

The Planning Act 2008

Section 55 Acceptance of Applications*

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

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) deleted
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) deleted
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.

- (5) In subsection (4) -

“local authority consultee” means -

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

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

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.

(6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

(7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -

- (a) notify that view to the applicant, and
- (b) notify the applicant of the Secretary of State’s reasons for that view.

(8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

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

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

Section 55 Acceptance of Applications

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
		14 May 2018	11 June 2018	8 June 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 State under s35 of the PA2008 for the development to be treated as development for which development</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 A3.1) 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 A1.4) in Box 4 which states that the project will consist of 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)

	consent is required?	
3	Summary – s55(3)(a) and s55(3)(c)	Box 4 of the Application Form (A1.4) 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?	(a) No , the Applicant did not request a screening opinion in respect of the development (b) Yes , on 26 October 2016, before the start of s42 consultation on 27 July 2017. Paragraph 4.3.1.2 of Consultation Report (Doc A5.1)
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?	There are 14 host and neighbouring authorities, of which six provided Adequacy of Consultation Representations (AoCR) confirming either that the Applicant had complied with their duties under s42, s47 and s48 of the PA2008 and/or that they had “no comments”, these were: Host (“ B, C”) Authorities <ul style="list-style-type: none"> • Norfolk County Council • Broadland District Council • North Norfolk District Council • South Norfolk District Council Neighbouring (“A, D”) Authorities <ul style="list-style-type: none"> • The Broads National Park Authority

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

- Mid Suffolk District Council

Responses were invited but were not received from the following authorities:

Neighbouring (“A, D”) Authorities

- Norwich City Council
- King’s Lynn and West Norfolk Borough Council
- Breckland District Council
- Great Yarmouth Borough Council
- Waveney District Council
- Lincolnshire County Council
- Suffolk County Council
- Cambridgeshire County Council

These AoCRs have been carefully considered and no concerns regarding the adequacy of consultation were raised. These are available to view on the [project page](#) of the National Infrastructure Planning Inspectorate website.

During the acceptance period representations were also received from the following:

- National Farmers’ Union (NFU) joint submission with Savills, Strutt & Parker, Bidwells, Irelands, Brown & Co and Cruso & Wilkin
- Oulton Parish Council
- Trustees of the BE Brooks (1983) Settlement
- S Bullimore

These representations included concerns about the consultation process. For example, it was stated that information had not been provided in response to matters raised in correspondence or at meetings. However, it is apparent that the Applicant has publicised the proposals sufficiently to receive these comments. **The Consultation Report (Doc A5.1)** explains how, at a project wide level, the Applicant has had regard to consultation

		<p>responses. Consequently, the Planning Inspectorate considers that this should not prevent the project from proceeding to examination.</p> <p>One representation raised a concern about the scope of the Focussed Statutory Consultation carried out during March 2018. The Applicant's approach to this consultation appears to accord with relevant Guidance (Planning Act 2008: Guidance on the pre-application process (DCLG March 2015)).</p> <p>The representations also raised concerns about the merits of the proposals, for example in relation to traffic management, the use of HVAC or HVDC and the approach to phasing. Whilst these issues have not been resolved, it will be open to the parties concerned to make representations on them which the Examining authority will 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>
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>The Applicant has explained its approach to the identification of persons to be consulted under s42(1)(a) - see paragraphs 8.3.2.1 – 8.3.2.7 of the Consultation report (Doc A5.1). Table 2.1 of Annex 3 of the Consultation report (Doc A5.1) lists</p>

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

the s42(1)(a) consultees. That Annex also includes other Tables numbered and titled as follows:

- 2.2 Section 42(1)(aa) – Marine Management Organisation
- 2.3 Section 42(1)(b) – Local Authorities
- 2.4 Section 42(1)(d) consultees (Phase 2A)
- 2.5 Non-prescribed consultees, identified by the Applicant

The Planning Inspectorate notes that section 8.3.2 (Section 42) of the **Consultation report (Doc A5.1)** does not expressly state that all of the persons mentioned in Tables 2.1 – 2.5 in Annex 3 of the **Consultation Report (Doc A5.1.3)** were consulted as part of the Section 42 consultation, but has taken this to be implied.

