



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: January 2019

South Humber Bank Energy Centre: Section 55 Acceptance of Applications Checklist

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

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		9 April 2020	7 May 2020	4 May 2020
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 (ie which category or categories in ss14 to 30 does the	<p>Yes.</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 2.1) includes development falling within the categories in s14 of the PA2008. The development is for the construction of an onshore electricity generating station in England that is not onshore wind, with a capacity of more than 50MW (up to 95 MW gross output capacity), and satisfies section 14 and 15 of the PA2008; including subsection 14(1)(a) and subsection 15(2).</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)

	Proposed Development fall)? 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?	This is consistent with the summary provided in section 4 of the Application Form (Doc 1.3) which states that the application is for an NSIP.
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 2.1) includes development for which development consent is required.
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. On 21 August 2019 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 29 October 2019.
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	Yes. There are five host and neighbouring authorities, of which four responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation

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

	the duties under s42, s47 and s48?	<p>Representation (AoCR) by the deadline of 23 April 2020.</p> <p>All four responding authorities confirmed in their AoCR that the Applicant had complied with its duties under s42, s47 and s48 of the PA2008.</p> <p>These local authorities were:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council ('B' authority); • Lincolnshire County Council ('A' authority); • North Lincolnshire Council ('A' authority'); • West Lindsey District Council ('A' authority). <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:</p> <p>https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/south-humber-bank-energy-centre/?ipcsection=docs.</p>
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Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes.</p> <p>The Applicant has provided lists of persons consulted under s42(1)(a) on 29 October 2019 at Appendix 6.1 and 6.2 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)</p>
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> • Forestry Commission; • Energetics Gas Limited; • Energetics Electricity Limited. <p>The Applicant's Consultation Report (Doc 5.1) does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by some of these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 3.1).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000279</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes.</p> <p>Paragraph 6.2.9 and the Prescribed Persons Table at Appendix 6.1 of the Consultation Report (Doc 5.1) confirms the Marine Management Organisation was consulted on a precautionary basis.</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes.</p> <p>Table 6.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 29 October 2019.</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>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council. <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • East Lindsey District Council; • Lincolnshire County Council; • North Lincolnshire Council; • West Lindsey District Council. <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>Paragraph 6.2.15 of the Consultation Report (Doc 5.1) acknowledges that the site is not located within an area of an upper-tier county council, and therefore there no relevant upper tier 'C' hosts authorities or upper tier 'D' neighbouring authorities are identified.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not Applicable.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>Table 3.2 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 29 October 2019.</p> <p>Paragraph 6.2.19 of the Consultation Report (Doc 5.1) briefly summarises how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc 2.1).</p> <p>Paragraph 6.2.20 of the Consultation Report (Doc 5.1) explains that if the Applicant was unable to establish an owner of land or an interest in it,</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

		<p>site notices were erected on or close to the land in question. A sample of the site notice is provided at Appendix 6.5 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>There are discrepancies between the persons/bodies consulted under s42(1)(d) in Appendix 6.4 of the Consultation Report (Doc 5.1) and the Book of Reference (Doc 3.1):</p> <ul style="list-style-type: none"> • 'Altafto Immingham Limited'; 'Cadent Gas Limited'; 'Vodafone Limited'; 'British Telecommunications plc'; 'Openreach Limited'; and 'Anglian Water Services Limited' are included in Appendix 6.4 of the Consultation Report (Doc 5.1) as consulted landowners but are not identified within the Book of Reference (Doc 3.1); • 'Lloyds Bank PLC' has been identified as a Category 2 owner (as a mortgagee) with regards to Plot 1 within the Book of Reference (Doc 3.1) but is not included in Appendix 6.4 of the Consultation Report (Doc 5.1) as a consulted landowner. <p>No explanation for these discrepancies has been provided within the Consultation Report (Doc 5.1). Section 51 advice has been issued to the Applicant in respect of the above matter: http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000279.</p>
<p>Section 45: Timetable for s42 consultation</p>		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix 7.1 of the Consultation Report (Doc 5.1).</p> <p>Paragraph 7.3.1 of the Consultation Report (Doc 5.1) confirms the s42 consultees were sent a consultation letter by Royal Mail first class delivery on 29 October 2019.</p>

Although the sample letter does not confirm the consultation commencement date, it confirms consultation closed on 13 December 2019, providing more than the required minimum time for receipt of responses.

