



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

## Section 55

# Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

November 2019

# East Anglia ONE North Offshore Windfarm Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		<b>25 October 2019</b>	<b>22 November 2019</b>	<b>22 November 2019</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (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 Order <sup>2</sup> (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 to 30 does the Proposed Development fall)?	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO including deemed Marine Licences (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of an offshore generating station and satisfies s15 of the PA2008 including s15(3)(a), and s15(3)(b).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</b> which states that the application is for an NSIP.</p>		

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	If the development does not fall within the categories in ss14 to 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?	The application form, together with the wider application document set, also states that the proposed development includes the installation of an electric line above ground, pursuant to s14(1)(b) and s16 of the PA2008.
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<b>Yes</b> On 9 November 2017 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 11 February 2019. A copy of the notification letter is provided at <b>Appendix 4</b> of the <b>Consultation Report (Doc 5.1.4)</b> .
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<b>Yes</b> There are 11 host and neighbouring authorities, of which 9 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR). All 9 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 or that their authority had no comments/ objections to make. These local authorities were: <ul style="list-style-type: none"><li>• South Norfolk Council ('A' authority)</li></ul>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		<ul style="list-style-type: none"> <li>• Great Yarmouth Borough Council ('A' authority)</li> <li>• Broads Authority ('A' and 'D' authority)</li> <li>• Babergh District Council ('A' authority)</li> <li>• Mid Suffolk District Council ('A' authority)</li> <li>• East Suffolk Council ('B' authority)</li> <li>• Suffolk County Council ('C' authority')</li> <li>• Norfolk County Council ('D' authority)</li> <li>• Essex County Council ('D' authority)</li> </ul> <p>During the acceptance period, several representations from the public were received, including a representation from Substation Action Save East Suffolk (SASES). Suffolk County Council and East Suffolk Council in their joint response, annexed the SASES correspondence to their AoCR.</p> <p>The SASES representation included concerns about the timing and content of consultation processes, with particular reference to the selection of a grid connection location at Friston. However, it is apparent that the Applicant has publicised the proposals sufficiently to receive these comments. The <b>Consultation Report (Doc 5.1)</b> explains how, at a project wide level, the Applicant has had regard to consultation responses. Consequently, the Planning Inspectorate, on behalf of the Secretary of State, considers that this should not prevent the project from proceeding to Examination.</p> <p>Whilst the issues raised by these submissions are of potential relevance to an Examination, it will be open to the parties concerned to make representations on them which the Examining Authority can then take into account. All parties will have the opportunity to make representations on these and other matters during the course of the Examination.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/">https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-north-offshore-windfarm/</a></p> <p>A list of correspondence submitted during acceptance can be viewed on the website.</p>
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## Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6 Section 42(1)(a) persons prescribed<sup>5</sup>?

**Yes**

The Applicant has provided a list of persons consulted under s42(1)(a) on 28 January 2019 at **Appendix 9.1** of the **Consultation Report (Doc 5.1.9a)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix 9.2** of the **Consultation Report (Doc 5.1.9a)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:

- Eclipse Power Network
- Harlaxton Gas Networks Limited
- Murphy Gas Networks Limited
- Murphy Power Distribution Limited
- Energy Assets Networks Limited
- Fulcrum Electricity Assets Limited
- BritNed Development Limited
- Network Rail (see note)

The Applicant's **Consultation Report (Doc 5.1)** does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.

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<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order land and are not listed in the <b>Book of Reference (Doc 4.3)</b>. However, it should be noted that Network Rail Infrastructure Ltd (a different body to Network Rail) is listed in the Book of Reference as a Category 2 person.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602">https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Yes</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Table 8.1</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 28 and 30 January 2019.</p> <p><b>Paragraph 295</b> of the <b>Consultation Report (Doc 5.1)</b> states that all consultees identified under s42 were notified on 28 and 30 January 2019 of the start of statutory pre-application consultation via a written notification.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• East Suffolk Council (previously Suffolk Coastal and Waveney District Councils)</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Suffolk County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Babergh District Council</li> <li>• Mid Suffolk District Council</li> <li>• Ipswich District Council</li> </ul>