The Planning Inspectorate had previously provided a list of prescribed and non-prescribed consultation bodies under Regulation 9(1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. Paragraph 8.3.2.3 of the **Consultation report (Doc A5.1.3)** states that this list was reviewed by the Applicant to check that all details were up-to-date, and that changes to the original list are noted by way of footnotes as detailed in **Annex 3** of the **Consultation report (Doc A5.1.3)**. Paragraph 8.3.2.5 states that prior to the statutory consultation under section 42, certain organisations in the list confirmed that they had no apparatus within the Hornsea Three boundary and only where it was confirmed that they had no wider interests were they removed from the section 42 consultee list. Paragraph 8.3.2.6 states that “those who confirmed apparatus or did not otherwise state that they did not have interests in the area” were consulted in the Phase 2A and 2B consultations.

The Planning Inspectorate notes the following in relation to **Annex 3**:

- The Homes and Communities Agency (now Homes England) is a prescribed consultee that must be consulted on “all proposed applications likely to have an effect on its areas of responsibility”. It is not listed as a prescribed consultee in **Table 2.1** but is in the list of non-prescribed consultees in **Table 2.5** of **Annex 3**.
- The Historic Buildings and Monuments Commission for England is a prescribed consultee that must be consulted on “all proposed applications likely

		<p>to have an effect on its areas of responsibility”. It is not listed in Table 2.1 of Annex 3, but is listed (under its informal name of Historic England) in Table 2.5 of Annex 3.</p> <p>Having reviewed the application documents as submitted, the Planning Inspectorate considers that the interests of the following organisations could also be affected by the proposals:</p> <ul style="list-style-type: none"> ○ The Broads Internal Drainage Board ○ Murphy Power Distribution Limited ○ Utility Distribution Networks Limited ○ Vattenfall Networks Limited ○ Fulcrum Electricity Assets Limited ○ Energy Assets Networks Limited ○ Energy Assets Power Networks Limited <p>Given the individual circumstances of this case, and 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 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 PA2008 unless there is a specific justification why this is not necessary.</p> <p>S51 advice has been issued regarding this matter.</p>
7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Yes
8	s42(1)(b) each local authority within s43 ⁸ ?	Yes

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

		<p>The Applicant has consulted each local authority within s43 as described in Paragraphs 8.3.2.8 – 8.3.2.9 of the Consultation Report (Doc A5.1) on 27 July 2018. These are:</p> <p>Host “B” Authorities</p> <ul style="list-style-type: none"> • North Norfolk District Council • Broadlands District Council • South Norfolk District Council <p>Host “C” Authorities</p> <ul style="list-style-type: none"> • Norfolk County Council <p>Neighbouring “A” Authorities</p> <ul style="list-style-type: none"> • Norwich City Council • King’s Lynn and West Norfolk Borough Council • Breckland District Council • Great Yarmouth Borough Council • The Broads National Park Authority • Waveney District Council • Mid Suffolk District Council <p>Neighbouring “D” Authorities</p> <ul style="list-style-type: none"> • Lincolnshire County Council • Suffolk County Council • Cambridgeshire County Council
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	Yes

	categories ⁹ ?	The Applicant has consulted each person in one or more s44 categories as described in Paragraphs 8.3.2.10 – 8.3.2.13 of the Consultation Report (A5.1) on 27 July 2017.
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>Statutory Consultation (Phase 2.A)</p> <p>The letter dated 25 July 2017 was sent to s42 consultees and confirms a deadline for responses being 20 September 2017, which is more than 28 days after the date of the s42 notification letter. Paragraphs 8.3.2.16 – 8.3.2.19 of the Consultation Report (Doc A5.1). Due to an error with the consultation material sent out to the consultees the Applicant resent the USB keys to the s42 consultees on 2 August 2017 with the correct consultation material. The deadline for responses to the consultation still exceeded 28 days. Paragraph 8.3.2.20 of the Consultation Report (Doc A5.1)</p> <p>Further Statutory Consultation (Phase 2.B)</p> <p>The s42 consultees were notified by letter between 20 – 22 November 2017 that the Applicant would conduct a second round of s42 consultation with a deadline for responses of the 22 December 2018. The consultation material was made available on the Applicant’s website from 16 November 2018. On 5 December 2017 the Applicant issued a letter containing a document missing from the original consultation pack (‘Section 42 Consultation. Potential Offshore Alternative Routes - Supporting Information’). The deadline for responses was amended to 7 January 2018 to comply with the 28 days statutory consultation period. Paragraphs 8.4.2.5 – 8.4.2.8 of the Consultation Report (Doc A5.1).</p> <p>In addition to the phase 2.A and 2.B statutory consultation, the Applicant conducted a targeted consultation between 1 March and 30 March 2018. Paragraphs 8.5.1 – 8.5.2.3 of the Consultation Report (Doc A5.1).</p>
s46: Duty to notify Secretary of State of proposed application		

