



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: October 2019

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (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 ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?	<p>The Sunnica Energy Farm (the “Scheme”) is defined as a Nationally Significant Infrastructure Project (“NSIP”) under sections 14(1)(a) and 15(2) of the Planning Act 2008, as an onshore generating station in England with capacity exceeding 50 megawatts (“MW”).</p> <p>This is set out in the Application Form [EN010106/APP/1.3] in Section 4, and Sections 2 and 4 of the Explanatory Memorandum [EN010106/APP/3.2] to the draft Development Consent Order (“DCO”). .</p> <p>The Covering Letter clearly states that the application (the “Application”) is for a</p>		

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

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

	If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	development consent order under the Planning Act 2008.
3	Summary: Section 55(3)(a) and s55(3)(c)	Sunnica Limited (the “ Applicant ”) has demonstrated that the Application as submitted is an application for an order granting development consent under the Planning Act 2008 and that development consent is required for the development to which the application relates, being an onshore generating station in England with capacity exceeding 50 MW (section 15(1)(a) of the Planning Act 2008).
Section 55(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 ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	Yes. The Applicant confirmed to the Planning Inspectorate in writing on 13 March 2019 under Regulation 8(1)(b) of the EIA Regulations that it proposed to provide an Environmental Statement (“ ES ”) in respect of the development to which this application relates. A copy of the letter is included at Appendix 1A Sunnica Energy Farm Scoping Report of the Environmental Statement [EN010106/APP/6.2]. The notification was given to the Planning Inspectorate before carrying out consultation in accordance with section 42, which commenced on 22 September 2020.
5	Have any Adequacy of Consultation Representations ⁴ been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	No such representations have been received by the Applicant. It is envisaged that the Planning Inspectorate will request upon submission of the Application that relevant local authorities provide an adequacy of consultation statement. This is as set out in the Planning Inspectorate’s Advice Note 14.

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

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

Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes. The Applicant wrote to consultees under s42(1)(a) of PA 2008 on 16 September 2020 setting out the background to the Scheme, the Applicant’s intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under section 42(1)(a) of the PA 2008, the documents being provided as part of the consultation, and explained how to respond to the consultation.</p> <p>A list of persons consulted under section 42(1)(a) is provided at Appendix E-1: List of prescribed consultees of the Consultation Report [EN010106/APP/5.2]. The list was compiled using the consultees listed in column 1 of the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“APFP Regulations”), and included all those identified by the Secretary of State in their Scoping Opinion. Regard was had to the Planning Inspectorate’s Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies.</p> <p>These letters were sent to recipients by recorded delivery. Where these were not received a follow up email was issued giving the recipient at least 28 full days to respond. In each case, the Applicant had email contacts for the consultee. Each consultee subsequently acknowledged receipt or responded to the consultation.</p> <p>The Applicant also had further engagement with a number of consultees under section 42 of the PA 2008 during the consultation period. Further details of this engagement are provided in Table 4-4 of the Consultation Report [EN010106/APP/5.1].</p> <p>An example of a letter sent to s42(1)(a) consultees can be found in Appendix F-1 of the Consultation Report [EN010106/APP/5.1].</p> <p>The Applicant wrote to all consultees under section 42(1)(a) of the PA 2008 again on 9 November 2020 to notify them of the extension of the consultation period. These letters were issued to recipients by recorded delivery. A copy of this letter is included in Appendix L-3 of the Consultation Report [EN010106/APP/5.2].</p>
7	Section 42(1)(aa) the Marine Management	Not applicable – the Marine Management Organisation is not a relevant consultee in