<sup>6</sup> 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

<sup>7</sup> Definition of 'local authority' in s43(3) of the PA2008: 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 (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> <li>• The Broads Authority</li> <li>• Great Yarmouth Borough Council</li> <li>• South Norfolk Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Cambridgeshire County Council</li> <li>• Norfolk County Council</li> <li>• Essex County Council</li> </ul> <p><b>Paragraph 297</b> of the <b>Consultation Report (Doc 5.1)</b> states that at the time of issuing the PEIR to Section 42 consultees East Suffolk Council was two separate councils: <u>Suffolk Coastal District Council</u> and <u>Waveney District Council</u>, therefore Great Yarmouth Borough Council and South Norfolk Council were not listed as Category A authorities until East Suffolk Council was created on 1 April 2019. Great Yarmouth Borough Council was sent the PEIR on 28 January 2019 as they were listed as a 'non-prescribed consultation body' at the time. South Norfolk Council were sent the PEIR following the creation of East Suffolk Council and they received this on the 6 April 2019.</p> <p>A sample of the letters sent to s42(1)(b) relevant authorities is provided at <b>Appendix 9.2</b> of the <b>Consultation Report (Doc 5.1.9a)</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>N/A</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraphs 292</b> and <b>298</b> of the <b>Consultation Report (Doc 5.1)</b> state that all persons identified under s42(1)(d) were notified of the consultation on 28 January 2019.</p> <p><b>Section 4.5</b> of the <b>Consultation Report (Doc 5.1)</b> sets out fully how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>.</p>

<sup>8</sup> 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: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p>The Applicant's <b>Book of Reference (Doc 4.3)</b> lists the persons consulted under s42(1)(d). A sample of the letter dated 29 January 2019 is provided at <b>Appendix 10.10</b> of the <b>Consultation Report (Doc 5.1.10)</b>.</p>
<p><b>Section 45: Timetable for s42 consultation</b></p>		
11	<p>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><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix 9.2</b> of the <b>Consultation Report (Doc 5.1.9a)</b>.</p> <p>The sample letter dated 29 January 2019 confirmed that consultation closed on 26 March 2019, providing more than the required minimum time for receipt of responses.</p> <p>A sample of the letter is provided at <b>Appendix 10.10</b> of the <b>Consultation Report (Doc 5.1.10)</b>.</p>
<p><b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b></p>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 25 January 2019, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix 9.3</b> of the <b>Consultation Report (Doc 5.1.9a)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate can be found on the Planning Inspectorate's website.</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-000876-Acknowledgement%20of%20Receipt%20of%20Information%20for%20EA1N.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-000876-Acknowledgement%20of%20Receipt%20of%20Information%20for%20EA1N.pdf</a></p>
<p><b>Section 47: Duty to consult local community</b></p>		
13	<p>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><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix 3.2</b> of the <b>Consultation Report (Doc 5.1.3)</b>. A copy of the updated final SoCC is in <b>Appendix 3.7</b> of the <b>Consultation Report (Doc 5.1.3)</b>.</p>

14	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><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Suffolk Coastal District Council (now East Suffolk) ('B Authority') and Suffolk County Council ('C' Authority) on 22 December 2017 and set a deadline of 26 January 2018 for responses; providing more than the required minimum time for responses to be received.</p> <p>The Applicant sent the updated draft SoCC to Suffolk Coastal District Council (now East Suffolk) ('B Authority') and Suffolk County Council ('C' Authority) on 9 August 2018 and set a deadline of 28 days from the day after the day the document was received by local authorities; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Table 3.1 of the Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Suffolk Coastal District Council and Suffolk County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p><b>Table 3.3 of the Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Suffolk Coastal District Council and Suffolk County Council in respect of the draft updated SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Updated to include all elements to be included in the DCO application</li> <li>• Updated to include: "parts of the working population, those with disabilities, and those with limited internet access"</li> <li>• Updated to include more specific timescales for consultation</li> </ul> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	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 newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p>The final updated SoCC was made available at 30 locations including the following, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Aldeburgh Library</li> </ul>