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

12	Did the applicant supply information to notify the 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?	<p>Yes</p> <p>The Applicant gave notice under s46 on 26 July 2016 which was on or before the beginning of s42 consultation. The Applicant subsequently gave notice under s46 on 15 November 2017 and 26 February 2018, which was before the Phase 2A and 2B consultation commenced.</p> <p>Copies of the letters dated 26 July 2016, 15 November 2017 and 26 February 2018 are included in Appendix 8 of the Consultation Report (Doc A5.1.8)</p>
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?	<p>Yes</p> <p>The Applicant produced a Statement of Community Consultation (SoCC) which is supplied with the application. Annex 10 of the Consultation Report (Doc A5.1.10)</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>Yes</p> <p>The Applicant sent the draft SoCC to North Norfolk District Council, Broadland District Council and South Norfolk District Council (“B” Authorities) and Norfolk County Council (“C” Authority) on 20 July 2016 and set a deadline of 9 September 2016 for responses. Paragraph 5.5.1.2 of the Consultation Report (Doc A5.1).</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>The Applicant has explained at Paragraphs 5.5.1.5 – 5.5.1.7 of the Consultation Report (Doc A5.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. Annex 10 of the Consultation Report (Doc A5.1.10) set out how the Applicant has had regard to the comments on 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	<p>Yes</p> <p>The SoCC was made available at the following local authority offices:</p> <ul style="list-style-type: none"> • North Norfolk District Council, Broadland District Council, South Norfolk District Council, Broads Authority, Breckland District Council, Great Yarmouth Borough

	be inspected?	<p>Council, Norwich City Council and North Norfolk County Council. Annex 10 of the Consultation Report (Doc A5.1.10)</p> <p>These are reasonably convenient having regard to the location of the scheme. Notices stating when and where it could be inspected were published in:</p> <ul style="list-style-type: none"> • Eastern Daily Press (Between 3 and 11 October 2016) • Norwich Evening News (Between 3 and 11 October 2016) • North Norfolk News (Between 3 and 11 October 2016) • Diss Mercury (Between 3 and 11 October 2016) • Wymondham and Attleborough Mercury (Between 3 and 11 October 2016) 				
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 7 of the SoCC (Annex 10 of the Consultation Report (Doc A5.1.10)) sets out that the scheme is EIA development and how the Applicant proposes to consult on the preliminary environmental information.</p>				
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>The Applicant has set out in Table 5.2 of Consultation Report (Doc A5.1) the activities that have been carried out and how the commitments in the SoCC have been met.</p>				
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?	<p>Yes</p> <p>The Applicant has described the newspapers and dates of s48 publicity in section 8.4.4 of the Consultation Report (Doc 5.19) as set out below:</p>				
		<table border="1"> <thead> <tr> <th><i>Newspaper(s)</i></th> <th><i>Date</i></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<i>Newspaper(s)</i>	<i>Date</i>		
<i>Newspaper(s)</i>	<i>Date</i>					

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).

<p>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p>	<p>Phase 2A:</p> <ul style="list-style-type: none"> • Eastern Daily Press - 29 July 2017 and 5 August 2017 • Norwich Evening News - 29 July 2017 and 5 August 2017 • North Norfolk News - 3 August 2017 and 10 August 2017 • Diss, Wymondham and Attleborough Mercury - 3 August 2017 and 10 August 2017 <p>Phase 2B:</p> <ul style="list-style-type: none"> • Eastern Daily Press - 17 November 2017 and 24 November 2017 • Norwich Evening News - 17 November 2017 and 24 November 2017 • North Norfolk News - 16 November 2017 and 23 November 2017 • Diss, Wymondham and Attleborough Mercury - 16 November 2017 and 23 November 2017 	<p>As per column on the left</p>
<p>once in a national newspaper;</p>	<p>The Guardian</p>	<p>31 July 2017 (Phase 2A) 17 November 2017 (Phase 2B)</p>
<p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>The London Gazette</p>	<p>31 July 2017 (Phase 2A)</p>
<p>where the proposed application relates to offshore development – (i) once in Lloyds List; and</p>	<p>Lloyd’s List Fishing News</p>	<p><i>Lloyds List:</i> 1 August 2017 (Phase 2A) 16 November</p>

