

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications				
1	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
		26 June 2018	24 July 2018	24 July 2018
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
s55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	<p>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</p>	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the draft Development Consent Order including Deemed Marine Licenses (dDCO) (Doc 3.1) is a Nationally Significant Infrastructure Project (NSIP)), which is a development falling within the categories in ss14 and 15 of the PA2008.</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.02) in Box 4 which states that the project will comprise an offshore generating station(s) with a capacity of greater than 100MW and which therefore concludes that the application is for a NSIP as defined by Section 15(3) of the PA2008.</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)

	State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	Summary – s55(3)(a) and s55(3)(c)	Box 4 of the Application Form (Doc 1.02) confirms that the Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ⁴ , did the applicant (prior to carrying out consultation in accordance with s42) 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?	<p>Yes</p> <p>The Applicant notified the Planning Inspectorate on 3 October 2016, in accordance of Regulation 6(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of its statutory consultation on 7 November 2017.</p> <p>This is confirmed in paragraph 124 of the Consultation Report (Doc 5.1) however, a sample of the letter has not been provided.</p> <p>The Inspectorate confirmed receipt of the notification on 5 October 2016.</p>
5	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?	<p>Yes</p> <p>All Adequacy of Consultation Representations (AoCR) received have been carefully considered and are available to view on the project page of the National Infrastructure Planning website: Norfolk Vanguard project page</p> <p>There are 15 host and neighbouring local authorities, of which 12 responded to the Inspectorate’s invitation to make an AoCR.</p> <p>Of the 12 responding local authorities, eight confirmed in their AoCR that either the Applicant has complied with its duties under s42, s47 or s48 of the PA2008, and/ or that the local authority had no substantive comments to make. These local authorities</p>

⁴ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

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

were:

- Broadland District Council (B).
- Norfolk County Council (C).
- Great Yarmouth Borough Council (A).
- The Broads Authority (A).
- Norwich City Council (A).
- Lincolnshire County Council (D).
- Borough Council of King's Lynn & West Norfolk (A).
- South Norfolk Council (A).

Two local authorities confirmed in their joint AoCR that the Applicant has complied with its duty under s42 of the PA2008:

- Forest Heath District Council (A).
- St Edmundsbury Borough Council (A).

A combined response from Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) signposts to the relevant section and appendices of the **Consultation Report (Doc 5.1)** that confirm that FHDC and SEBC have been consulted under s42 of the PA2008.

No information regarding whether the Applicant has complied with its duties under s47 or s48 of the PA2008 has been provided.

Two local authorities, whilst confirming in their AoCR that the Applicant has complied with its duties under s42, s47 or s48 of the PA2008, provided further information:

- North Norfolk District Council (B).
- Breckland Council (B).

North Norfolk District Council (NNDC) explain that initially there were some concerns with regards to the Applicant's approach to public consultation following feedback received from local community organisations and the public, perceived as a lack of

		<p>openness or willingness to engage or respond in a meaningful way to questions during exhibition or consultation events. NNDC raised these concerns with the Applicant through regular meetings and formally in its s42 consultation response.</p> <p>NNDC states that clearer information and feedback on previously raised issues was later provided through the Applicant's website and newsletters NNDC acknowledges the Applicant's public announcement in February 2018 confirming it would be adopting the Direct Current (DC) transmission method for exporting, negating the need for onshore cable relay booster substations; a source of significant public concern.</p> <p>NNDC conclude that it is happy that the Applicant has complied with duties under s42, s47 or s48 of the PA2008.</p> <p>Breckland Council (BC) acknowledges some negative local feedback with regards to the exact siting of the proposed structures but highlighted the complexity of the proposed development. BC conclude that, following a meeting with the Applicant, it is content that the Applicant has complied with its duties under s42, s47 or s48 of the PA2008.</p>
s42: Duty to Consult		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix 19.15 of the Consultation Report (Doc 5.1).</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 27 October 2017 at Appendix 19.1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Energy Assets Networks Limited

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

- Energy Assets Power Networks Limited
- Fulcrum Electricity Assets Ltd
- G2 Energy IDNO Limited
- Murphy Power Distribution Limited
- Utility Distribution Networks Limited

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

None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the **Book of Reference (Doc 4.3)**.