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.</p> <p>The Applicant gave notice under s46 on 28 October 2019, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 8.1 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix 8.2 of the Consultation Report (Doc 5.1).</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.</p> <p>A copy of the final SoCC is provided at Appendix 5.4 of the Consultation Report (Doc 5.1).</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>Paragraph 4.4.1 of the Consultation Report (Doc 5.1) confirms the Applicant sent the draft SoCC to North East Lincolnshire Council (NELC), as the 'B Authority', on 10 September 2019 and set a deadline of 9 October 2019 for responses; providing the required minimum time for a response to be received.</p> <p>A copy of the letter sent to NELC inviting comments on the draft SoCC is provided at Appendix 5.2 of the Consultation Report (Doc 5.1).</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Table 5.1 of the Consultation Report (Doc 5.1) provides a summary of the consultation response from NELC in respect of the draft SoCC and</p>

		<p>demonstrates how the Applicant had regard to its content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • adding a paragraph to refer to the Consented Development; and • correcting any spellings / anomalies. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the response received when preparing the SoCC.</p>
16	<p>Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes.</p> <p>The final SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Immingham Library; • Europarc Innovation Centre; • North East Lincolnshire Council. <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Grimsby Telegraph on 17 and 24 October 2019; • Scunthorpe Telegraph on 17 and 24 October 2019; • Hull Daily Mail on 17 and 24 October 2019. <p>The published SoCC notice, provided at Appendix 5.5 of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix 5.6 of the Consultation Report (Doc 5.1).</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.</p> <p>Chapter 4 of the final SoCC at Appendix 5.4 of the Consultation Report (Doc 5.1) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Paragraphs 9.1.2 to 9.5.2 of the Consultation Report (Doc 5.1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 3.2 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Appendices 9.1 to 9.6, 9.8 to 9.10 and 9.12 of the Consultation Report (Doc 5.1) provide evidence that the commitments within the final SoCC have been carried out.</p> <p>The following observations have been noted with regards to certain commitments contained in the SoCC:</p> <ul style="list-style-type: none"> • The finalised SoCC states that the Applicant will: "<i>Issue [...] a letter/newsletter [...] advising people of the availability of PEI Report during the consultation period and how it can be accessed.</i>" The letter issued to the local community provided at Appendix 9.2 of the Consultation Report (Doc 5.1) does not specifically acknowledge the availability of the PEI Report nor advise where it can be accessed; • The finalised SoCC states that: "<i>a letter will be issued to local residents and businesses within the Consultation Zone advising people [...] how consultation materials can be accessed (including at public inspection locations)...</i>". The letter issued to the local community provided at Appendix 9.2 of the Consultation Report (Doc 5.1) does not provide any information on the public inspection locations; • The finalised SoCC states: "<i>At the start of consultation a press release will</i>

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>be issued to national, regional and local media and news distributors/outlets.”</i> The list of media groups that were issued the press release, provided at Appendix 9.1 of the Consultation Report (Doc 5.1), does not contain any national groups;</p> <ul style="list-style-type: none"> • The finalised SoCC states the Applicant will provide “[...] a summary of the comments received during the consultation on the planning application.” No evidence to prove this commitment was met has been provided; • The finalised SoCC states the following commitments: “Posters [...] placed at a number of publically accessible locations”; and “The consultation materials [...] will be made available at a number of publicly accessible venues”. Evidence of these commitments in situ has not been provided. <p>Whilst we note the detailed discrepancies above, the Planning Inspectorate does not consider that individually or collectively they are of such a degree to alter the Planning Inspectorate’s conclusion that the Applicant complied with all its statutory duties under s47 and that the consultation was carried out generally in accordance with the SoCC.</p>
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Section 48: Duty to publicise the proposed application