	(ii) once in an appropriate fishing trade journal?				2017 (Phase 2B) <i>Fishing News:</i> 3 August 2017 (Phase 2A) 16 November 2017 (Phase 2B)
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes Copies of the s48 notice (both phase 1 and phase 2) are supplied in Annex 9 of the Consultation Report (Doc 5.1.9) and contain 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	4 (first phase notice)	d)	a summary of the main proposals, specifying the location or route of the proposed development	5- 5.19 (first notice)
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	8 (second phase notice)	f)	the latest date on which those documents, plans and maps will be available for inspection	6-10 (second notice)
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8 (first notice)	h)	details of how to respond to the publicity	9 (first notice) 13 (second

				notice)
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	12		
21	Are there any observations in respect of the s48 notice provided above?			
	The charges for copies of the Application documents do not appear to have been included in the Applicant's second s48 notice (Annex 9 of the Consultation Report (Doc 5.1.9)) this was however included in the first s48 notice (Annex 9 of the Consultation Report (Doc 5.1.9)).			
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 ?	Yes	Copies of the s48 notice are supplied in Annex 9 of the Consultation Report (Doc 5.1.9) . The Consultation Report (Doc 5.1) section 8.3.2 provides evidence of EIA bodies consulted. They are listed in Doc 5.1.3 .	
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?	Yes	<p>Phase 1 Consultation</p> <p>The Applicant has set out at Sections 7.2.4, 7.3.4 and Table 7.6 of the Consultation Report (Doc A5.1) the actions that have been taken having regard to the consultation responses received, (in the form of a schedule of response and the related actions). They have also described the consideration given to responses that did not lead to a change in Annex 13 of the Consultation Report (Doc A5.1.13)</p> <p>Phase 2 Consultation</p> <p>Table 9.1 of the Consultation Report (Doc A5.1) summarises the key changes to the project resulting from the phase 2 consultations. Chapter 9 of the Consultation Report (Doc A5.1) summarises the responses to the phase 2 consultation. Tables of all relevant responses and how the Applicant has had regard to these in the final</p>	

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).

		application are provided in Annex 15 of the Consultation Report (Doc A5.1.15) 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.
Guidance about pre-application procedure		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹² ?	Annex 2 of the Consultation Report (Doc A5.1.2) 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 (pre application procedure). 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 1.4) 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 A2.1.1 – A2.1.3) has been provided.
27	Is it accompanied by a consultation report?	Yes The application is accompanied by a Consultation Report (Doc A5.1) and Consultation Report Appendices (Doc A5.1.1 – A5.1.16) .

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

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 Key plans have been named 'index sheets'.					
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes The documents and information required by APFP regulation 5(2) 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	Environmental Statement Docs 6.1.1 – 6.7	b)	The draft proposed order	Draft Development Consent Order including Draft Deemed Marine Licences (Doc A3.1)		
	Is this of a satisfactory standard?	Yes (note comments below in Box 30).		Is this of a satisfactory standard?	Yes		
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Doc A3.2	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Book of Reference (Doc A4.3)		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes		
e)	A copy of any flood risk assessment	Doc 6.6.2.1	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	Doc 7.3		

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

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

				nuisances) and if so how the applicant proposes to mitigate or limit them	
	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)	Statement of Reasons (Doc A4.2) Funding Statement (Doc A4.1 – A4.1.2)	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	Doc 2.3 Land Plan (onshore) comprises a key plan and 35 sheets
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
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 order	Doc 2.4.1 (offshore) and Doc 2.4.2 (onshore)	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	Docs 2.5, 2.6, 2.7
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes

l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<ul style="list-style-type: none"> i) Onshore Statutory and Non-Statutory Nature Conservation Sites (Doc A2.9.1) Offshore Statutory and Non-Statutory Nature Conservation Sites (Doc A2.9.2) ii) Tree Preservation Order and Hedgerow Plan (Doc A2.10) Environmental Statement Volume 6 Annex 3.1 Desk Study and Phase 1 Habitat Survey (Doc A6.6.3.1) An assessment is set out in the Environmental Statement Volume 2 Chapters 2 – 5 (Doc A6.2.2 – A6.2.5) and Volume 3 Chapter (Doc A6.3.3). iii) Environmental Statement Volume 6 Annex 2.5 Water Framework Directive Surface Water 	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>Offshore Historic Environment Plan (Doc 2.8.1)</p> <p>Onshore Historic or Scheduled Monument Sites Plan (Doc 2.8.2)</p>

