the Book of Reference (Document reference 4.3)</i></p> <p><i>In addition the Applicant consulted with non-prescribed organisations, a full list of which can be found in Appendix 29 of the Consultation Report.</i></p> <p><i>Members of the community, organisations and political organisations and individuals were also consulted in accordance with the SoCC.’ (Table 15.1, p.128)</i></p>
<p>Summary - s55(3)(e)</p>	<p>Following a detailed review of the Consultation Report and the application documentation as a whole, together with the adequacy of consultation responses received from the local authority consultees, the Inspectorate on behalf of the Secretary of State has concluded that on balance the applicant has demonstrated compliance with chapter 2 of part 5 (pre application procedure) of PA 2008.</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Paragraph 1.2 of the Cover Letter to the Planning Inspectorate states:</p> <p><i>'Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As the proposed windfarm is expected to have a capacity of up to 1,200 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that East Anglia THREE falls within the remit of the Secretary of State.'</i></p> <p>A statement identifying the location of the application site has been provided in section 6 of the Application Form:</p>

	<p><i>The proposed East Anglia THREE Offshore Windfarm is situated approximately 69km from the coast of Suffolk at its closest point to land, covering an area of approximately 305km². The offshore array and interconnection with the East Anglia ONE Offshore Windfarm is in the UK Renewable Energy Zone. The offshore export cable corridor would connect the offshore development to a landfall at Bawdsey on the Suffolk coast. The onshore transition bays where the offshore cables join the onshore cables, would be located near Bawdsey Cliffs.</i></p> <p><i>The onshore cable corridor would run between the onshore transition bays and the new onshore substation(s) located at Bramford in Suffolk. The route is approximately 37km long in a predominantly northerly, then westerly direction from Bawdsey, passing through mainly agricultural land. Up to two new onshore substations will be located adjacent to the existing National Grid Electricity Transmission PLC substation at Bramford. Underground cabling between the new substation(s) and the existing National Grid substation is also required.'</i></p>
3.2 Is it accompanied by a consultation report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices 1-64 (Doc 5.2)</p>
3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	
(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	<p>Yes</p> <p>The environmental statement (ES) is provided in the following volumes:</p> <ul style="list-style-type: none"> • Volume 1: Environmental Statement Chapters (Doc 6.1)

	<ul style="list-style-type: none"> • Volume 2: Figures (Doc 6.2), • Volume 3: Appendices (Doc 6.3), and • Volume 4: Non-technical summary (Doc 6.4). <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. This does not preclude the ExA from seeking further explanation and information during the course of the examination.</p> <p>The assessment within the ES is based on maximum parameters which have been chosen to define the worst-case scenario. The maximum parameters used in the ES largely match those in the draft DCO (Doc 3.1), although it is noted, for example, that the ES refers to a maximum turbine hub height, which is not directly comparable to the height in the draft DCO.</p> <p>A copy of the scoping opinion issued by the Secretary of State in December 2012 is provided at Doc 6.6.</p>
(b) the draft proposed order;	<p>Yes</p> <p>A draft Development Consent Order (DCO) (Doc 3.1) has been provided and appears to be in the statutory instrument template. Draft deemed marine licences are contained in Schedules 10 to 15 of the Draft DCO (Doc 3.1).</p> <p>An issue with the page numbering in the DCO (Doc 3.1) has been identified. Page 62 for example, is followed by page 50. The Inspectorate has issued section 51 advice on this matter.</p> <p>Coordinates included in the DCO appear to be consistent with coordinates detailed in the land/works plans.</p>
(c) an explanatory memorandum explaining the purpose and	<p>Yes</p>

effect of provisions in the draft order;	An Explanatory Memorandum (Doc 3.2) has been provided which explains the purpose and effect of the provisions of the Draft DCO.
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	Yes A Book of Reference has been provided in five parts (Doc 4.3(a), 4.3(b), 4.3(c), 4.3(d) and 4.3(e)). There are a number of persons listed in Part 3 who do not appear in Part 1.
(e) a copy of any flood risk assessment;	Yes A Flood Risk Assessment is provided in ES Chapter 21 Appendix 21.2 (Doc 6.3.21 (2)).
(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	Yes A Statement of Engagement with Section 79(1) of the Environmental Protection Act 1990 is provided in Doc 5.3 . This states that <i>"whilst it is not expected that the construction or operation of the Project would engage Section 79(1) by causing statutory nuisances... the draft DCO (Document 3.1) that accompanies the Application contains a provision at Article 7 (Defence to proceedings in respect of statutory nuisance) to provide a defence to proceedings for statutory nuisance, should they be initiated against EATL (or its successors) as undertakers of the Project under the terms of the draft DCO"</i> .

