

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

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
		27 June 2018	25 July 2018	23 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	Is the development a nationally significant infrastructure project ² (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 ³ (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)? If the development does not fall within the categories in	<p>Yes</p> <p>The proposed development set out in Schedule 1 of the draft DCO (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 Planning Act 2008 (PA2008).</p> <p>This is consistent with the summary provided in the Application Form (Doc 1.2) in Box 4 which concludes that the application is for an NSIP, stating:</p> <p><i>'As the proposed wind farm is expected to have an installed capacity of up to 340 MW,</i></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)

	ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	<i>it qualifies as an NSIP pursuant to section 14(1)(a) and 15(3) of the 2008 Act.'</i>
3	Summary – s55(3)(a) and s55(3)(c)	Box 4 of the Application Form (Doc 1.2) 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 , the Applicant notified the Secretary of State on 4 January 2017 under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that they intended to provide an environmental statement.
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?	Yes There are 11 host and neighbouring authorities, of which 7 provided Adequacy of Consultation Representations (AoCR). Four of these confirmed 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: Neighbouring Authorities

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

- London Borough of Bexley
- Canterbury City Council
- Surrey County Council
- Medway Council

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

Neighbouring (“A, D”) Authorities

- Folkestone & Hythe District Council
- Thurrock Council
- East Sussex County Council
- London Borough of Bromley

Three responses raised some concerns :

Host Authorities

- **Kent County Council** stated, in their letter of 10 July 2018, that they consider the Applicant has complied with its duties under s42, s47 and s48. However they raise concerns around requirements under s42 as the option to trench the electricity cables through Pegwell Bay Country Park was not presented to Kent County Council as requested.
- **Dover District Council** stated, in their letter of 12 July 2018, that they consider the Applicant has complied with s42, s47 and s48, their duty to consult the Council on the preparation of their SoCC and that consultation was undertaken in compliance with the SoCC. However they raise concerns about “the site selection and options appraisal process particularly on-shore that although complies with the statutory consultation requirements has continued to be amended and options included or discounted without appearing to have been determined through a rigorous environmental impact assessment process or with any further period of re-

		<p>consultation with the relevant parties.”</p> <ul style="list-style-type: none"> • Thanet District Council stated, in their letter of 13 July 2018, that they consider the Applicant has complied with s42, s47 and s48. Although the Council makes no comment on the matter, they do raise the point of “whether alternative options of the onshore route through the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest and Sandwich and Pegwell Bay National Nature Reserve have been adequately considered within the process of developing the submitted application.” <p>While it is unclear to which extent the Applicant has addressed some of the issues raised in the AoCR, there is sufficient evidence to consider that the Applicant has complied with their pre-application consultation duties. Subject to agreement by the Examining Authority, issues such as those raised about the proposal itself could be explored during the Examination; where parties and the Applicant will have the opportunity to make their respective cases.</p> <p>These AoCRs have been carefully considered and are available to view on the project page Thanet Extension Offshore Wind Farm of the National Infrastructure Planning website</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 provided a list of persons consulted under s42(1)(a) on 27 November 2017 at Appendix B3 of the Consultation Report Appendices (Doc 5.1.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary</p>

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

interpretation of the regulations that have not been consulted by the Applicant under s42:

- The Forestry Commission
- Cadent Gas Limited
- Vattenfall Wind Power
- Energy Assets Networks Limited
- Energy Assets Power Networks Limited
- Fulcrum Electricity Assets Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited
- Utility Distribution Networks Limited
- Southern Electric Power Distribution Plc

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.

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, PINS 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.

[S51 advice](#) has been issued regarding this matter.

7	s42(1)(aa) the Marine Management Organisation ⁷ ?	Yes
8	s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes</p> <p>The Applicant consulted each local authority within s43 on 27 November 2017, as listed in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1). These are:</p> <p>Host Authorities</p> <ul style="list-style-type: none"> • Thanet District Council • Dover District Council • Kent County Council <p>Neighbouring (“A, D”) Authorities</p> <ul style="list-style-type: none"> • Canterbury City Council • Shepway District Council. This Council changed its name to Folkestone and Hythe District Council on 1 April 2018. • Surrey County Council • East Sussex County Council • Medway Council • London Borough of Bromley • London Borough of Bexley 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"> • Thurrock Borough Council <p>The Applicant states, at paragraph 5.3.9 of the Consultation Report (Doc 5.1), that East Sussex County Council was not initially consulted however the Applicant wrote to them on 17 May 2018, giving them until 18 June 2018 to respond.</p> <p>It is noted that Table 5.1 of the Consultation Report (Doc 5.1), which lists local authorities identified under section 43, does not include Medway Council. However Medway Council are included in Appendix G1.2 of the Consultation Report Appendices (Doc 5.1.1) as a consultee who responded to s42 consultation.</p> <p>The Applicant consulted the following authorities who were not identified as neighbouring authorities by the Planning Inspectorate:</p> <ul style="list-style-type: none"> • Essex County Council. • Southend-on-Sea Borough 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 categories ⁹ ?	<p>Yes</p> <p>The Applicant has consulted each person in one or more s44 categories as described in Section 5.4.7 of the Consultation Report (Doc 5.1) on 22 November 2017, however please note the following inconsistencies:</p> <p>The following parties who are included in the Book of Reference are not included in the list of s44 consultees (land owners) in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1):</p> <ul style="list-style-type: none"> • British Telecommunications Plc

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

- Nigel Roy Cox
- HSBC Bank
- T & O Properties Limited
- National Grid Holdings One

The following parties who are in the Book of Reference are not included in the list of s44 consultees (land owners) in Appendix B3 but are included in **Appendix B7.1** as targeted consultees under s42, following changes to the red line boundary. These parties were sent consultation documents on 1 May 2018.

- Sustrans Limited
- Vigilant Global UK Ltd
- Ministry of Justice

Trans-Stor Logistics Limited is included in the Book of Reference and is not included in the list of s44 consultees in Appendix B3 but is included in **Appendix B7.1** as a targeted consultee under s42, following changes to the red line boundary and was sent consultation documents on 9 May 2018.

The following parties are included in the Book of Reference. They are not included in the list of s44 consultees (land owners) in **Appendix B3**. However they were consulted as APFP Schedule 1 prescribed consultees and can be found in **Appendix B3** table for s42 (APFP Schedule 1) consultees

- The Coal Authority
- Thanet OFTO Ltd

Philip Griffiths and P&G Scaffolding Limited have separate entries in the Book of Reference at two different addresses, however these are listed jointly in the list of s44 consultees (land owners) in **Appendix B3** of the **Consultation Report Appendices (Doc 5.1.1)**.

No direct explanation for the discrepancies listed above has been found in the

		<p>Consultation Report.</p> <p>There are a number of parties included in the list of s44 consultees (land owners) in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) that are not found in the Book of Reference. No justification for this has been found in the Consultation Report.</p> <p>S51 advice has been issued regarding this matter.</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>The letter dated 22 November 2017 was sent to s42 consultees and confirms a deadline of responses being 12 January 2018, which is more than 28 days after the date of the s42 notification letter (Appendix B4.2 of the Consultation Report Appendices, Doc 5.1.1).</p>
s46: Duty to notify Secretary of State of proposed application		
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 22 November 2017 which was on or before the beginning of s42 consultation.</p> <p>A copy of the letter dated 22 November 2017 and consultation documents sent to the Secretary of State is included in Appendix B6.1 of the Consultation Report Appendices (Doc 5.1.1).</p>
s47: Duty to consult local community		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult	<p>Yes</p> <p>The Applicant produced a Statement of Community Consultation (SoCC) on 9</p>

	people living in the vicinity of the land?	November 2017 (Appendix C1.5 of the Consultation Report Appendices, Doc 5.1.1) which is supplied with the application (Appendix C1.1 of the Consultation Report Appendices, Doc 5.1.1).
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 sent the draft SoCC to Thanet District Council (‘B Authority’), Dover District Council (‘B Authority’) and Kent County Council (‘C Authority’) on 1 September 2017 and set a deadline of 29 September 2017 for responses (paragraph 6.5.3 of the Consultation Report, Doc 5.1).
15	Has the applicant had regard to any responses received when preparing the SoCC?	Yes The Applicant has explained at Appendix C2.2 of the Consultation Report Appendices (Doc 5.1.1) how the responses that were received as a result of consultation on the SoCC have been taken into consideration. Examples of this are: Thanet requested that hard copies of documents should be available at Margate, Broadstairs and Ramsgate libraries. The Applicant added this in section 10.1 of the final SoCC. Dover District Council requested the SoCC make clear that the consultation includes non-residential properties. The Applicant included reference to non-residential properties in section 5 of the final SoCC. Kent County Council requested the SoCC include environmental and community impacts on the area as key issues. The Applicant added these to section 9.1, bullet point 7.
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	Yes The Applicant states, at paragraph 6.3.5 of the Consultation Report (Doc 5.1) that the SoCC was made available at the deposit locations listed in Appendix C1.2 . These

	the land which states where and when the SoCC can be inspected?	<p>are Birchington Library, Cliffsend Village Hall, Margate Library, Broadstairs Library, Ramsgate Library, Vattenfall Wind Power Limited office, Sandwich Library, Dover Gateway, Dover Library, Deal Library, Canterbury City Council office, Kent County Council office, Sheerness Library and Essex County Council office. These locations are reasonably convenient having regard to the location of the scheme.</p> <p>A notice stating when and where it could be inspected was published in:</p> <ul style="list-style-type: none"> • The Thanet Gazette on 10 November 2017
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>The SoCC (Appendix C1.1 of the Consultation Report Appendices, Doc 5.1.1) sets out at section 3 that the scheme is EIA development and at section 8 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 at Appendix C1.8 of the Consultation Report Appendices (Doc 5.1.1) the activities that have been carried out and how the commitments in the SoCC have been met.</p> <p>For example, an extract from the table Appendix C1.8 describes the commitment made in the SoCC;</p> <ul style="list-style-type: none"> • ‘Press releases will be sent to local media.’ <p>followed by the compliance setting out where the evidence can be found within the Consultation Report Appendices (Doc 5.1.1)</p> <ul style="list-style-type: none"> • ‘See Appendix C8.3.’ <p>This was supported by Dover District Council which stated in its AoC response that they consider the Applicant has complied with s42, s47 and s48, their duty to consult the Council on the preparation of their SoCC and that consultation was undertaken in</p>

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).

compliance with the 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
The Applicant has described the newspapers and dates of s48 publicity in **Copies of Newspaper Notices (Doc 1.5)** and **Appendix D1.2** of the **Consultation Report (Doc 5.1)**, as set out below:

<i>Newspaper(s)</i>	<i>Date</i>
<ul style="list-style-type: none"> • Thanet Extra • East Kent Mercury • Isle of Thanet Gazette 	<p>15 November 2017 22 November 2017 16 November 2017 22 November 2017 17 November 2017 24 November 2017</p>
<ul style="list-style-type: none"> • The Times 	23 November 2017
<ul style="list-style-type: none"> • The London Gazette 	22 November 2017
<ul style="list-style-type: none"> • Lloyd's List • Fishing News 	<p>23 November 2017 23 November 2017</p>

	(ii) once in an appropriate fishing trade journal?			
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Copies of the published s48 notice (as detailed in Box 19, above) are supplied in Appendix D1.2 of the Consultation Report (Doc 5.1), and contains the required information as set out below:		
	Information	Paragraph		Information
a)	The name and address of the applicant.	Paragraph 1	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	Paragraph 4	d)	a summary of the main proposals, specifying the location or route of the proposed development
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 8	f)	the latest date on which those documents, plans and maps will be available for inspection
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Paragraph 9	h)	details of how to respond to the publicity
i)	a deadline for receipt of those responses by the applicant, being not less than 28 days	Paragraph 13		

	following the date when the notice is last published		
21	Are there any observations in respect of the s48 notice provided above?		
	N/A		
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	The notice was sent to the EIA consultation bodies on 22 November 2017 as confirmed in Appendix B4.2 of the Consultation Report (Doc 5.1)
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	The Applicant has set out at Chapter 9 of the Consultation Report (Doc 5.1) and within Appendix G (Doc 5.1.1) (in the form of a schedule of response and the related actions), the actions that have been taken having regard to the consultation responses received. They have also described within Appendix G (Doc 5.1.1) the consideration given to responses that did not lead to a change. 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			

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 ?	Chapter 3 of the Consultation Report (Doc 5.1) and Appendix A1 (Doc 5.1.1) explain 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 Applicant has complied with Chapter 2 of Part 5 (Pre-application procedure). 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 development proposal, 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 (Doc 5.1) and Consultation Report Appendices (Doc 5.1.1) .
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

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

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	Volume 1 (Doc 6.1) Volume 2 (Doc 6.2) Volume 3 (Doc 6.3) Volume 4 (Doc 6.4) Volume 5 (Doc 6.5) Volume 6 (Doc 6.6) Non-Technical Summary is provided in Doc 6.7.1 . Scoping Opinion is provided in Doc 6.8.1	b)	The draft proposed order	Doc 3.1
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).
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 4.3

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)

	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30).
e)	A copy of any flood risk assessment	Doc 6.5.6.2	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them	Doc 5.3
	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 4.1	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 (i) 2.2 Land Plan Offshore , comprising one sheet; 2.3 Land Plan Onshore , comprising key plan and three sheets. (ii) and (iii) The land plans include a colour to distinguish the various types of land. (iv) 2.4 Special Category Land Plan , comprising two sheets.
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in

		in Box 30).			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 order	Doc 2.5 and 2.6	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	Doc 2.7, 2.8, 2.9 & 2.13
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying information identifying:- (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	(i) - (ii) Doc 2.10 Conservation Sites Key Plan and Conservation Sites Plans (Sheets 1-3) (iii) Doc 2.15 Plan of Water Bodies in a River Basin Management Plan An assessment of effects on these sites, features, habitats or bodies is set	m)	Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development	Doc 2.11 Historic Environment Plan (Key Plan), Historic Environment Features (Offshore) (Sheet 1) and Historic Environment Features (Onshore) (Sheets 2-3). An assessment of any effects on historic sites, features or structures likely to be caused by the

	management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development	out in Doc 5.2, Doc 5.2.1 and Doc 5.2.2			proposed development is set out in the Environmental Statement (ES) Volume 3 Chapter 7: Onshore Historic Environment in Doc 6.3.7 and in Annex 7-1 (Doc 6.5.7.1), Annex 7-2 (Doc 6.5.7.2), Annex 7-3 (Doc 6.5.7.3)
	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 2.12	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	Location Plan Doc 2.1 Radar Line of Sight Coverage Plan Doc 2.14
	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 Doc 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 (Doc 1.2) lists other documents considered necessary to support the application

	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>Regulation 5(2)(b)</p> <ul style="list-style-type: none"> In relation to the dDCO Schedule 2, the dDCO refers to the works plans. This should be the onshore street works plans. <p>Regulation 5(2)(d)</p> <ul style="list-style-type: none"> The Book of Reference (Doc 4.3) does not include any category three parties. No justification for this is provided in the Statement of Reasons (Doc 4.1). There are three types of Category three persons; Part 2 of the Book of Reference identifies two of these, but not the third. See comments under Regulation 5(2)(i), (ii) and (iii) in relation to discrepancies between the Book of Reference, the dDCO and the Land Plans <p>Regulation 5(2)(h)</p> <ul style="list-style-type: none"> The Statement of Reasons (Doc 4.1), paragraph 7.4.1. Should plot 02/05 be plot 01/05? <p>Regulation 5(2)(i), (ii) and (iii)</p> <ul style="list-style-type: none"> The legend on the plans identifies blue coloured plots as 'Permanent acquisition of new rights'. Should this be 'Creation of new rights' or 'Extinguishment of rights'? Plot 01/35 could benefit from an inset as it is unclear whether this plot is coloured green or blue. The Book of Reference refers to temporary rights and the plot is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken). However the plot is also included in Schedule 5 (Land in which only New Rights etc., may be acquired). Plot 01/50 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights. 				

- Plot 01/55 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.
- Plot 01/105 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.
- The area containing plot 01/100 on sheet 1 of the Land Plan Onshore could benefit from an inset.
- Plots 01/80 and 01/115 are not identified on sheet 1 of the Land Plan Onshore.
- Plot 01/110 is only identified on sheet 2 of the Land Plan Onshore. Should this plot be assigned an 02 reference?
- Plot 02/05 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.
- Plot 02/85 is identified on the land plan as permanent acquisition but in the Book of Reference as new rights. This plot is not identified in the schedule 5 of the DCO (Land in which only New Rights etc., may be acquired).
- In the legend 'Cable route options' does not describe what rights are being sought.
- No landmarks or road names are identified on the land plans
- The scale is not in compliance with Regulation 5(4A) of the APFP Regulations, for the onshore plan sheet 0

Regulation 5(2)(j) (ii)

- There are no Limits of Deviation on the Works Plans or provided for in the Draft Order

[s51 advice](#) has been provided to the Applicant to remedy the issues raised in Box 30.

31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the	Yes
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	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>A Habitat Regulations Assessment Report is provided in Doc 5.2 entitled ‘Report to Inform Appropriate Assessment’, and supported by Doc 5.2.1 and Doc 5.2.2.</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. 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> <p>Two paper copies were supplied</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>On reviewing the application the Applicant appears to have had regard to DCLG guidance, and the overall standard of the application is satisfactory.</p>
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>A number of minor discrepancies, inconsistencies and omissions have become apparent upon inspection of the application documents and will need to be remedied in due course. However, none of the discrepancies, inconsistencies and omissions is considered to significantly reduce the ability of prospective participants in the</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

Examination from appreciating the extent and effects of the application. Section 51 advice has been provided to the Applicant to remedy these matters.

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 ?	Application Fee was received before submission of the application on 11 June 2018
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Electronic Signature	Name	Date
Case Leader	<i>Kate Mignano</i>	23 July 2018
Acceptance Inspector	<i>Rynd Smith</i>	23 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.