		Assessment (Doc A6.6.2.5)			
	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	Doc 2.11.1	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	Docs 2.1.1, 2.1.2, 2.1.3 (Location Plan)
	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 Box 22 of the Application Form (1.3) identifies Regulation 6 - Works Plans – Offshore (Doc A2.4.1) Works Plans – Onshore (Doc A2.4.2) Project Description (Doc A6.1.3) Site Selection and Consideration of Alternatives (Doc A6.1.4) Safety Zone Statement (Doc A7.1) Cable Statement (Doc A7.2) as required	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.

		under Regulation 6(1)(b)(i) of the APFP Regulations.			
	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?				
	<p><i>Brief summary of relevant observation made in Box 29</i></p> <p>i) Regulation 5(2)(a) The Applicant seeks flexibility within the DCO and has conducted the environmental impact assessment using parameters in order to allow further refinement of the project post-consent. Chapter 3 of the environmental statement (ES) sets out in Tables 3.1 – 3.79 the maximum design parameters for all elements of the works associated with the Proposed Development. However there is a need to clarify the relationship between the maximum design parameters listed in Chapter 3 and the maximum dimensions specified in the draft DCO. S51 advice has been issued regarding this matter.</p> <p>ii) Regulation 5(2)(a) The Inspectorate notes that the Applicant’s assessment in Chapter 5 of the ES is informed by incomplete ecological survey data for some sections of the onshore cable route identified as likely to support species or habitats of interest. There is also incomplete data for land affected by a realignment of the cable route. However, despite these gaps in the baseline data, the ES does contain an assessment of the likely significant effects for the construction and operation of the Proposed Development. The ES addresses the gaps in the baseline data by applying a worst case scenario and assuming that, if suitable habitat is present, then the relevant species will also be present. The Inspectorate notes that the Evidence Plan (Doc A5.1.1) provided by the Applicant indicates that the members of the onshore ecology expert working group (EWG) agreed that <i>‘all survey methodologies are appropriate and no further survey data needs to be collected. The EWG have agreed the baseline characterisation of the onshore ecology.’</i> (Item 9 in Progress of agreement table at page 205 of Doc A5.1.1). The Inspectorate has taken account of this agreement between the participants in the EWG in reaching a view that the ES is adequate for the purposes of acceptance. The Examining authority may wish to consider the implications of any gaps in the baseline data during the course of the Examination</p> <p>iii) Regulation 5(2)(a) The Inspectorate notes that the measures proposed to mitigate various potential environmental impacts are helpfully set out in tabular form within the various chapters of the ES. However, bearing in mind the degree of flexibility in the proposal, it is not always clear how specific measures would be secured through the draft DCO and/or DML. S51 Advice has been issued regarding this matter.</p> <p>Regulation 5(2)(q)</p>				

	The Applicant considers the following documents necessary to support the application: Cover letter (Doc A1.1), Application Index (Doc A1.2), Draft Section 55 Checklist (Doc A1.3), Consents Management Plan (Doc A7.4), Outline Construction Traffic Management Plan (Doc A8.2), Planning Statement (Doc A8.3), Hierarchy of Management Plans (Doc A8.4), Outline Code of Construction Practice (Doc A8.5), Outline Ecological Management Plan (Doc A8.6), Outline Landscape Management Plan (Doc A8.7), In Principle Monitoring plan (Doc A8.8), Outline Fisheries Coexistence and Liaison Plan (Doc A8.10)	
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 ¹⁵ 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)? ¹⁶	<p>Yes</p> <p>A Habitat Regulations Assessment Report is provided in the Report to Inform Appropriate Assessment (Doc A5.2).</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. S51 advice has been provided on this point. 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 ¹⁷	<p>Yes</p> <p>Two hard copies of the application documents were received on 14 May 2018.</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>
34	Summary - s55(3)(f) and s55(5A)	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.

¹⁵ Now replaced by regulation 63 of The Conservation of Habitats and Species Regulations 2017

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

¹⁷ Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Whilst some issues have been identified in the checklist, none are likely to prejudice any persons wishing to take part in the examination. Section 51 advice has been provided to the applicant to address any issues.

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 ¹⁸ ?	<p>Yes</p> <p>Application Fee amounting to £6,939.00 was received before receipt of the application on 14 May 2018.</p>
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Electronic Signature	Name	Date
Case Leader	<i>Kay Sully</i>	8 June 2018
Acceptance Inspector	<i>David Prentis</i>	8 June 2018

¹⁸ 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.