		<ul style="list-style-type: none"> <li>• Aldringham-cum-Thorpe Parish Council</li> <li>• Friston Parish Council</li> <li>• Leiston Town Council</li> <li>• Saxmundham Library</li> <li>• Lowestoft Library</li> <li>• Orford Parish Council</li> <li>• Stratford St Andrew</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press 19 and 26 September 2018</li> <li>• East Anglian Daily Times 19 and 26 September 2018</li> <li>• Fishing News on 20 and 27 September 2018</li> </ul> <p>The published SoCC notice, provided at <b>Appendix 3.8</b> of the <b>Consultation Report (Doc 5.1.3)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix 3.8</b> of the <b>Consultation Report (Doc 5.1.3)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Paragraphs 62 to 67</b> of the final SoCC at <b>Appendix 3.7</b> of the <b>Consultation Report (Doc 5.1.3)</b> sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Table 3.5</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC and updated final SoCC.</p> <p>Evidence that the commitments within the final SoCC and final updated SoCC have been carried out are provided in the following Appendices:</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<ul style="list-style-type: none"> <li>• <b>Appendix 5.14</b> of the <b>Consultation Report (Doc 5.1.5)</b></li> <li>• <b>Appendix 6.15</b> of the <b>Consultation Report (Doc 5.1.6)</b></li> <li>• <b>Appendix 7.17</b> of the <b>Consultation Report (Doc 5.1.7)</b></li> <li>• <b>Appendix 8.19</b> of the <b>Consultation Report (Doc 5.1.8)</b></li> <li>• <b>Appendix 9.19</b> of the <b>Consultation Report (Doc 5.1.9b)</b></li> </ul>												
<b>Section 48: Duty to publicise the proposed application</b>														
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p><b>Yes</b></p> <p><b>Section 8.2.2 Paragraph 303</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“The Applicant publicised the proposed application in accordance with Section 48 of the Planning Act and Regulation 4 of the APFP Regulations. The Section 48 notification included details on where and when the PEIR would be available to view as well as details of Public Information Days and provided a deadline for responses.”</i></p> <p><b>Table 8.4</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix 9.4</b> of the <b>Consultation Report (Doc 5.1.9a)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix 9.4</b> of the <b>Consultation Report (Doc 5.1.9a)</b>:</p> <table border="1"> <thead> <tr> <th></th> <th><b>Newspaper(s)</b></th> <th><b>Date</b></th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> <li>• East Anglian Daily Times</li> </ul>           28 January 2019 4 February 2019         </td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> <li>• The Times</li> </ul>           28 January 2019         </td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> <li>• The London Gazette</li> </ul>           28 January 2019         </td> </tr> </tbody> </table>		<b>Newspaper(s)</b>	<b>Date</b>	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;	<ul style="list-style-type: none"> <li>• East Anglian Daily Times</li> </ul> 28 January 2019 4 February 2019	b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul> 28 January 2019	c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• The London Gazette</li> </ul> 28 January 2019
	<b>Newspaper(s)</b>	<b>Date</b>												
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b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Times</li> </ul> 28 January 2019												
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• The London Gazette</li> </ul> 28 January 2019												

d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> <li>• Lloyds List</li> <li>• Fishing News</li> </ul>	28 January 2019 31 January 2019
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes</b> The published s48 notice, supplied at <b>Appendix 9.4</b> of the <b>Consultation Report (Doc 5.1.9a)</b> , contains the required information as set out below:	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	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	3 & 4	f)	the latest date on which those documents, plans and maps will be available for inspection	3
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	5	h)	details of how to respond to the publicity	6

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	7	
21	Are there any observations in respect of the s48 notice provided above?		
	<b>No</b>		
22	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 the EIA Regulations <sup>10</sup> ?	<p><b>Yes</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 295</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix 9.2</b> of the <b>Consultation Report (Doc 5.1.9a)</b> confirms a copy of the s48 notice was enclosed.</p>	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Appendix 9.19</b> of the <b>Consultation Report (Doc 5.1.9b)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>	
<b>Guidance about pre-application procedure</b>			
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Paragraph 346</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p><b>Appendix 2</b> of the <b>Consultation Report (Doc 5.1.2)</b> sets out how the Applicant has complied with the requirements in the guidance.</p>	