19	<p>Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?</p>	<p>Yes.</p> <p>Paragraph 10.1.2 of the Consultation Report (Doc 5.1) states that the Section 48 notice was published as required under the Act.</p> <p>Table 10 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix 9.4 of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix 9.4 of the Consultation Report (Doc 5.1):</p>
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	Newspaper(s)	Date
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a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> • Grimsby Telegraph • Scunthorpe Telegraph • Hull Daily Mail 	<p>31 October 2019 and 7 November 2019</p> <p>31 October 2019 and 7 November 2019</p> <p>31 October 2019 and 7 November 2019</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Guardian 	31 October 2019
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • The London Gazette 	31 October 2019
d)	<p>where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p> <p>Note: where an application will contain a draft Deemed Marine Licence, the Planning Inspectorate will consider that the proposed application relates to offshore development</p>	Not Applicable	Not Applicable
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP	<p>Yes.</p> <p>The published s48 notice, supplied at Appendix 9.4 of the Consultation</p>	

	Regulations?	Report (Doc 5.1) , contains the required information as set out below:	
	Information	Paragraph	Information
a)	the name and address of the Applicant.	One	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	Four	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	Five	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	Six	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 following the date when the notice is last published	Nine	
21	Are there any observations in respect of the s48 notice provided above?		
	No.		

22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<p>Yes.</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 10.1.7 by reference to Appendix 6.1 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 7.1 of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Tables 11.1 and 11.2 of the Consultation Report (Doc 5.1) set out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it and why a change was not possible or desirable.</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 ?	<p>Table 3.1 of the Consultation Report (Doc 5.1) demonstrates how the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified, and has had regard to, the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application

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

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

procedure) of the PA2008.

In respect of the consultation discrepancies identified, s51 advice has been provided to the Applicant how to remedy these, available here: <http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000279>.

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	<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.</p> <p>Section 4 of the Application Form (Doc 1.3) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.3) provides a brief non-technical description of the Proposed Development including reference to the location and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 4.1) has been provided.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Doc 5.1).</p>
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Not Applicable.</p> <p>There are no plans that comprise three or more separate sheets.</p>
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes.</p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p>

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

Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement Non-Technical (Doc 6.1) Environmental Statement Volume I Chapters 1–20 (Docs 6.2.1 – 6.2.20) Environmental Statement Volume II Figures (Docs 6.3.1-6.3.46) Environmental Statement Volume III Appendices (Docs 6.4.0-6.4.29) Appendix 1B Scoping Opinion (Doc 6.4.2)	b)	The draft Development Consent Order (DCO)	Doc 2.1
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Doc 2.2	d)	Where applicable, a Book of Reference	Doc 3.1
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with observations in Box 30)
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment Main Document and	f)	A statement whether the proposal engages one or more of the	Statutory Nuisance Statement (Doc 5.9)

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

		Annexes (Doc 6.4.26)		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	
	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)	Not Applicable	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	Doc 4.2

			rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Not Applicable	Is this of a satisfactory standard?	Yes (with observations in Box 30)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Doc 4.3	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	Access and Rights of way Plans (Doc 4.4)
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying	(i) Environmental Receptors within 5km (Doc 6.3.4, Figure 3.3) provides	m) Where applicable, a plan with accompanying	Landscape Types and Designations (Doc 6.3.15, ES Figure 11.2) includes the