It is noted that the Planning Inspectorate has identified East Anglia One Limited and East Anglia Three Limited as s42(1)(a) persons on a precautionary basis, due to the scheme's proximity to the consented East Anglia One and East Anglia Three offshore wind farms. Although the Applicant has not included them on the list of persons consulted under s42(1)(a) on 27 October 2017, provided at **Appendix 19.1** of the **Consultation Report (Doc 5.1)**, the parent company – Scottish Power Renewables – has been consulted.

It is also noted that although Norfolk County Council (NCC), as the relevant highway authority, has not been specifically identified on the list of persons consulted under s42(1)(a) on 27 October 2017 at **Appendix 19.1 of the Consultation Report (Doc 5.1)**, NCC was identified and consulted as a local authority under s42(1)(b) of s43.

Taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008 unless there is a specific justification why this is not necessary.

[s51 advice](#) has been provided to the Applicant to remedy this.

7	s42(1)(aa) the Marine Management Organisation ⁷ ?	<p>Yes</p> <p>The Applicant confirms the Marine Management Organisation was consulted under s42 in the statement of compliance provided in Table 27.1 of the Consultation Report (Doc 5.1).</p> <p>The Marine Management Organisation is included in the list of prescribed and non-prescribed bodies, consulted under s42, which is provided at Appendix 19.1 of the Consultation Report (Doc 5.1).</p>
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>Table 19.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities identified and consulted under s43 and s42(1)(b) of the PA2008.</p> <p>The host ‘B’ authorities were consulted:</p> <ul style="list-style-type: none"> • Broadland District Council. • Breckland Council. • North Norfolk District Council. <p>The host ‘C’ authority was consulted:</p> <ul style="list-style-type: none"> • Norfolk County Council. <p>The boundary ‘A’ authorities were consulted:</p> <ul style="list-style-type: none"> • South Norfolk Council. • Norwich City Council. • Borough Council of King’s Lynn and West Norfolk. • Great Yarmouth Borough Council.

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

		<ul style="list-style-type: none"> • The Broads Authority. • Mid Suffolk District Council. • Forest Heath District Council. • St Edmundsbury District Council. <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • Suffolk County Council. • Lincolnshire County Council. • Cambridgeshire County Council. <p>A sample of the letter sent to s43 relevant authorities is provided at Appendix 19.15 of the Consultation Report (Doc 5.1).</p> <p>A footnote in Table 19.1 of the Consultation Report (Doc 5.1) acknowledges that Mid Suffolk District Council, Forest Heath District Council and St Edmundsbury District Council were not consulted alongside the other relevant local authorities on 27 October 2017. These councils were identified later and were issued with a tailored consultation letter on 14 May 2018, providing 29 days for receipt of responses.</p> <p>A sample of the tailored letter is provided at Appendix 19.17 of the Consultation Report (Doc 5.1).</p>
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
10	s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes</p> <p>Paragraphs 397 to 422 of the Consultation Report (Doc 5.1) explain how the Applicant made diligent inquiry to identify and consult persons with an interest in the land (PILs).</p> <p>For example, paragraph 399 of the Consultation Report (Doc 5.1) states:</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

		<p>A copy of the site notice is provided at Appendix 19.4 of the Consultation Report (Doc 5.1).</p> <p>Following diligent inquiry, a list of 347 PILs was produced for the initial round of s44 consultation on 27 October 2017. A sample of the letter has been provided at Appendix 19.5 of the Consultation Report (Doc 5.1).</p> <p>In addition, four further PILs were identified and consulted during the Applicant's statutory consultation, and were provided 28 days for receipt of response.</p> <p>Paragraphs 411 to 422 of the Consultation Report (Doc 5.1) explain how significant changes to the onshore cable route red line boundary, minor alterations and newly identified PILs warranted five further rounds of s44 consultation.</p> <p>Table 19.3 of the Consultation Report (Doc 5.1) sets out the six rounds of consultation and numbers of PILs consulted under s44.</p> <p>Samples of the letters for each additional round of s44 consultation have been provided at Appendices 19.7 to 19.12 of the Consultation Report (Doc 5.1).</p> <p>A list of the consulted PILs is provided at Appendix 19.1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate is therefore satisfied that the Applicant has sought to consult each person with one or more of the categories in s44 of the PA2008.</p>
s45: Timetable for s42 Consultation		
11	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>Yes</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 19.15 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 27 October 2017 confirmed that consultation commenced on 7 November 2017 and closed on 11 December 2017, providing 35 days for receipt of responses.</p>
s46: Duty to notify Secretary of State of proposed application		
12	Did the applicant supply information to notify the	Yes