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

	Organisation ⁶ ?	respect of the Scheme.
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes. The Applicant wrote to consultees under section 42(1)(b) of PA 2008 on 16 September 2020 setting out the background to the Scheme, the Applicant's intention to submit a DCO application, the fact that the Applicant had identified them as a consultee under s42(1)(b) of PA 2008, the documents being provided as part of the consultation, and details of how to respond to the consultation. These letters were sent to recipients by recorded delivery. Where these were not received a follow up email was issued giving the recipient at least 28 full days to respond. In each case, the Applicant had email contacts for the consultee. Each consultee subsequently acknowledged receipt or responded to the consultation.</p> <p>The section 42(1)(b) local authorities are:</p> <ul style="list-style-type: none"> • 8 'A' authorities: Babergh District Council, Borough Council of Kings Lynn and Norfolk, Braintree District Council, Breckland District Council, Fenland District Council, Huntingdonshire District Council, Mid Suffolk Council and South Cambridgeshire District Council. • 2 'B' authorities: East Cambridgeshire District Council and West Suffolk Council. • 2 'C' authorities: Cambridgeshire County Council and Suffolk County Council • 7 'D' authorities: Bedford Borough Council, Central Bedfordshire Council, Essex County Council, Hertfordshire County Council, Norfolk County Council, Northamptonshire County Council and Peterborough City Council. <p>This list is also contained in Table 4-3 of the Consultation Report [EN010106/APP/5.1].</p> <p>The Applicant also had further engagement with a number of consultees under section 42 of the PA 2008 during the consultation period. Further details of this engagement are provided in Table 4-4 of the Consultation Report [EN010106/APP/5.1].</p>

⁶ 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

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p>An example of a letter sent to section 42(1)(b) consultees can be found in Appendix F-1 of the Consultation Report [EN010106/APP/5.1].</p> <p>The Applicant wrote to all consultees under section 42(1)(b) of the PA 2008 again on 9 November 2020 to notify them of the extension of the consultation period. These letters were issued to recipients by recorded delivery. A copy of this letter is included in Appendix L-3 of the Consultation Report [EN010106/APP/5.2].</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable – the Scheme does not fall within Greater London, therefore the Greater London Authority is not a relevant consultee in respect of the Scheme.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>As explained in Section 4.3 of the Consultation Report [EN010106/APP/5.1], in line with section 42(1)(d) of the PA 2008, the Applicant consulted with landowners, lessees, tenants or occupiers (Category 1 persons, as per s44(1)); those with an interest in the land or certain powers with respect to the land (Category 2 persons, s44(2)); and those who the Applicant considered would or might be entitled to make a relevant claim under s44(4) (Category 3 persons).</p> <p>Landowners, lessees, tenants or occupiers (Category 1 persons as per section 44(1)) were identified via a diligent inquiry process covering six research methods: title information, land interest questionnaire, environmental impact assessment information, host and companies house searches, site investigations and internet-based research. Further details on the methodology of this diligent enquiry process are provided in the Consultation Report [EN010106/APP/5.1].</p> <p>Those with an interest in the land or certain powers with respect to the land (Category 2 persons as per section 44(2)) were identified using title information, requests for information, site visits and collaboration with the wider project team to identify any interests not identified through the land referencing process.</p> <p>These people are listed in the Book of Reference [EN00106/APP/4.3].</p> <p>The Applicant considers that there are no interests that have a relevant claim under</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

Part 1 of the Land Compensation Act 1973 in relation to each of the following factors:

- Noise – in light of the results of a noise assessment carried out as part of the **ES [EN010106/APP/6.1]**, there are no Category 3 land interests as part of the proposed Scheme. Further information on this is provided in **Chapter 11: Noise and Vibration** of the **ES [EN010106/APP/6.1]**.
- Vibration – in light of the results of an assessment of vibration carried out as part of the **ES [EN010106/APP/6.1]**, there are no Category 3 land interests as part of the proposed Scheme. Further information on this is provided in **Chapter 11: Noise and Vibration** of the **ES [EN010106/APP/6.1]**.
- Fumes – in light of the results of an assessment of the proposed Scheme’s impact on air quality and the emission of fumes as a result of the proposed Scheme, there are no Category 3 land interests as part of the proposed Scheme. Further information on this is provided in **Chapter 14: Air Quality** of the **ES [EN010106/APP/6.1]** and **Appendix 16D Unplanned Atmospheric Emissions from Battery Energy Storage Systems** of the **ES [EN010106/APP/6.2]**.
- Smoke – in light of the results of an assessment of the proposed Scheme’s impact on air quality and the emission of smoke as a result of the proposed Scheme, there are no Category 3 land interests as part of the proposed Scheme. Further information on this is provided in **Chapter 14: Air Quality** of the **ES [EN010106/APP/6.1]**.
- Light emissions – in light of the results of an assessment of the proposed Scheme’s impact on visual amenity, there are no Category 3 land interests as part of the proposed Scheme. Further information on this is provided in **Chapter 10: Landscape and Visual Amenity** of the **ES [EN010106/APP/6.1]**

All relevant interests with the potential to make a claim under section 10 of the Compulsory Purchase Act 1965 because they are in benefit of a restrictive right or covenant over land within the Order limits, have been included within the **Book of Reference [EN00106/APP/4.3]** as Category 2 and Category 3 persons.

All relevant interests with the potential to make a claim under section 152(3) of the PA 2008 because they are in benefit of a restrictive right or covenant over land within the Order limits, have been included within the **Book of Reference [EN00106/APP/4.3]** as

Category 2 and Category 3 persons. All the persons consulted under s42(1)(d) of PA 2008 at the time of the statutory consultation are set out in **Appendix E-2** of the **Consultation Report [EN010106/APP/5.2]**. Following statutory consultation, some land interests have been taken out of the Order limits and some have been brought into the Order limits. Where persons have been removed or brought into the Order limits, that is described in **Appendix E-2** of the **Consultation Report [EN010106/APP/5.2]**.

Section 45: 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?

Yes, the deadline for receipt of consultation responses was included within the letters sent to the Section 42 consultees. A copy of the letter can be found in **Appendix F-1** of the **Consultation Report [EN010106/APP/5.2]**. The consultation letters were issued on 16th September 2020 and the deadline for receipt of consultation comments was 2nd December 2020 ensuring that all consultees identified had at least 28 days to respond

The Applicant extended the period for responses available to consultees to 18 December 2020 in part due to the Government’s announcement of further restrictions relating to the COVID-19 pandemic. The Applicant wrote to all consultees under sections 42(1)(a), (b) and (d) of the PA 2008 on 9 November 2020 to notify them of the extension of the consultation period, ensuring that all consultees identified had at least 28 days to respond. These letters were issued to recipients by recorded delivery. A copy of this letter is included in **Appendix L-3** of the **Consultation Report [EN010106/APP/5.2]**.

Additionally, as explained in Chapter 5 of the **Consultation Report [EN010106/APP/5.1]**, the Applicant continued to develop the Scheme and made four sets of changes to the Order limits. These took place on 12 February 2021, 16 June 2021, 20 August 2021 and 21 September 2021. The Applicant therefore undertook targeted consultation with affected s42(1)(d) consultees and statutory undertakers on the changes to the Order limits. All consultees were provided with at least 28 days for comment. The iterations of the Applicant’s additional targeted consultation are included in Table 5-1 of the **Consultation Report [EN010106/APP/5.1]** and the various letters sent to consultees provided in **Appendices N-1 to N-12** of the **Consultation Report [EN010106/APP/5.2]**.

Section 46: Duty to notify the Planning Inspectorate of proposed application

12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes. As explained in Section 4.4 of the Consultation Report [EN010106/APP/5.1], the Applicant wrote to the Planning Inspectorate (“PINS”) on 16 September 2020 and received an acknowledgement of the receipt of its notification under section 46 of PA 2008 on 6 October 2020. The information was therefore provided to PINS on or before the start of the consultation on 22 September 2020.</p> <p>A copy of the letter sent to PINS is provided in Appendix G-1 of the Consultation Report [EN010106/APP/5.2].</p>
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Section 47: 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. The Applicant prepared a Statement of Community Consultation (“SoCC”) setting out how it proposed to consult about the proposed application with people living in the vicinity of the land of the Scheme. A copy of the published SoCC can be found in Appendix D-2 of the Consultation Report [EN010106/APP/5.2].</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. As outlined in Table 4-3 of the Consultation Report [EN010106/APP/5.1], the Applicant consulted the following authorities:</p> <p><u>‘B’ Authorities</u> East Cambridgeshire District Council; West Suffolk Council.</p> <p><u>‘C’ Authorities</u> Cambridgeshire County Council; Suffolk County Council.</p> <p>The Applicant wrote to Cambridgeshire County Council, East Cambridgeshire District Council, Suffolk County Council and West Suffolk Council on 3 August 2020 enclosing a copy of the draft SoCC and requesting comments by 1 September 2020.</p> <p>The local authorities identified as within s43(1) of the PA 2008 therefore received 28 days to respond to the draft SoCC, in accordance with s47(3) of the PA 2008.</p> <p>A copy of the consultation letter to each local authority is included in Appendix C-2 of the Consultation Report [EN010106/APP/5.2].</p> <p>The Applicant received a joint response to the draft SoCC from Cambridgeshire County Council, East Cambridgeshire District Council, Suffolk County Council and West</p>

		Suffolk Council on 1 September 2020. This is included in Appendix C-3 of the Consultation Report [EN010106/APP/5.2] .
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes. The Applicant has had regard to responses from local authorities consulted on the draft SoCC. Table 4-1 of the Consultation Report [EN010106/APP/5.1] provides the comments received from the local authorities and the regard had to them by the Applicant.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes. The Applicant made the SoCC available online at www.sunnica.co.uk from 17 September 2020. The Government has confirmed that placing materials on a website maintained by or on behalf of the Applicant meets the requirement to place information on public deposit in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.</p> <p>The Applicant also publicised the SoCC's availability in newspapers circulated in the vicinity of the land, namely Newmarket Journal on 17th September 2020 and Ely Standard on 17th September 2020.</p> <p>Copies of the final SoCC notices as published (which clearly confirm the name of the publication and the date) are provided within Appendix D-1 of the Consultation Report [EN010106/APP/5.2].</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes. The SoCC states on pages 2 and 3; <i>'For the proposed Sunnica Energy Farm, we are required to carry out an Environmental Impact Assessment (EIA) of our proposals as part of the planning process. In legal terms, this means it is considered to be 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</i></p> <p><i>This means we must assess potential environmental impacts from our proposals and, where appropriate, propose mitigation. We will report on this process in a document called an Environmental Statement ('ES') when we submit our DCO application.</i></p> <p><i>At this consultation stage, we will be sharing and seeking feedback on the preliminary results of our assessments. We will do so in a document called a Preliminary</i></p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<p><i>Environmental Information Report (PEIR).’</i></p> <p>Page 10 of the SoCC states; “We are in the process of carrying out an EIA for the proposed Sunnica Energy Farm. The proposed Sunnica Energy Farm is EIA development (see page 2 above), and therefore we will be publishing a Preliminary Environmental Information Report (PEIR) as one of our consultation materials. The PEIR builds upon the findings of our Scoping Report and the feedback received during the non-statutory consultation. It will incorporate the results of the environmental surveys that we have carried out to date and will set out our preliminary conclusions on the potential significant effects of the proposed Sunnica Energy Farm on the environment.</p> <p><i>The PEIR gives information about the potential significant environmental effects of the proposed Sunnica Energy Farm and the measures proposed to reduce or avoid those effects to assist respondents in making well-informed responses to the consultation.”</i></p> <p>Table 3 of the SoCC sets out the consultation publicity and techniques, which included providing copies of consultation materials, including the PEIR and Non-Technical Summary of the PEIR.</p> <p>A copy of the published SoCC can be found in Appendix D-2 of the Consultation Report [EN010106/APP/5.2].</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes. Details of the way in which the Applicant complied with commitments made in the SoCC are set out in Table 4-8 of the Consultation Report [EN010106/APP/5.1] .
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes. The Applicant publicised the proposed application in accordance with the requirements of section 48 of the PA 2008 and Regulation 4 of the APFP Regulations as outlined below. Copies of all newspaper notices are included in Appendix K-1 of the Consultation Report [EN010106/APP/5.2] .
Newspaper(s)		
Date		
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<p>Ely Standard</p> <p>Newmarket Journal</p> <p>17 September 2020 and 24 September 2020</p>

b)	once in a national newspaper;	The Guardian	17 September 2020
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The London Gazette No land in Scotland is affected by the Scheme, and there was therefore no requirement to publish in the Edinburgh Gazette.	17 September 2020
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable – the Scheme does not relate to offshore development.	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Copies of the published s48 notices set out above are provided within Appendix K-1 of the Consultation Report [EN010106/APP/5.2] . Those notices contained the required information as set out below:	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice	Table 4-1 of the Consultation Report explains that documents were not available in hard copy at deposit locations due to the COVID-19 pandemic. However, in accordance with the requirements of the	f)	the latest date on which those documents, plans and maps will be available for inspection	4

		APFP Regulations, all documents, plans and maps were available for inspection free of charge at all times during the statutory consultation period on a website hosted by or on behalf of the Applicant.			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	h)	details of how to respond to the publicity	8
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	8			
21	Are there any observations in respect of the s48 notice provided above?				
	The notice accords with Section 48 of the Planning Act 2008.				
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 ¹⁰ ?	Yes. The Applicant issued a copy of the section 48 notice to EIA consultation bodies as required by regulation 13 of the EIA Regulations and as defined in Regulation 3 of the EIA Regulations. This took place at the same time as publishing notice of the proposed application under s48(1) of the PA 2008, and as the consultation under s42 of the PA 2008. These were sent to recipients by recorded delivery. Where these were not received a follow up email was issued giving the recipient at least 28 full days to respond. In each case, the Applicant had email contacts for the consultee. Each consultee subsequently acknowledged receipt or responded to the consultation.			

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		<p>These bodies are set out in Appendix E-1 of the Consultation Report [EN010106/APP/5.2].</p> <p>The Applicant did not receive notification of additional consultees under Regulation 11(1)(c) of the EIA Regulations.</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. Chapter 6 of the Consultation Report [EN010106/APP/5.1] provides a summary of matters raised by consultees consulted under section 42, section 47 and section 48 of the PA 2008. These responses are sorted by theme, setting out how regard has been had to the responses by the Applicant in line with section 49 of the PA 2008, as well as whether they have led to a change in matters such as siting, route, design, form or scale of the Scheme itself; to mitigation or compensatory measures proposed; or have led to no change.</p> <p>Given those required to receive the s48 notice are the same consultees as prescribed by s42(1)(a) and (b), those consultees are dealt with together within the Consultation Report [EN010106/APP/5.1] in section 6.2. Responses from the local community, consulted under s47, are addressed in section 6.3; from the parish councils identified above in section 4.8 (that is, not parish councils prescribed under s42(1)(a), but consulted as part of the local community under s47) in section 6.4; and responses from Category 1, 2 and 3 people, pursuant to sections 42(1)(d) and 44 are addressed in section 6.5. The approach to s48 consultees is explained briefly in section 6.7.</p> <p>Chapter 5 should be read alongside Appendices J-1 to J-5 to the Consultation Report [EN010106/APP/5.2] which sets out the relevant responses to the statutory consultation from all consultees and provides a response from the Applicant to each, demonstrating the regard had to them.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	Table 7-1 of the Consultation Report [EN010106/APP/5.1] evidences how the Applicant has complied with DCLG 'Planning Act 2008: Guidance on the pre-application process' published March 2015.

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

25	Summary: Section 55(3)(e)	<p>The Applicant has complied with Chapter 2 of Part 5 of the PA 2008 and applicable Guidance and undertaken both non-statutory consultation and statutory consultation. Regarding statutory consultation, the Applicant has consulted the required consultees under section 42 of the PA 2008 during a period spanning 22 September 2020 to, initially, 2 December 2020. The Applicant subsequently extended this period to 18 December 2020 following the re-introduction of Covid-19 restrictions by the Government. At the same time, the Applicant carried out consultation under section 47 and section 48 of the PA 2008. Following the close of this consultation, it is recognised that the Applicant, as a result of having regard to the responses received as required by section 49 of the PA 2008, carried out further targeted statutory consultation as a result of various changes made to the Scheme. In summary, the Applicant has adequately consulted on the Application pursuant to the requirements of the PA 2008.</p>
<p>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes. The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations. A statement which explains why the application falls within the remit of the Secretary of State is provided in section 4 of the Application Form [EN010106/APP/1.3], sections 2 and 4 of the Explanatory Memorandum to the draft Development Consent Order [EN010106/APP/3.2] and Paragraph 1.1.3 of the Cover Letter [EN010106/APP/1.1].</p> <p>Section 6 of the Application Form provides a brief statement that describes the location of the Scheme. The location of the Scheme is also shown on the Location Plan [EN010106/APP/2.5].</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p>Yes. A Consultation Report [EN010106/APP/5.1] and Appendices to the Consultation Report [EN010106/APP/5.2] is provided with the application.</p>
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?¹²</p>	<p>Yes; see for example the Land and Crown Land Plans [EN010106/APP/2.1] and the Works Plans [EN010106/APP/2.].</p>

¹² 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 Guide to the Application [EN010106/APP/1.2] and the Application Index [EN010106/APP/1.5] list the documentation submitted with the respective Document References and APFP Regulation references.	
Information		Document	
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	<p>An Environmental Statement [EN010106/APP/6.1] and supporting appendices [EN010106/APP/6.2], figures [EN010106/APP/6.3] and a Non-Technical Summary [EN010106/APP/6.4] have been submitted with the DCO Application.</p> <p>The Environmental Statement is based on the Scoping Report, provided in Appendix 1A of the ES [EN010106/APP/6.2] and Scoping Opinion, provided in Appendix 1B of the ES [EN010106/APP/6.2].</p> <p>The individual topic chapters in the Environmental Statement [EN010106/APP/6.1] provide a tabulated summary of scoping comments relevant to that chapter and how the comments have been complied with.</p>	<p>b) The draft Development Consent Order (DCO)</p> <p>The DCO Application is accompanied by the Draft Development Consent Order [EN010106/APP/3.1] in the validated statutory instrument template.</p>
Is this of a satisfactory standard?		Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of	An Explanatory Memorandum to the draft Development Consent Order [EN010106/APP/3.2] has	<p>d) Where applicable, a Book of Reference (where the application involves any</p> <p>A Book of Reference is provided [EN010106/APP/4.3] and meets the requirements of DCLG's Planning Act</p>

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	provisions in the draft DCO	been submitted with the DCO Application which explains the purpose and effect of the provisions of the draft Development Consent Order [EN010106/APP/3.1] . A Consents and Agreements Position Statement [EN010106/APP/3.3] has also been provided to set out the approach to obtaining other consents and agreements complementing the DCO process.		Compulsory Acquisition)	2008: guidance related to procedures for the compulsory acquisition of land.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	A Flood Risk Assessment is provided at Appendix 9C of the Environmental Statement [EN010106/APP/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	A Statutory Nuisance Statement [EN010106/APP/7.5] is provided.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	The DCO application is Accompanied by a Statement of Reasons [EN010106/APP/4.1] and a Funding Statement [EN010106/APP/4.2] .	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any	The DCO Application is accompanied by the Land and Crown Land Plans [EN010106/APP/2.1] . These are in accordance with Regulation 5(2)(i) of the APFP Regulations. Plots and descriptions listed within the Book of Reference [EN010106/APP/4.3]

			land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;	are consistent with the plots shown on the Land and Crown Land Plans.
			(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	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	The DCO Application is accompanied by the Works Plan [EN010106/APP/2.2] . The Works Plans accord with Regulation 5(2)(j) of the APFP Regulations, and show the proposed location of the development and the limits within which the works are proposed to be carried out.	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	The DCO Application is accompanied by the Access and Rights of Way and Plans [EN010106/APP/2.3] . These are in accordance with Regulation 5(2)(k) of the APFP Regulations.

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
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 eg 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>	<p>The DCO Application is accompanied by a statutory and non-statutory sites or features of nature conservation, important habitats, protected species plan [EN010106/APP/2.6] and a water bodies in a river basin management plan [EN010106/APP/2.7]</p> <p>Supporting assessments of the effects of the Scheme on these sites and features required by this regulation are presented Chapter 8: Ecology; Chapter 9 Water Environment; and in Chapter 10: Landscape and visual of the Environmental Statement [EN010106/APP/6.1]; Appendix 8M of the Environmental Statement appendices [EN010106/APP/6.2] and survey and baseline reports provided in the Environmental Statement appendices [EN010106/APP/6.2].</p> <p>Figures 7-1, 7-2, 8-1, 8-2 and 9-1 in the Environmental Statement [EN010106/APP/6.3] also contain information pertaining to the constraints covered by this regulation.</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg 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>The DCO Application is accompanied by a statutory and non-statutory sites or features of the historic environment plan [EN010106/APP/2.8].</p> <p>The assessment of the Scheme's effects on these sites and features required by this regulation is presented in Chapter 7: Cultural Heritage of the Environmental Statement [EN010106/APP/6.1].</p>

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	The DCO Application is accompanied by the Land and Crown Land Plans [EN010106/APP/2.1] .	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	The DCO Application is accompanied by the following plans and drawings which are provided under Regulation 5(2)(o) of the AFPP Regulations 2009 (as amended): Traffic Regulation Measures Plans - Road Closures [EN010106/APP/2.4] Due to size these plans have been provided in three parts; however, they form one set of drawings and should be read as a complete set. Traffic Regulation Measures Plans - Temporary Measures [EN010106/APP/2.4] Due to size these plans have been provided in two parts; however, they form one set of drawings and should be read as a complete set. Location Plan [EN010106/APP/2.5] Restoration Overlap Plan [EN010106/APP/2.9]
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	A Grid Connection Statement [EN010106/APP/7.4] accompanies the DCO Application.	q)	Any other documents considered necessary to support the application	Volumes 1, 3, 4, 6 and 7 of the DCO Application contain additional documents considered necessary to support the Application. These are listed below: Covering Letter [EN010106/APP/1.1]

			Guide to the Application [EN010106/APP/1.2] Application Form [EN010106/APP/1.3] Electronic Index [EN010106/APP/1.5] Schedule of Negotiations and Powers Sought [EN010106/APP/4.4] Schedule of Environmental Mitigation [EN010106/APP/6.5] Offsetting Habitat Provision for Stone Curlew Specification [EN010106/APP/6.6] Statement of Need [EN010106/APP/7.1] Planning Statement [EN010106/APP/7.2] Design and Access Statement [EN010106/APP/7.3] Outline Battery Fire Safety Management Plan [EN010106/APP/7.6] Biodiversity Net Gain Assessment [EN01016/APP/7.7]
	Are they of a satisfactory standard?		Are they of a satisfactory standard?
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?		
	<p>As required under Regulation 5(3) of the APFP Regulations, all plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north. The exception is some figures that accompany the Environmental Statement [EN010106/APP/6.3], which vary in scale due to the large size of the Scheme. Context would be lost for the plans provided in the Environmental Statement if they were to conform to the scale requirements required under Regulation 5(2). This has been discussed with PINS and agreed in the Sunnica Energy Farm pre-</p>		

	submission meeting on Microsoft Teams on 12 th October 2021. These plans are no larger than A0 size and show the direction of north.	
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)? ¹⁴	The DCO Application is accompanied by a Habitats Regulations Assessment: Report to Inform an Appropriate Assessment at Appendix 8M of the Environmental Statement [EN010106/APP/6.2] (the “HRA Report”). The HRA Report identifies all relevant European sites potentially affected by the Scheme and sets out the screening undertaken for the purposes of the Habitats Regulations. Where likely significant effects could not be ruled out, those effects have been further assessed by the HRA Report. The HRA Report provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Scheme would have an adverse effect on the integrity of any European site. The Applicant’s appropriate assessment, set out in the HRA Report, concludes that there will be no adverse effects on the integrity of European sites as a result of the Scheme.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	Paper copies of the application form and other supporting plans have not been requested by PINS. A SharePoint system has been set up for file transfer of the application documents. The relevant persons in the PINS’ case team have been granted access to the SharePoint site. This was agreed with PINS in the Sunnica Energy Farm pre-submission meeting over Microsoft Teams on 12th October 2021 and is recorded in writing in the meeting minutes (file name ‘EN010106-Advice-00011 – Project Update Meeting – 12 October 2021’ circulated by PINS over email on 21 October 2021.
33	Has the Applicant had regard to statutory guidance ‘Planning Act 2008: Application form guidance’, and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	The DCLG guidance ‘Planning Act 2008: Application form guidance’ has been used to prepare the Application. The Applicant considers that the Application has been prepared to the standards that the Secretary of State considers satisfactory.
34	Summary - s55(3)(f) and s55(5A)	The Application contains all documents as required under the PA 2008 and the APFP Regulations. These documents are of a satisfactory standard to be accepted for Examination.

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

The Infrastructure Planning (Fees) Regulations 2010 (as amended)

Fees to accompany an application

35	Was the fee paid at the same time that the application was made ¹⁶ ?	A fee of £7,263 has been submitted by BACS transfer to the account of the Planning Inspectorate (PINS) on 26/10/2021.
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Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

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