<p>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>information on Nationally Designated Sites, Non-Statutory Designations within 2km and Statutory Designations within 5km</p> <ul style="list-style-type: none"> (ii) Preliminary Ecological Appraisal Report (Doc 6.4, Figure 10C.2) includes plans providing information on Statutory and Non-Statutory sites (iii) Preliminary Ecological Appraisal Report (Doc 6.4) includes plans providing information on Habitats of Protected Species at Figures 10C.3 (2018) and 10C.4 (2019). <p>Key Watercourses and Flow Direction (Doc 6.3.43, Figure 14.1) includes information on main rivers and flood defences.</p> <p>An assessment of the effects on such sites, features, habitats and bodies is included in ES Chapters 10 – Ecology, 12 – Geology Hydrogeology and Land Contamination and 14 – Water Resources and Flood Risk and Drainage.</p>	<p>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>information on the locations of registered parks and gardens.</p> <p>Heritage features are shown on Figure 13.1: Heritage Assets within the 5 km Study Area (Doc 6.3.41).</p> <p>Archaeological features are shown on Figure 13.2: Archaeological Events within the 5 km Study Area (Doc 6.3.42).</p> <p>Environmental Receptors within 5km (Doc 6.3.4, Figure 3.3) provides information on Listed Buildings, non-designated assets, conservation areas and scheduled monuments.</p> <p>An assessment is included in ES Chapter 11 – Landscape and Visual Amenity and supporting Appendices; 11A – Landscape and Visual Impact Assessment Methodology and 11B – Potential Viewpoints for Landscape and Visual Assessment and Chapter 13 – Cultural Heritage and supporting appendices; 13A – Gazetteer of Cultural Heritage Assets and 13B – Historical Maps and Aerial Photographs.</p>
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n)	Is this of a satisfactory standard?	Yes	o)	Is this of a satisfactory standard?	Yes
	Where applicable, a plan with any accompanying information identifying any Crown land	Not Applicable		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	Site Location Plan (Doc 4.1) Indicative Generating Station Plan Floor Plans Section and Elevations (Doc 4.5) Indicative Gas Connection Plan (Doc 4.6) Indicative Electrical Connection Plan (Doc 4.7) Indicative Water Connection Plan (Doc 4.8) Indicative Surface Water Drainage Plan (Doc 4.9) Indicative Landscape Plan (Doc 4.10) Biodiversity Plan (Doc 4.11) Proposed Development and Consented Development Boundary Comparison Plan (Doc 4.12)
p)	Is this of a satisfactory standard?	Not Applicable	q)	Are they of a satisfactory standard?	Yes
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Grid Connection Statement (Doc 5.2) Gas Connection and Pipeline Statement (Doc		Any other documents considered necessary to support the application	Application Cover Letter (Doc 1.1) Application Guide (Doc 1.2) Other Consents and Licences

		5.3)		<p>(Doc 5.4) Planning, Design and Access Statement (Doc 5.5) Combined Heat and Power Assessment (Doc 5.6) Fuel Availability and Waste Hierarchy Assessment (Doc 5.7) Indicative Landscape Strategy (Doc 5.10) Biodiversity Strategy (Doc 5.11) Indicative Lighting Strategy (Doc 5.12) Development Consent Obligation (Doc 5.13) Statement of Common Ground with North East Lincolnshire Council (Doc 7.1) AECOM and EA Letter to PINS on SHBEC approach to FRA (No Doc reference given)</p>
	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>1. Discrepancies between list of people consulted under s42 (1)(d) in the Consultation Report and those with an interest in the land identified in the Book of Reference.</p> <p>There are discrepancies between the persons/bodies consulted under s42(1)(d) of the Consultation Report (Doc 5.1) and the</p>			

Book of Reference (Doc 3.1):

- 'Altalto Immingham Limited'; 'Cadent Gas Limited'; 'Vodafone Limited'; 'British Telecommunications plc'; 'Openreach Limited'; and 'Anglian Water Services Limited' are included in **Appendix 6.4** of the **Consultation Report (Doc 5.1)** as consulted landowners but are not identified within the **Book of Reference (Doc 3.1)**;
- 'Lloyds Bank PLC' has been identified as a Category 2 owner (as a mortgagee) with regards to Plots 1 and 2 within the **Book of Reference (Doc 3.1)** but is not included in **Appendix 6.4** of the **Consultation Report (Doc 5.1)** as a consulted landowner.

No explanation for these discrepancies has been provided within the **Consultation Report (Doc 5.1)**.

2. Land Plan (Doc 4.2)

It would be helpful, to assist the examination, if the black line denoting Plot 1 could be drawn to exclude the AGI and substation, which are excluded from the Order Limits.

Section 51 advice has been issued to the Applicant in respect of the above matters:
<http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000279>.

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	<p>Yes.</p> <p>A Habitats Regulations Assessment (HRA) Signposting Report is provided at Doc 5.8.</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: the Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
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¹⁴ Regulation 5(2)(g) of the APFP Regulations

32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	No. The Planning Inspectorate did not request two paper copies of the application form and other supporting documents and plans.
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?	Yes. Although it does not appear to be explicitly referenced within the documentation, the Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory. In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: http://infrastructure.planninginspectorate.gov.uk/document/EN010107-000279 .
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 ?	The fee was received on 3 April 2020; before the application was made.

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

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

Role	Electronic signature	Date
Case Manager	<i>Hefin Jones</i>	4 May 2020
Acceptance Inspector	<i>Kelvin MacDonald</i>	4 May 2020