	Secretary of State of the proposed application; and if so 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?	The Applicant gave notice under s46 on 26 October 2017, which was received on 27 October 2018, before the s42 consultation commenced. A sample of the letter if provided at Appendix 19.13 of the Consultation Report (Doc 5.1) .
s47: Duty to consult local community		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes Sections 20.3 to 20.6 of the Consultation Report (Doc 5.1) outline the Applicant's approach to developing the draft SoCC in consultation with the host authorities and summarises the activities carried out by the Applicant in accordance with s47 of the PA2008. A copy of the finalised SoCC is provided at Appendix 20.1 of the Consultation Report (Doc 5.1) .
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?	Yes The Applicant confirms in Table 20.1 of the Consultation Report (Doc 5.1) that North Norfolk District Council (NNDC) ("B" Authority), Broadland District Council (BDC) ("B" authority), Breckland Council (BC) ("B" authority) and Norfolk County Council ("C" authority) were consulted on the content of the draft SoCC on 30 August 2017. A deadline of 27 September 2017, which was later extended to 6 October 2017, provided more than 28 days for receipt of responses. In addition to the host local authorities, the Applicant felt it would be beneficial to seek additional feedback from The Broads Authority, Norwich City Council, Great Yarmouth Borough Council and the Marine Management Organisation, who were provided the same timescales to respond. A sample of the letter sent to the bodies above is provided at Appendix 20.15 of the Consultation Report (Doc 5.1) .
15	Has the applicant had regard to any responses received when preparing the SoCC?	Yes Table 20.2 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from North Norfolk District Council (NNDC), Broadland District

		<p>Council (BDC), Norfolk County Council (NCC), the Marine Management Organisation (MMO) and Great Yarmouth Borough Council (GYBC) in respect of the draft SoCC, and demonstrates how regard was taken to them.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • The Happisburgh consultation event was arranged to be held early in the statutory consultation phase to provide additional time for local residents and communities to consider the information within the PEIR (Preliminary Environmental Information Report) (NNDC). • NCC's County Hall was removed from the list of local information points due to lack of capacity to store information (NCC). • An additional consultation event was arranged in East Coast College (GYBC).
16	<p>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>	<p>Yes</p> <p>Paragraph 469 of the Consultation Report (Doc 5.1) lists the following publication, within which notice of when and where the finalised SoCC could be inspected, was published:</p> <ul style="list-style-type: none"> • Eastern Daily Press – 16 October 2017. <p>The published SoCC notice provided at Appendix 21.02 of the Consultation Report (Doc 5.1) states where the SoCC could be inspected free of charge.</p> <p>Table 20.3 of the Consultation Report (Doc 5.1) lists the following locations that printed copies of the SoCC were placed for inspection:</p> <p>Aylsham Library; Dereham Library; Norwich Millennium Library; Norwich City Council; North Walsham Library; North Norfolk District Council; Broadland District Council; Breckland Council and Great Yarmouth Borough Council.</p> <p>Paragraph 471 of the Consultation Report (Doc 5.1) states that the SoCC was made available for public inspection on the Applicant's website (www.vattenfall.co.uk/norfolkvanguard) from 16 October 2017.</p> <p>Paragraph 472 of the Consultation Report (Doc 5.1) states that letters were issued to "<i>stakeholders and those with an interest in the proposals</i>" highlighting that the SoCC</p>

		<p>had been published and signposting where it could be inspected.</p> <p>A sample of the letter is provided at Appendix 20.4 of the Consultation Report (Doc 5.1) and a list of the recipients is provided at Appendix 20.3 of the Consultation report (Doc 5.1).</p> <p>The Planning Inspectorate is therefore satisfied that the Applicant has made the SoCC available for inspection in a way that is reasonably convenient for people living in the vicinity of the land.</p>
17	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>Section 8.4 of the published SoCC at Appendix 20.1 of the Consultation Report (Doc 5.1) sets out that the development is EIA development and why the Applicant is seeking views on the PEIR.</p> <p>Section 8.5 of the published SoCC at Appendix 20.1 of the Consultation Report (Doc 5.1) sets out documents the PEIR will comprise of and when and where the PEIR will be made available for inspection.</p>
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant has set out in sections 20.4 to 20.7 of the Consultation Report (Doc 5.1) the activities that have been carried out and how the commitments within the SoCC have been met.</p> <p>A footnote in paragraph 500 of the Consultation Report (Doc 5.1) explains that due to the required dexterity and technical requirements to run and operate the 3D modelling on personal computers, the Applicant decided against uploading the model to the project website and instead only made it available to view at public exhibitions.</p> <p>The Applicant confirms in paragraph 537(g) of the Consultation Report (Doc 5.1), with the exception of 3D modelling placement on the project website, that consultation was carried out in accordance with the SoCC.</p> <p>Some examples include:</p> <ul style="list-style-type: none"> • Eight public exhibitions were held at the locations and times set out in the