<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report (Doc 5.4) has been provided, together with appendices supporting the HRA report (Docs 5.4(1) to 5.4(6)).</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p><i>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</i></p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes</p> <p>A Statement of Reasons (Doc 4.1) and Funding Statement (Doc 4.2) have been provided.</p>
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land;</p>	<p>Yes</p> <p>The Land Plans (Doc 2.2(a), Doc 2.2(b) and Doc 2.2(c)) comprise:</p> <ul style="list-style-type: none"> • EA3-DCO-2.2.1-1 - Offshore Land Plan Sheet 1 of 1 • EA3-DCO-2.2-1 - Onshore Land Plan (Key Plan) • EA3-DCO-2.2.2-2 to EA3-DCO-2.2.2-24 - Onshore Land Plan sheets 1-24 <p>A Special Category Land Plan (Doc 2.3) is provided (EA3-DCO-2.3 - Special Category Land Plan Sheet 1 of 1)</p>

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

	<p>Coordinates included in the DCO appear to be consistent with coordinates detailed in the land plans.</p> <p>The plots and descriptions listed in part 1 of the Book of Reference (Doc 4.3(a)) have been checked for consistency with the plots show on the land plans. The following minor points were identified:</p> <ul style="list-style-type: none">• Plot 97 is described as to the east of Park Gate lodge but on the plan appears to the west.• Plot 117B is described as west of the thicket. On the plan it appears to the east.• Plot 269A describes Oak Hollow Town. On plan this is Oak Hollow Farm. Possible typo?• Plot 298 is described in the book of reference as part of the highway known as Holly Lane, but on the plan it is part of Church Road.• Plots 373, 374 and 375 are described as east of the Progress Works. On the land plans, they appear to the west.• Plot 429 is described as track west of Copenhagen Cottage, but on the land plan appears to be east.• 454C describes Goberts Goe, on plan it is Goberts Grove. Typo?• The following plot numbers do not appear in the book of reference or on the land plans: 12, 14, 16, 21, 23, 25, 70-75, 108, 109, 186, 210, 212, 214, 225, 242, 259, 268, 282, 341, 342, 361, 380, 381, 419-421, 451, 452, 455, 456. The Statement of Reasons explains at 7.6 that: <p><i>The same plot numbers allocated to land for East Anglia ONE have been used for East Anglia THREE where relevant for ease of</i></p>
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	<p><i>identification by landowners where rights are required over the same parcels of land.....Where areas of land where allocated a plot reference under East Anglia ONE but are not required for East Anglia THREE, these plot numbers are identified as 'not used' in the Book of Reference.</i></p>
<p>(j) a works plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order; 	<p>Yes</p> <p>The Works Plans (Doc 2.4(a) and Doc 2.4(b)) comprise:</p> <ul style="list-style-type: none"> • EA3-DCO-2.4.2-25 – Offshore Works Plan Sheet 1 of 1 • EA3-DCO-2.4-1 - Onshore Works Plan (Key Plan) • EA3-DCO-2.4.2-1 to EA3-DCO-2.4.2-24 – Onshore Works Plan sheets 1-24 <p>Coordinates included in the DCO appear to be consistent with coordinates detailed in the works plans.</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Yes</p> <p>The Access to Works Plans (Doc 2.5(a) and Doc 2.5(b)) comprise:</p> <ul style="list-style-type: none"> • EA3-DCO-2.5-1 - Access to Works Key Plan • EA3-DCO-2.5.1-1 to EA3-DCO-2.5.1-20 - Access to Works Plan sheets 1 to 20 <p>The Temporary Stopping up of Public Rights of Way Plans (Doc 2.6(a) and Doc 2.6(b)) comprise:</p> <ul style="list-style-type: none"> • EA3-DCO-2.6-1 - Temporary Stopping up of Public Rights of Way Key Plan • EA3-DCO-2.6.1-1 to EA3-DCO-2.6.1-25 - Temporary Stopping up of Public Rights of Way sheets 1 to 25