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

<sup>11</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

		Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.  In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant, available here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602">https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602</a>
<b>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)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<b>Yes</b>  <b>Section 4</b> of the <b>Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.  <b>Section 5</b> of the <b>Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.  A <b>Location Plan (offshore) (Doc 2.1.1)</b> and a <b>Location Plan (onshore) (Doc 2.1.2)</b> have been provided.
27	Is it accompanied by a Consultation Report?	<b>Yes</b>  The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.1.1 to 5.1.11)</b> .
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes</b>

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		<p>The <b>Land Plan (Doc 2.2)</b> comprises 13 sheets. Sheet 1 is labelled as Land Plans Sheet 1 of 13. This is a Key Plan which shows the relationship between the different sheets. It also shows Sheet 2 and Sheet 3 which are sectional type Key Plans.</p> <p>The <b>Works Plan (onshore) (Doc 2.3.2)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Important Hedgerows and Tree Preservation Order Plan (Doc 2.10)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Access to Works Plan (Doc 2.4)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Temporary Stopping up of Public Rights of Way Plan (Doc 2.5)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Permanent Stopping up of Public Rights of Way Plan (Doc 2.6)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Plan of Statutory / Non-Statutory Historic or Scheduled Monument Sites / Features of the Historic Environment (onshore) (Doc 2.7.2)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p> <p>The <b>Statutory / Non-Statutory Sites or Features of Nature Conservation (onshore) (Doc 2.8.2)</b> has a Key Plan which shows the relationship between the different sheets 1 - 12.</p>									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA</td> <td>Volume 1: ES Chapters (<b>Doc 6.1</b>)</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA	Volume 1: ES Chapters ( <b>Doc 6.1</b> )	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td><b>Draft Development Consent Order (Doc 3.1)</b></td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>
Information	Document										
a) Where applicable, the Environmental Statement required under the EIA	Volume 1: ES Chapters ( <b>Doc 6.1</b> )										
Information	Document										
b) The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>										

c)	Regulations <sup>13</sup> and any scoping or screening opinions or directions	<p>Volume 2: ES Figures (<b>Doc 6.2</b>)</p> <p>Volume 3: ES Appendices (<b>Doc 6.3</b>)</p> <p>Non-Technical Summary is provided in (<b>Doc 6.4</b>)</p> <p>Scoping Opinion is provided in (<b>Doc 6.5</b>)</p> <p>Offshore Schedule of Mitigation is Provided in (<b>Doc 6.6</b>)</p> <p>Onshore Schedule of Mitigation is provided in (<b>Doc 6.7</b>)</p>	d)		
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 3.2)</b>		Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	<b>Book of Reference (Doc 4.3)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

e)	A copy of any Flood Risk Assessment	ES Volume 3 - Appendix 20.3 – Flood Risk Assessment ( <b>Doc 6.3.20.3</b> )	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	<b>Statement of Engagement (Doc 5.2)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1)</b> <b>Funding Statement (Doc 4.2)</b>	i)	A Land Plan identifying:-  (i) the land required for, or affected by, the Proposed Development;  (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;  (iii) any land in relation to which it is proposed to extinguish easements, servitudes and	<b>Land Plan (Onshore) (Doc 2.2)</b>

			other private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:-  (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 DCO	<b>Works Plan (Offshore) (Doc 2.3.1)</b>  <b>Works Plan (Onshore) (Doc 2.3.2)</b>	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	<b>Access to Works Plan (Doc 2.4)</b>  <b>Temporary Stopping up of Public Rights of Way Plan (Doc 2.5)</b>  <b>Permanent Stopping up of Public Rights of Way Plan (Doc 2.6)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)	Is this of a satisfactory standard?	<b>Yes</b>
l)	Where applicable, a plan with accompanying information identifying:-  (i) any statutory/ non- statutory sites or features of nature conservation eg sites of	(i)  Plans 2.8.1 and 2.8.2 showing in detail section by section, the statutory and non-statutory sites or features of Nature conservation offshore and	m)  Where applicable, a plan with accompanying information identifying any statutory/ non- statutory sites or features of the historic environment, (eg scheduled monuments,	Plans 2.7.1 and 2.7.2 Statutory or Non-Statutory Historic or Scheduled Monument Sites or Features Plan offshore and onshore ( <b>Doc 2.7.1 &amp; 2.7.2</b> );  Onshore - ES Figure 24.2 - Designated Heritage Assets within the Archaeology and Cultural Heritage Study Areas ( <b>Doc 6.2.24.2</b> )

<p>geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(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>	<p>onshore respectively (<b>Doc 2.8.1 &amp; 2.8.2</b>).</p> <p>Offshore designated sites also shown on ES Figures 11. 4 - Southern North Sea Special Area of Conservation (SAC) for Harbour Porpoise (<b>Doc 6.2.11.4</b>) and ES Figure 12.1 - Ornithology Survey Area and Designated Sites (<b>Doc 6.2.12.1</b>).</p> <p>Supporting ES Chapter 11 – Marine mammals (<b>Doc 6.1.11</b>) and ES Chapter 12 – Offshore Ornithology (<b>Doc 6.1.12</b>).</p> <p>Onshore designated sites also shown on ES Figure 22.1 - Statutory Designated Sites (<b>Doc 6.2.22.1</b>)</p> <p>and;</p> <p>ES Figure 22.2 - Non-Statutory designated Sites (<b>Doc 6.2.22.2</b>);</p> <p>Supporting ES Chapter 22: Onshore Ecology (<b>Doc 6.1.22</b>) which sets out the assessment of likely significant effects of the Proposed Development on Onshore Ecology</p> <p>and;</p> <p>ES Figure 23.2 - Onshore Ornithology Designated Sites within 10km (<b>Doc 6.2.23.2</b>);</p>		<p>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>And;</p> <p>ES Figure 24.3 - Non-Designated Heritage Assets within the Archaeology and Cultural Heritage Study Areas (<b>Doc 6.2.24.3</b>);</p> <p>Supporting ES Chapter 24: Archaeology and Cultural Heritage (<b>Doc 6.1.24</b>) which sets out the assessment of likely significant effects in relation to historic sites, scheduled monuments and other features.</p> <p>Offshore - ES Chapter 16: Marine Archaeology and Cultural Heritage (<b>Doc 6.1.16</b>) sets out the likely significant effects on archaeology and cultural heritage in the marine environment.</p>
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	<p>Supporting ES Chapter 23: Onshore Ornithology (<b>Doc 6.1.23</b>) which sets out the assessment of the likely significant effects of the Proposed Development on Onshore Ornithology.</p> <p><b>(ii)</b> The Phase 1 Habitat Maps provided in ES Figure 22.4 (<b>Doc 6.2.22.4</b>) identify habitats and of protected species.</p> <p>An assessment of effects on these features is presented in ES Chapter 22 Onshore Ecology (<b>Doc 6.1.22</b>).</p> <p><b>(iii)</b> ES Figure 20.1 (<b>Doc 6.2.20.1</b>) shows the study area and surface water receptors and</p> <p>ES Figure 20.2 (<b>Doc 6.2.20.2</b>) shows the Environment Agency Flood Zones in relation to the onshore order limits.</p> <p>ES Figure 20.3 (<b>Doc 6.2.20.3</b>) shows the onshore groundwater receptors.</p> <p>ES Chapter 20 (<b>Doc 6.1.20</b>) discusses the likely significant</p>			
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		effects in relation to water resources and flood risk.			
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan (Offshore) (Doc 2.9)</b>	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	Box 23 of the <b>Application Form (Doc 1.2)</b> lists other documents provided in support of the application. <b>Location Plan (Offshore) (Doc 2.1.1)</b> <b>Location Plan (Onshore) (Doc 2.1.2)</b> <b>Important Hedgerows and Tree Preservation Order Plan (Doc 2.10)</b> <b>Radar Line of Sight Coverage Plan (Doc 2.11)</b> <b>Order Limits Boundary Coordinates Plan (Offshore) (Doc 2.12)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Cable Statement (Doc 7.1)</b> <b>Safety Zone Statement (Doc 7.2)</b>	q)	Any other documents considered necessary to support the application	Box 23 of the <b>Application Form (Doc 1.2)</b> lists other documents considered necessary to support the application.
	Are they of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b>

Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?

#### **Book of Reference (Doc 4.3)**

- The **Book of Reference (Doc 4.3)** does not cross-refer to the relevant articles contained in the development consent order in accordance with Annex D Paragraph 10 of Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land.
- An introduction to the document may aid the reader, whilst this is not required to comply with the legislation or Guidance, it has been included in some recent applications.

#### **Land Plan (Doc 2.2)**

- APFP Reg 5(2)(i)(1) There is a Land Plan (Onshore) but a Land Plan (Offshore) has not been provided. A Crown Land Plan (Offshore) has been provided (**Doc 2.9**). The absence of a Land Plan (Offshore) does not indicate against acceptance on the basis that equivalent accepted applications for offshore development have also lacked this plan at the point of submission.
- A separate key plan has not been submitted under APFP Reg 5(4). The **Land Plan (Doc 2.2)** comprises 13 sheets. Sheet 1 is labelled as Land Plans sheet 1 of 13. This appears to be a Key Plan (though not labelled as such) which shows the relationship between the different sheets. It also shows Sheet 2 and Sheet 3 which are sectional type key plans. The individual Land Plan sheets run from Sheet 4 – 13. The Land Plan set does not utilise the same map base as the other submitted plans and the sheet layout is different.
- Not all of the names used to describe the location of land in the Book of Reference are noted on the Land Plan, ie Sizewell Estate, Sizewell Gap, Grimsey's Lane, Blackheath Estate, Redhouse Farm and Knodishall Hall.
- Road names are an important aid to the identification of land and should be larger and clearer.
- The description of Plot 65 in the Book of Reference is 'west of Fitches Lane'. Plot 65 appears on the plan to be southeast of Fitches Lane. The same issue is noted for Plot 66.
- The description of Plot 133 in the Book of Reference is 'Manor Farm'. Should this be 'Little Moor Farm'?
- Plots 18, 91 and 126 would benefit from being shown on an inset plan.
- Inset plans would benefit from the addition of names to identify their locations.
- Inset 9.4 identifies that it shows plots 136, 138, 142 and 143. Inset 9.4 should identify that it shows Plot 137 (not Plot 136).

#### **Works Plan (Onshore) (Doc 2.3.2)**

- The **Works Plan (Onshore) (Doc 2.3.2)** applies tones to a base map to identify the locations of works. The tones are insufficiently translucent to enable underlying features to be fully discerned, which makes the precise location of works harder than it should be to ascertain from the plans.

Section 51 advice has been issued to the Applicant in respect of the above matters: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602">https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602</a>	
31	<p>Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &amp;c.) Regulations 1994 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)?<sup>14</sup></p>
	<p><b>Yes</b></p> <p>A Habitats Regulations Assessment (HRA) Report is provided. The report comprises the following documents:</p> <ul style="list-style-type: none"> <li>• Information to Support Appropriate Assessment (<b>Doc 5.3</b>)</li> <li>• Habitats Regulations Assessment: Appendix 1 HRA Screening Report (<b>Doc 5.3.1</b>)</li> <li>• Habitats Regulations Assessment: Appendix 2 Screening Matrices (<b>Doc 5.3.2</b>)</li> <li>• Habitats Regulations Assessment: Appendix 3 Integrity Matrices (<b>Doc 5.3.3</b>)</li> <li>• Information to Support Appropriate Assessment Report – Consultation Responses (<b>Doc 5.3.4</b>)</li> </ul> <p>The HRA 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>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.</p>
32	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans<sup>15</sup></p>
	<p><b>No hard copies requested</b></p>
33	<p>Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?</p>
	<p><b>Yes</b></p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
31	<p><b>Summary - s55(3)(f) and s55(5A)</b></p>
	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p>

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

	In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602">https://infrastructure.planninginspectorate.gov.uk/document/EN010077-001602</a>
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### The Infrastructure Planning (Fees) Regulations 2010 (as amended)

#### Fees to accompany an application

32	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 3 October 2019, before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Siân Evans</i>	22 November 2019
Acceptance Inspector	<i>Mike Harris</i>	22 November 2019

<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made