¹⁰ Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

published SoCC. Information on the public exhibitions, complete with attendee numbers, is provided in **Table 20.4** of the **Consultation Report (Doc 5.1)**.

- **Paragraphs 507 and 508** of the **Consultation Report (Doc 5.1)** confirm that electronic copies of the PEIR were made available at the local authorities and libraries set out in the finalised SoCC and that hard copies of the PEIR were made available at Dereham Library and North Walsham Library.
- An adaptable slide pack was produced and used during presentations to local town and parish councils who were interested in hosting a session to discuss the project. Examples of the slide presentations are provided at **Appendix 25.16** of the **Consultation Report (Doc 5.1)**.
- A newsletter was produced and circulated within the Applicant's primary consultation zone (PCZ). A sample of the newsletter is provided at **Appendix 20.7** of the **Consultation Report (Doc 5.1)**.
- Information boards were produced and exhibited to provide context and to summarise the PEIR. A sample of the information boards is provided at **Appendix 20.10** of the **Consultation Report (Doc 5.1)**.

Section 8.2.4 of the finalised SoCC provided at **Appendix 20.1** of the **Consultation Report (Doc 5.1)** states that the Applicant will prepare an 'Online information hub' on the project website; however, the **Consultation Report (Doc 5.1)** does not include any information on whether this was created.

Paragraph 527 of the **Consultation Report (Doc 5.1)** sets out that the following methods were used to inform local communities and hard to reach groups:

- Local posters, along the refined cable corridor.
- Press release to local media.
- Posts on social media.

However, no supporting evidence has been provided to confirm these methods were carried out.

It is noted that there weren't any Adequacy of Consultation Representations (AoCR)

		received that dispute whether the Applicant carried out consultation fully in accordance with the SoCC. The Planning Inspectorate is therefore satisfied that the Applicant has carried out the consultation in accordance with the published SoCC.
s48: Duty to publicise the proposed application		
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	Yes Table 21.1 of the Consultation Report (Doc 5.1) displays the newspapers and dates of the s48 publicity as set out below. Clippings of the published notices set out below are provided at Appendix 21.2 of the Consultation Report (Doc 5.1)
		Newspaper(s)
		Date
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Yes • Eastern Daily Press
	once in a national newspaper;	Yes • The Times
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Yes • The London Gazette
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Yes • Lloyds List • Fishing News
		30 October 2017 and 6 November 2017
		30 October 2017
		31 October 2017
		30 October 2017 2 November 2017

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The published s48 notice provided at Appendix 21.1 of the Consultation Report (Doc 5.1) contains the required information set out below.			
	Information	Paragraph		Information	Paragraph
a)	The name and address of the applicant.	Paragraph one	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	Paragraph one
c)	a statement as to whether the application is EIA development	Paragraph seven	d)	a summary of the main proposals, specifying the location or route of the proposed development	Paragraphs two to six
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	Paragraph eight	f)	the latest date on which those documents, plans and maps will be available for inspection	Paragraph eight
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph nine	h)	details of how to respond to the publicity	Paragraph ten
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	Paragraph ten			
21	Are there any observations in respect of the s48 notice provided above? No.				

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 ¹¹ ?	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation as confirmed in paragraph 552 of the Consultation Report (Doc 5.1):</p> <p><i>“The section 48 notice was included in the mailing to section 42 consultees, which was issued on 27th October 2017.”</i></p> <p>A stock copy of the s42 consultation letter, confirming the inclusion of the s48 notice, is provided at Appendix 19.15 of the Consultation Report (Doc 5.1).</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>Chapters 22, 23 and 24 of the Consultation Report (Doc 5.1) set out how the Applicant has complied with its duty under section 49 of the 2008 Act to take account of consultation responses received under section 42,47 and 48 of the 2008 Act.</p> <p>Appendix 3.03 of the Consultation Report (Doc 5.1) provides a summary of responses received to s42 consultation and how they responded to the views gathered.</p> <p>Appendix 22.01 of the Consultation Report (Doc 5.1) in the form of a schedule documents feedback received from consultees and actions that have been taken having regard to responses received.</p> <p>Appendix 23.01 of the Consultation Report (Doc 5.1) provides a map highlighting changes made following statutory consultation. A statement of compliance is provided in Chapter 27 of the Consultation Report (Doc 5.1)</p> <p>The actions appear to be reflected in the final form of the application submitted, and where a response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		

¹¹ Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Table 27.1 'Final Statement of Compliance' of the Consultation Report (Doc 5.1) explains how the Applicant has had regard to DCLG guidance on the pre-application process. Having reviewed the application, it appears that the Applicant has identified and had regard to the relevant DCLG guidance.
25	Summary - s55(3)(e)	The application as made by the Applicant has complied with Chapter 2 of Part 5 of the PA2008. All relevant duties have been complied with. Whilst there are some consultation discrepancies, s51 advice has been provided to the Applicant to remedy these.
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)		
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"> 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? 	Yes Box 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Secretary of State. Box 5 of the Application Form provides a brief non-technical description of the site, whilst Box 6 provides the location of the proposal. A Location Plan (Doc 2.1) has been provided.
27	Is it accompanied by a consultation report?	Yes The application is accompanied by a Consultation Report and Appendices (Doc 5.1) .
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹³	Yes However, the Special Category Land Plans (Doc 2.03) appear to have an erroneous key plan structure.

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

¹³ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes The documents and information required by regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) are set out in the documents and locations within the application as listed below:					
Information		Document		Information		Document	
a)	Where applicable, the environmental statement required under the EIA Regulations ¹⁴ and any scoping or screening opinions or directions	Yes Volume 1 (Doc 6.1), Volume 2 (Technical Appendices and Figures) (Doc 6.2) and Non-technical summary (Doc 6.3) Scoping Opinion is provided in Doc 6.4.	b)	The draft proposed order	Draft Development Consent Order including Draft Deemed Marine Licences (Doc 3.1)		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes		
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Doc 3.2	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Doc Ref 4.3		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (see comments below in Box 30)		
e)	A copy of any flood risk assessment	A Flood Risk	f)	A statement whether the proposal	A Statement of		

¹⁴ The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

		Assessment has been provided at Appendix 20.1 of the Environmental Statement (ES) Doc 6.1		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	Engagement has been provided at Document 5.02.
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Doc 4.01 and Doc 4.02	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 other private rights; and (iv) any special category land and replacement land	Yes (see comments below in Box 30) Offshore Land Plans (Doc 2.02) Onshore Land Plans (Doc 2.02) Special Category Land Plans (Doc 2.03)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (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	Works plans (Doc 2.4)	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	Yes (note comments below in Box 30) Access to works plan

	<p>scheme) the proposed route and alignment of the development and works; and</p> <p>(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>			<p>way or public rights of navigation</p>	<p>(Doc 2.05)</p> <p>Plan showing public rights of way to be temporarily stopped up (Doc 2.06)</p> <p>Plan showing streets to be temporarily stopped up (Doc 2.07)</p>
	<p>Is this of a satisfactory standard?</p>	<p>Yes</p>		<p>Is this of a satisfactory standard?</p>	<p>Yes</p>
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of 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,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<p>(i) This has been provided at Figures 10.13, 12.01, 13.02, 13.03, 13.04, 22.02 and 22.03 and is assessed in Chapters 10, 12, 13, 22 and 23 of the ES.</p> <p>(ii) This has been provided at Figures 22.04 and is assessed in Chapter 22</p>	m)	<p>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>This has been provided at Figures 17.17, 28.01 and 28.02 and is assessed in Chapters 17 and 28 of the ES.</p>

		(iii) This has been provided at Figure 20.06 and is assessed in Chapter 20 of the ES.			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Offshore Crown Land Plan (Doc 2.10) Onshore Crown Land Plan (Doc 2.10)	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	See (q) below
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Yes. Cable Statement (Document 7.1) Safety Zone Statement (Doc 7.2)	q)	Any other documents considered necessary to support the application.	Yes. Box 23 of the Application Form (1.3) identifies other documents in support of the application, see comments in Box 30.
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes.
30	Are there any observations in respect of the documents provided above?				

[s51 advice](#) has been issued to the Applicant regarding clarity of the following observations. The key observations are identified below and further detail is included within the s51 advice;

Regulation 5(2)(d)

- See comments under Regulation 5(2)(i), (ii) and (iii) in relation to discrepancies between the Book of Reference and the Land Plans.

Regulation 5(2)(i), (ii) and (iii)

- The shading of plots for Permanent Freehold Acquisition on the **Land Plans (Sheets 40 – 42) (Doc 2.02)** and information contained in the **Book of Reference (BoR) (Doc 4.3)** do not appear to match.
- A number of plots identified in the Land Plans (**Sheets 40 – 42) (Doc 2.02)** also listed on **page 24** of the **Explanatory Memorandum (doc 3.2)** as ‘freehold plots’ do not appear to be reflected in the draft DCO in relation to a work number
- The Works Plans in combination with the Land Plans appear to indicate that the freehold plots are required in relation to work numbers 8A & B; 9; 10A, B & C; 11 & 12 do not appear to be reflected in the draft DCO.

Regulation 5(2)(k)

Plans showing Public Rights of Way (PRoW) to be temporarily stopped up (Doc 2.06)

- The plans are not accompanied by a standalone Key Plan.
- There are a number of discrepancies between the PRoW Plans and Schedule 3 of the draft DCO.

Plans showing streets to be temporarily stopped up

- There are a number of discrepancies between the plans showing streets to be temporarily stopped up and Schedule 4 of the draft DCO.
- There is a duplicate listing for the stopping up of Oulton Street for approximately 70m between “20a and 20b”, which is not illustrated on the plan.

[s51 advice](#) has been issued regarding the observations above and it is concluded that these documents still meet the standards required to progress to examination.

Regulation 5(2)(q)

documents necessary to support the application

The Applicant submitted the following additional documents: Location Plan (Doc 2.1), Important Hedgerows Plan (Doc 2.11), Cover letter to the

Planning Inspectorate (Doc 1.01), Guide to the Application (Doc 1.04), Application Index (Doc 1.5), Draft section 55 checklist (Doc 1.6), Note on Requirements and Conditions in the Development Consent Order (Doc 3.3), Consents and licences required under other legislation (Doc 5.4), Schedule of Mitigation (Doc 6.05), Outline Code of Construction Practice (Doc 8.01), Planning Statement (Doc 8.02), Design and Access Statement (Doc 8.03), Public Rights of Way Strategy (Doc 8.04), Outline Written Scheme of Investigation (Onshore) (Doc 8.05), Outline Written Scheme of Investigation (Offshore) (Doc 8.06), Outline Landscape and Ecological Management Strategy (Doc 8.07), Outline Traffic Management Plan (Doc 8.08), Outline Travel Plan (8.09), Outline Access Management Plan (Doc 8.10), Outline Offshore Operations and Maintenance Plan (Doc 8.11), Offshore In Principle Monitoring Plan (Doc 8.12), Draft Marine Mammal Mitigation Protocol (Doc 8.13), Outline Project Environmental Management Plan (Doc 8.14), Outline Scour Protection and Cable Protection Plan (Doc 8.16), In Principle Norfolk Vanguard Southern North Sea candidate Special Area of Conservation Site Integrity Plan (Doc 8.17) and Outline Navigation Monitoring Strategy (Doc 8.18).

31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &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)? ¹⁵	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in Doc 5.3.</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>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.</p> <p>s51 advice has been provided on the HRA Report. 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	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans ¹⁶	<p>Yes</p>
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p>Yes</p> <p>The application appears to be in general conformity with the Guidance and the Planning Inspectorate is satisfied that the Applicant has had regard to the Guidance.</p>

¹⁵ Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

34 Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate considers that the submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) and concludes that the application is of a satisfactory standard and can be accepted.</p> <p>None of the issues identified in the checklist are likely to prejudice any persons wishing to take part in the examination, or to prevent an appointed Examining Authority from examining the application within the statutory 6 month period. The overall conclusion therefore is that the application is of a satisfactory standard and can be accepted.</p>
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The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁷ ?	The Application Fee was received before submission of the application on 11 June 2018.
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Electronic Signature	Name	Date
Case Leader	<i>Tracey Williams</i>	24 July 2018
Acceptance Inspector	<i>Gavin Jones</i>	24 July 2018

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 must be paid at the same time that the application is made.