<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p>Yes</p> <p>(i) Statutory and non-statutory sites or features of nature conservation importance are shown in Docs 2.7(a) (offshore) and 2.7(b) (onshore). Accompanying information is provided in Chapters 7, 8, 10, 11, 12, 13, 21, 23 and 24 of the Environmental Statement (Docs 6.1.7, 6.1.8, 6.1.10, 6.1.11, 6.1.12, 6.1.13, 6.1.21, 6.1.23 and 6.1.24). Statutory sites of international importance for nature conservation are also identified on figures contained in the HRA Report (Doc 5.4).</p> <p>(ii) Habitats of protected species, important habitats or other diversity features are identified, where relevant, in Chapters 7, 8, 10, 11, 12, 13, 21, 23 and 24 of the Environmental Statement (Docs 6.1.7, 6.1.8, 6.1.10, 6.1.11, 6.1.12, 6.1.13, 6.1.21, 6.1.23, and 6.1.24) and accompanying figures to ES chapters (Docs 6.2.10, 6.2.11, 6.2.13, 6.2.21, 6.2.23 and 6.2.24). An Important Hedgerow Plan is provided in Doc 2.10.</p> <p>(iii) Water bodies are shown on Figures 21.2 and 21.4 of the Environmental Statement (Doc 6.2.21). Accompanying information is provided in Chapter 21 of the Environmental Statement (Doc 6.1.21) and in a Water Framework Directive Compliance Assessment provided as Appendix 21.3 to the Environmental Statement (Doc 6.3.21 (3)).</p>
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p>Yes</p> <p>Statutory and Non-statutory Historic or Scheduled Monument Sites of the Historic Environment are shown in Docs 2.8(a) (offshore) and 2.8(b) (onshore). Accompanying information is provided in Chapters 17 and 25 of the Environmental Statement (Docs 6.1.17 and 6.1.25), together with the accompanying figures (Docs 6.2.17 and 6.2.25) and appendices to the Environmental</p>

	Statement (Docs 6.3.17 and 6.3.25).
(n) where applicable, a plan with any accompanying information identifying any Crown land;	Yes Documents 2.9 (a) Plan showing any Crown Land Offshore and (b) Plans Showing any Crown Land Onshore
(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;	Yes Section 23 of the Application Form (Document 1.2) (<i>Any other plans, drawings and sections necessary to describe the proposal for which development consent is sought, and any other documents, reports or information to support the application</i>) lists the following plans and their references: Location plan (Doc 2.1) Important Hedgerows plan (Document 2.10) Radar line of sight coverage plan (Document 2.11) East Anglia ONE and East Anglia THREE offshore overlay plan (Document 2.12)
(p) any of the documents prescribed by Regulation 6 of the APFP Regulations ¹⁴ ; <i>(b) if the application is for an offshore generating station— .</i> <i>(i) details of the proposed route and method of installation for any cable; and .</i> <i>(ii) a statement as to whether applications will be made for safety zones</i>	Yes Section 22 of the Application Form (Document 1.2) (<i>Additional information for specific types of infrastructure</i>) states the following: <i>'For an offshore generating station, Regulation 6(1)(b) requires details of the proposed route and method of installation for any cable and a statement as to whether applications will be made for safety zones to be provided. Further details can be found below and in the following documents:</i> <i>Cable Statement - Document 7.1</i>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

	<i>Safety Zone Statement - Document 7.2'</i>
(q) any other documents considered necessary to support the application; and	<p>Yes</p> <p>Section 23 of the Application Form (Document 1.2) (Any other plans, drawings and sections necessary to describe the proposal for which development consent is sought, and any other documents, reports or information to support the application) lists the following plans and their references:</p> <p>Location plan (Doc 2.1)</p> <p>Important Hedgerows plan (Document 2.10)</p> <p>Radar line of sight coverage plan (Document 2.11)</p> <p>East Anglia ONE and East Anglia THREE offshore overlay plan (Document 2.12)</p>
(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	<p>Yes</p> <p>Received 18 November 2015</p>
3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than 1:2,500 on land) and, in the case of plans, show the direction of north ¹⁵ ?	<p>No</p> <p>The plans are all submitted to smaller than A0 size and all show the direction of north.</p> <p>All relevant plans (excepting key plans and offshore plans) have been drawn to the correct scale of 1:2500 with the exception of the following:</p> <ul style="list-style-type: none"> • EA3-DCO-2.1-2 - Location Plan (Onshore) Sheet 1 of 1 (Scale is 1:40,000) • EA3-DCO-2.7.2-1 to EA3-DCO-2.7.2-4 - Statutory/Non Statutory Sites or Features (Nature Conservation) Onshore

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

sheets 1 to 4 (Scale is 1:35,000)

- EA3-DCO-2.8.2-1 to EA3-DCO-2.8.2-12 - Statutory/Non Statutory Historic or Scheduled Monument Sites of the Historic Environment Onshore sheets 1 to 12 (Scale is 1:10,000)
- EA3-DCO-2.10.1-1 to EA3-DCO-2.10.1-12 - Important Hedgerows sheets 1 to 12
- EOW3-L-109 - Proposed HGV Routes to points of access
- EA3-TR-001 to EA3-TR-005 - Outline Access Management Plan Access sheet location plans (Sheets 1 to 5)
- EA3-GCN-1-1 to EA3-GCN-1-7 - Development Site Location, survey area and ponds (Sheets 1 to 7)
- EA3-GCN-2-1 to EA3-GCN-2-7 - Impacts: habitat damage and destruction (Sheets 1 to 7)

Whilst a technical breach of the regulations, the submission of plans to a scale smaller than 1:2500 is often justified for large project components in the offshore environment and to this extent these discrepancies are not judged to have any acceptance consequences. An appointed Examining Authority in due course may find it necessary to seek additional information or detail should the scale of the submitted plans cause difficulties during the examination stage.

Another small issue picked up is that the following two different plans are given the same reference number EA3-DCO-2.8.1:

- Statutory/Non Statutory Historic or Scheduled Monument Sites of the Historic Environment (Offshore) Sheet 1 of 1
- Statutory/Non Statutory Historic or Scheduled Monument Sites of the Historic Environment (Key Plan) Onshore

Finally, the following plan is provided twice and seems identical

	<p>aside from one being called document 8.7 and one document 8.8:</p> <ul style="list-style-type: none"> • EOW3-L-109 - Proposed HGV Routes to points of access
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>No</p> <p>The following plans comprising three or more separate sheets have an accompanying key plan, listed below:</p> <ul style="list-style-type: none"> • EA3-DCO-2.2-1 - Onshore Land Plan (Key Plan) • EA3-DCO-2.4-1 - Onshore Works Plan (Key Plan) • EA3-DCO-2.5-1 - Access to Works Key Plan • EA3-DCO-2.6-1 - Temporary Stopping up of Public Rights of Way Key Plan • EA3-DCO-2.7-1 - Statutory/Non Statutory Sites or Features (Nature Conservation) Onshore (Key Plan) • EA3-DCO-2.8.1 - Statutory/Non Statutory Historic or Scheduled Monument Sites of the Historic Environment (Key Plan) Onshore • EA3-DCO-2.9 - Crown Land Plan Key Plan • EA3-DCO-2.10-1 - Important Hedgerows Key Plan <p>The following plans comprising three or more sheets do not have a key plan:</p> <ul style="list-style-type: none"> • EA3-TR-001 to EA3-TR-005 - Outline Access Management Plan Access sheet location plans (Sheets 1 to 5) • EA3-GCN-1-1 to EA3-GCN-1-7 - Development Site Location, survey area and ponds (Sheets 1 to 7) • EA3-GCN-2-1 to EA3-GCN-2-7 - Impacts: habitat damage

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>and destruction (Sheets 1 to 7)</p> <p>Whilst a technical breach of the regulations, the submission of plans to a scale smaller than 1:2500 is often justified for large project components in the offshore environment and to this extent these discrepancies are not judged to have any acceptance consequences. An appointed Examining Authority in due course may find it necessary to seek additional information or detail should the scale of the submitted plans cause difficulties during the examination stage.</p>
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>Yes</p> <p>The applicant appears to have had regard to the DCLG Guidance 'Planning Act 2008: Application form guidance'.</p> <p>The format of documents and the manner in which the application was submitted is consistent with the guidance.</p> <p>The application is accompanied by documents of a prescribed nature as set out in s37(3) PA 2008.</p> <p>While the CA guidance with regards to the Book of Reference has not been followed entirely, in that not all Part 3 people are in part 1 (as required by para 8 of Annex D of the guidance) this can be addressed as part of the examination process.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>The submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) PA 2008.</p> <p>There are also some areas on this checklist where the Inspectorate has had to conclude 'No' such as section 3.4 as plans were submitted smaller than A0 size and some not drawn to the correct scale of 1:2500 and section 3.5 where no key plan was provided for those plans submitted with three or more sheets however whilst this is a technical breach, on balance the application complies and the Inspectorate is satisfied the applicant has fulfilled its duties.</p>

The Inspectorate therefore considers that the submitted application is of a satisfactory standard and meets the requirements of s55(3)(f) having regard to s55(5A) of the PA2008.

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

Was the fee paid at the same time that the application was made¹⁷?

Yes

The application fee of £4,500 was received on 15 October 2015 before the application was submitted on 18 November 2015.

Case Leader

Kay Sully

Kay Sully

Signed

Date: 15/12/2015

Acceptance Inspector

Peter Braithwaite

Peter Braithwaite

Signed

Date: 15/12/2015

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

East Anglia Three Offshore Wind Farm

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates