



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: May 2022

## Awel y Môr Offshore Wind Farm 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 Levelling Up, Housing and Communities.**

| 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   |
|  |   | <b>20 April 2022</b>   | <b>18 May 2022</b>             | <b>18 May 2022</b> |
| 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 <sup>1</sup> (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 <sup>2</sup> (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><b>Yes.</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of an offshore wind turbine generating station and satisfies section 15 of the PA2008; including 15(3B).</p> <p>This is consistent with the summary provided in <b>Section 4</b> of the <b>Application Form (Doc 1.3)</b> which states that the application is for an NSIP.</p> |                                |                    |

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

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

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|  | 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?   |  |
| 3  | <b>Summary: Section 55(3)(a) and s55(3)(c)</b>   | The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.   |
| <b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b> |  |  |
| 4  | In accordance with the EIA Regulations <sup>3</sup> , 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? | <b>Yes.</b><br>On 2 April 2020 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 31 August 2021.<br>A copy of the notification letter is provided at <b>Appendix B1</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b> . |
| 5  | Have any Adequacy of Consultation Representations <sup>4</sup> 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?  | <b>Yes.</b><br>There are 7 authorities (1 host and 6 neighbouring) all of which responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 22 April 2022. Comments from a further non-prescribed authority, the Isle of Anglesey County Council, were invited on 10   |

<sup>3</sup> 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)

<sup>4</sup> 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

May 2022.

All 8 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:

- Conwy County Borough Council ('A' authority) \*
- Wrexham County Borough Council ('A' authority)
- Snowdonia National Park Authority ('A' authority)
- Flintshire County Council ('A' authority)
- Gwynedd County Council ('A' authority)
- Powys County Council ('A' authority)
- Denbighshire County Council ('B' authority)
- Isle of Anglesey County Council

*\*Note that Conwy County Borough Council was initially considered a host authority by the Applicant. However, **paragraph 79** of the **Consultation Report (Doc 5.1)** states “the onshore cable route selection post-scoping meant that infrastructure would no longer be placed within the CBCC boundary and therefore DCC was identified as the sole host “B” authority.”*

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/awel-y-mor-offshore-wind-farm/?ipcsection=docs>

## Section 42: Duty to consult

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

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| 6 | Section 42(1)(a) persons prescribed <sup>5</sup> ? | <p><b>Yes.</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 31 August 2021 at <b>Appendix B3</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix B4</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</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) that do not appear to have been consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• Marine Scotland Conservation</li> <li>• National Highways Historical Railways Estate</li> <li>• Last Mile Gas Limited</li> <li>• Leep Gas Networks Limited</li> <li>• Squire Energy Limited</li> <li>• Forbury Assets Limited</li> <li>• Indigo Power Limited</li> <li>• Last Mile Electricity Ltd</li> <li>• National Grid Electricity System Operator Limited</li> <li>• Awel y Môr Offshore Wind Farm Limited</li> <li>• Homes England</li> <li>• Bodelwyddan Community Council</li> <li>• Trelawnyd and Gwaenysgor Community Council</li> </ul> |
|---|--|--|

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

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|---|---|---|
|   |   | <ul style="list-style-type: none"> <li>• Llanasa Community Council</li> </ul> <p>The Planning Inspectorate has identified the Applicant, Awel y Môr Offshore Wind Farm Limited, as the relevant electricity generator with CPO Powers. The Applicant has also consulted with different organisations as the relevant electricity generator with CPO Powers on a precautionary basis.</p> <p>The Planning Inspectorate has also identified Denbighshire County Council as the relevant Highways and Dock and Harbour Authority. The Applicant has consulted with the organisation under s42(1)(b) but has also consulted with different organisations as Dock and Harbour Authority on a precautionary basis.</p> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the bodies identified above do not appear to have 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>Some of the bodies listed above have been identified by the Applicant as having an interest in the Order lands but are not listed in the <b>Book of Reference (Doc 4.3)</b>.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010112/EN010112-Advice-00010-2-220518%20-%20AYMO%20-%20Acceptance%20s51%20Advice%20(E).docx.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010112/EN010112-Advice-00010-2-220518%20-%20AYMO%20-%20Acceptance%20s51%20Advice%20(E).docx.pdf</a></p> |
| 7 | Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ? | <p><b>N/A.</b></p> <p><b>Paragraph 67</b> of the <b>Consultation Report (Docs 5.1)</b> confirms the Marine Management Organisation were not consulted as the development falls outside the jurisdictions of the authority.</p>  |

<sup>6</sup>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

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| 8 | Section 42(1)(b) each local authority within s43 <sup>7</sup> ?            | <p><b>Yes.</b></p> <p><b>Table 4</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 31 August 2021.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Denbighshire County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Conwy County Borough Council</li> <li>• Snowdonia National Park Authority</li> <li>• Powys County Council</li> <li>• Flintshire County Council</li> <li>• Wrexham County Borough Council</li> <li>• Gwynedd Council</li> </ul> <p>There are no 'C' and 'D' Authorities for this application.</p> <p>Isle of Anglesey County Council were identified under s43 as a non-prescribed consultee that may be visually impacted by the offshore elements of the Proposed Development.</p> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix B4</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> |
| 9 | Section 42(1)(c) the Greater London Authority (if in Greater London area)? | N/A.  |

<sup>7</sup> 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

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| 10 | Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ? | <p><b>Yes.</b></p> <p><b>Paragraph 71</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 31 August 2021.</p> <p><b>Paragraphs 80 to 86</b> of the <b>Consultation Report (Doc 5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>. The full methodology undertaken by the Applicant has not been provided.</p> <p><b>Paragraph 84</b> of the <b>Consultation Report (Doc 5.1)</b> makes brief summary of “diligent inquiry to identify the relevant land interests under section 44 via searches of the land registry, questionnaires, and identification of potential Category 3 claimants”. <b>Paragraph 82</b> provides headlines of content of the initial engagement questionnaire.</p> <p>A sample of the letter requesting information from persons with land interested is included in <b>Appendix C2.1</b> of <b>Consultation Report Annex 1 (Doc 5.1.1)</b>. A sample land interest questionnaire is provided in <b>Appendix C2.2</b> of <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix B6</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix B</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> |
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**Section 45: Timetable for s42 consultation**

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| 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 | <p><b>Yes.</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix B4</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> |
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<sup>8</sup> 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.



after receipt of the consultation documents?

The sample letter dated 27 August 2021 confirmed that consultation commenced on 31 August 2021 and closed on 11 October 2021, 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?

**No.**

The Applicant states it gave notice to the Secretary of State for Business, Energy & Industrial Strategy (BEIS) under s46 on 27 August 2021, which was before the beginning of s42 consultation, which started on 31 August 2021.

A copy of the s46 notification letter is provided at **Appendix B5** of the **Consultation Report Annex 1 (Doc 5.1.1)**.

The s46 notification was not submitted to the Planning Inspectorate, nor passed to the Planning Inspectorate by the Secretary of State, therefore a s46 notification acknowledgement letter was not issued by the Planning Inspectorate. As advised in the [Inspectorate's feedback](#) on the draft documents submitted prior to the submission of the application, neither the Inspectorate, nor BEIS on behalf of the Secretary of State, appear to have received the s46 notification. The Consultation Report does not contain information such as a Royal Mail tracking reference or copies of email submissions to evidence submission. However, a copy of a letter sent to the SoS under s46 is contained within the Consultation Report.

The Applicant therefore summarises in **paragraphs 90 to 95** of the **Consultation Report (Doc 5.1)** why it is of the view that no parties have been prejudiced through the Inspectorate not receiving or publicising the s46 notification. It referenced a six-week consultation period, which includes an online exhibition, nine mobile consultation events, social media promotion and press releases. Samples of social media promotion are provided in **Appendix D4** of the **Consultation Report Annex 1 (Doc 5.1.1)**. Exhibition posters and information booklets are supplied in **Appendix D7.1** and **Appendix D7.2** of the **Consultation Report Annex 1 (Doc 5.1.1)**. Outside of the statutory consultation period, additional activities included political briefings and newsletters. Example

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|  |   | <p>newsletters are provided in <b>Appendix D8.1</b> to <b>Appendix D8.8</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> <p>In this context the content of the Adequacy of Consultation responses from relevant authorities (as recorded in Box 5) is noted.</p> <p>The Planning Inspectorate met with the Applicant on <a href="#">24 June 2021</a>, before the statutory consultation period, where the Applicant's consultation was discussed. A further meeting was held on <a href="#">8 November 2021</a>, after the close of the consultation period, where the consultation was discussed. Therefore, taking this into account, alongside Adequacy of Consultation responses, the Inspectorate agrees with the Applicant that no parties have been prejudiced by the Inspectorate not receiving or publicising the s46 notification.</p>                            |
| <b>Section 47: Duty to consult local community</b> |   |   |
| 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><b>Yes.</b></p> <p>A copy of the final SoCC is provided at <b>Appendix D3.1</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</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><b>Yes.</b></p> <p>The Applicant sent the draft SoCC to the host local authority, Denbighshire County Council ('B Authority'), on 9 July 2021 and set a deadline of 9 August 2021 for responses; providing more than the required minimum time for responses to be received. A copy of the covering letter is supplied in <b>Appendix D1.2</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b>.</p> <p>'A' Authorities consulted under s47 include Flintshire County Council, Conwy County Borough Council, Gwynedd Council, Snowdonia National Park Authority and Wrexham County Borough Council.</p> <p>Isle of Anglesey County Council were consulted as a non-prescribed consultee.</p> <p><b>Paragraph 121</b> of the <b>Consultation Report (Doc 5.1)</b> states that consultation was extended to include the 'A' authorities. It does not explicitly state dates and</p> |

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|    |   | a covering letter to these authorities has not been included as an appendix, however it is reasonable to assume the same timeframes were adhered to.  |
| 15 | Has the Applicant had regard to any responses received when preparing the SoCC?   | <p><b>Yes.</b></p> <p><b>Appendix D2</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b> provides a summary of the consultation responses from each of the seven local authorities in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Added wording in the consulting process section explaining the role of the Local Planning Authority in the DCO consenting process</li> <li>• Added wording referring to our project website for live updates for events during the consultation period</li> <li>• Added link to the Project Newsletter</li> </ul> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p> |
| 16 | Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected? | <p><b>Yes.</b></p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Abergele Library, LL22 7BP (Conwy, advertised as limited parking, disabled access, bus stop near supermarket)</li> <li>• Llanfairfechan Library, LL33 0AA (Conwy, advertised as close to free car parks, time limited street parking)</li> <li>• Llandudno Library, LL30 2RP (Conwy, advertised as town centre location, disabled access, on street parking, bus stop nearby)</li> <li>• Colwyn Bay Library, LL20 7DH (Conwy, advertised as town centre</li> </ul>   |

location, on street parking, disabled access, bus stop nearby)

- Holywell Library, CH8 7UZ (Flintshire, based in Leisure Centre)
- St. Asaph Library CH8 7UZ (Denbighshire, public car parks nearby)
- Rhuddlan Library, LL18 2UE (Denbighshire)
- Rhyl Library, LL18 3AA (Denbighshire, near shopping centre and sea front, multiple public car parks nearby)
- Bangor Public Library, LL57 1DT (Gwynedd)
- Porthaethwy Library, LL59 5AS (Wrexham)
- Beaumaris Library, LL58 8AL (Anglesey)
- Rhyl Tourist Centre, LL18 1HZ (Denbighshire, sea front location – note this was an additional location not included in the SoCC)
- Prestatyn Library (Denbighshire)

A search on Google Maps shows these locations are situated along the coastal area near the offshore array, and the onshore red line boundary. The host authority and majority of the bordering A authorities had a physical location where the documentation was available, however there were no locations within the Powys or Snowdonia areas. **Appendix D2** of the **Consultation Report Annex 1 (Doc 5.1.1)** refers to a deposit location within Snowdonia National Park being removed due to closure. It states all viable options for this area remain closed for the consultation period.

A notice stating when and where the final SoCC could be inspected was published in:

- Daily Post Wales West – 24 August 2021 and 31 August 2021
- London Gazette – 25 August 2021
- Lloyd's List Daily Briefing – 24 August 2021

The published SoCC notice, provided at **Appendix D3.2** of the **Consultation**

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|    |  | <p><b>Report Annex 1 (Doc 5.1.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix E2</b> of the <b>Consultation Report Annex 1 Part 2 (Doc 5.1.2)</b>.</p>   |
| 17 | Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information? | <p><b>Yes.</b></p> <p><b>Paragraph 7</b> of the final SoCC at <b>Appendix D3</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b> 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><b>Yes.</b></p> <p><b>Paragraphs 122 to 135</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Appendix D3.2</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices H1, H2 and H3</b> of the <b>Consultation Report Annex 1 Part 2 (Doc 5.1.2)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> |

#### Section 48: Duty to publicise the proposed application

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| 19 | Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations? | <p><b>Yes.</b></p> <p><b>Paragraph 136</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“This section of the Consultation Report sets out the activities undertaken by the Applicant to comply with its duty to publicise the proposed application under section 48 of the PA 2008. It provides the information relevant to section 48 publicity as required in the Consultation Report under Section 37(7) and the</i></p> |
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<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

*relevant parts of PINS and DCLG guidance.”*

**Paragraphs 144 and 145** of the **Consultation Report (Doc 5.1)** displays the newspapers and dates of s48 publicity as set out below.

A copy of the s48 notice is provided at **Appendix E1** of the **Consultation Report Annex 1 Part 2 (Doc 5.1.2)**.

Clippings of the published notices set out below are provided at **Appendix E2** of the **Consultation Report Annex 1 Part 2 (Doc 5.1.2)**:

**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;     | <ul style="list-style-type: none"> <li>• The Daily Post</li> <li>• The Daily Post</li> </ul> | <p>24 August 2021</p> <p>31 August 2021</p> |
| b) | once in a national newspaper;  | <ul style="list-style-type: none"> <li>• The Guardian</li> </ul>                             | 24 August 2021                              |
| c) | once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and  | <ul style="list-style-type: none"> <li>• London Gazette</li> </ul>                           | 25 August 2021                              |
| d) | where the proposed application relates to offshore development –<br>(i) once in Lloyds List; and<br>(ii) once in an appropriate fishing trade journal? | <ul style="list-style-type: none"> <li>• Lloyds List</li> <li>• Fishing News</li> </ul>      | <p>24 August 2021</p> <p>26 August 2021</p> |

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| 20 | Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations? | <p><b>Yes.</b></p> <p>The published s48 notice, supplied at <b>Appendix E1</b> of the <b>Consultation Report Annex 1 Part 2 (Doc 5.1.2)</b>, contains the required information as set out below:</p> |
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**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 | 3 | f) | the latest date on which those documents, plans and maps will be available for inspection                       | 4 |
| g) | whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge  | 4 | h) | details of how to respond to the publicity  | 5 |
| 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  | 5 |    |   |   |

21 Are there any observations in respect of the s48 notice provided above?

**Yes.**

The notice is bilingual and both Welsh and English versions were published in all required newspapers.

Screen prints of published articles to evidence the appropriate publication was supplied at **Appendix E2** of the **Consultation Report Annex 1 Part 2 (Doc 5.1.2)**. These were clear for the publications required in all instances except for in the case of the Guardian, where a clipping of the 2021 s48 notice has been provided, however this does not show the full notice and does not show the

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|   | publication name or date.  |  |
| 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 <sup>10</sup> ? | <p><b>Yes.</b></p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 141</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix B4</b> of the <b>Consultation Report Annex 1 (Doc 5.1.1)</b> confirms a copy of the s48 notice was enclosed.</p>  |
| <b>s49: Duty to take account of responses to consultation and publicity</b> |  |  |
| 23  | Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?   | <p><b>Yes.</b></p> <p><b>Section 8 (Table 6)</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant had regard to the consultation responses received; including whether responses led to changes to the application. Detailed responses to the consultation are provided at <b>Appendix H</b> of the <b>Consultation Report Annex 1 Part 2 (Doc 5.1.2)</b>.</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.</p> |
| <b>Guidance about pre-application procedure</b>                             |  |  |
| 24  | To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?                           | <p><b>Paragraph 30</b> of the <b>Consultation Report (Doc 5.1)</b> states that 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</p>   |

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

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



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|   |  | Applicant has identified and had regard to the relevant statutory guidance.  |
| 25  | <b>Summary: Section 55(3)(e)</b>   | The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.   |
| <b>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)</b> |  |  |
| 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"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul> | <p><b>Yes.</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.3)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.3)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 2.1)</b> has been provided.</p> |
| 27  | Is it accompanied by a Consultation Report?  | <p><b>Yes.</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b>, <b>Consultation Report Annex 1 (Doc 5.1.1)</b> and <b>Consultation Report Annex 1 part 2 (Doc 5.1.2)</b>.</p>  |
| 28  | Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>  | <p><b>Yes.</b></p> <p>Each plan that comprises three or more separate sheets has a key plan provided.</p>  |

<sup>12</sup>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)?  | 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  |                                     |   |
| a)          | Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions | <b>Scoping Opinion (Doc 6.8.1)</b><br><br><b>Environmental Statement comprising:</b><br><b>Non-Technical Summary (Doc 6.7.1)</b><br><br><b>Volume 1: Introductory chapters (Docs 6.1.1-6.1.4)</b><br><br><b>Volume 2: Offshore chapters (Docs 6.2.1 – 6.2.15)</b><br><br><b>Volume 3: Onshore Chapters (Doc 6.3.1 – 6.3.13)</b> | b)                                  | The draft Development Consent Order (DCO)<br><br><b>Draft Development Consent Order (Doc 3.1)</b> |
|             | Is this of a satisfactory standard?  | Yes (with minor discrepancies as noted in Box 30).  | 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 DCO   | <b>Development Consent Order Explanatory Memorandum (Doc 3.2)</b>   | d)                                  | Where applicable, a Book of Reference<br><br><b>Book of Reference (Doc 4.3)</b>                   |

<sup>13</sup>The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

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|    | Is this of a satisfactory standard?  | Yes.  |    | Is this of a satisfactory standard?  | Yes.   |
| e) | A copy of any Flood Risk Assessment  | <b>Environmental Statement Volume 5, Annex 7.1 Onshore ECC Flood Consequence Assessment (Doc 6.5.7.1)</b><br><b>Environmental Statement Volume 5, Annex 7.2 Onshore Substation Flood Consequence Assessment (Doc 6.5.7.2)</b> | 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   | <b>Statutory Nuisance Statement (Doc 5.3)</b>                                      |
|    | 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) | <b>Statement of Reasons (Doc 4.1)</b><br><b>Funding Statement (Doc 4.2)</b>   | i) | A Land Plan identifying:-<br>(i) the land required or affected by, the Proposed Development;<br>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;<br>(iii) any land in relation to which it is proposed to | <b>Land Plan (Offshore) (Doc 2.2)</b><br><b>Land Plan (Onshore) (Doc 2.3)</b> for, |

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|    |   |  | <p>extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p> |  |
|    | Is this of a satisfactory standard?   | Yes (with minor discrepancies as noted in Box 30). | Is this of a satisfactory standard?  | Yes (with minor discrepancies as noted in Box 30).   |
| j) | <p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p> | <b>Works Plan (Doc 2.5)</b>                        | k)   | <p>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</p> <p><b>Street Works and Access Plan (Doc 2.6)</b></p> <p><b>Temporary Stopping Up of Public Rights of Way Plan (Doc 2.7)</b></p> |
|    | Is this of a satisfactory standard?   | Yes (with minor discrepancies as noted in Box 30). | Is this of a satisfactory standard?  | Yes (with minor discrepancies as noted in Box 30).   |

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| l) | <p>Where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> <li>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</li> <li>(ii) habitats of protected species, important habitats or other diversity features; and</li> <li>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</li> </ul> | <ul style="list-style-type: none"> <li>(i) <b>Statutory / Non-statutory Nature Conservation Sites Plan (2.8_AyM_NatConsPlan.pdf)</b><br/><b>Category 5: Reports RIAA Annex 3: European Site Information (Doc 5.2.3)</b><br/>These plans contain information on the statutory and non-statutory nature conservation sites.<br/>The assessment of effects on these sites is contained within <b>Volume 3, Chapter 3.5: Onshore Biodiversity and Nature Conservation (Document 6.3.5)</b>, Figure 6 of this chapter contains information on offshore protected sites. Figures 7 to 9 cover onshore protected sites. These are consistent with 2.8_AyM_NatConsPlan.pdf.</li> <li>(ii) <b>Volume 3, Chapter 3.5: Onshore Biodiversity and Nature Conservation (Doc 6.3.5, Figures 10 to 22)</b><br/>Annexes 5.3 to 5.10 of</li> </ul> | 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><b>Plans Statutory / Non-statutory Sites or Features or the Historic Environment Plan Application Reference 2.1 (2.9 AyM HistEnvPlan.pdf)</b></p> <p>This document contains information for both the on and offshore elements of the Proposed Development.</p> <p>This plan also contains the locations of Ancient Woodland in relation to the Order limits.</p> <p>The plan is consistent with the plans supplied within the following Environmental Statement chapters:<br/><b>Environmental Statement Volume 2, Chapter 11: Offshore Archaeology (Figure 9) (Doc 6.2.11)</b></p> <p><b>Environmental Statement Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (Figures 1 to 5) (Doc 6.3.8)</b></p> |
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|  | <p>Environmental Statement Volume 3, Chapter 3.5: Onshore Biodiversity and Nature Conservation contain additional plans and accompanying information on protected species.</p> <p>Plans containing information in relation to badgers are also presented in a confidential annex to the Environmental Statement.</p> <p>The assessment of effects on offshore marine mammals and accompanying habitat plans are presented in <b>Annex 7.1 of Environmental Statement Volume 3, Chapter 7, Marine Mammals (Doc 6.4.7.1)</b></p> <p>The assessment of effects on offshore ornithology protected species is within Environmental Statement Volume 2, Chapter 4 Offshore Ornithology.</p> <p><b>(iii) Environmental Statement Volume 4, Annex 3.1: Water Framework Directive Compliance Assessment (Doc 6.4.3.1)</b></p> <p>This document contains the plans (Figures 4 and 5) and assessment of effects on the</p> |  |  |  |
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|    |   | waterbodies in a river basin management plan.                |    |   |   |
| n) | Is this of a satisfactory standard?   | Yes (with minor discrepancies as noted in Box 30).           | o) | Is this of a satisfactory standard?   | Yes.  |
|    | Where applicable, a plan with any accompanying information identifying any Crown land | <b>Crown Land Plan (Doc 2.10)</b>                            |    | Any other plans, drawings and sections necessary to describe  | <b>Location Plan (Doc 2.1)</b>  |
|    | Is this of a satisfactory standard?   | Yes (with minor discrepancies as noted in Box 30).           |    | 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 | <b>Water Bodies in a River Basin Management Plan (Doc 2.11)</b><br><b>Hedgerow and Protected Tree Plan (Doc 2.12)</b><br><b>Special Category Land Plan (Doc 2.4)</b><br><b>Street Works and Access Plan (Doc 2.6)</b><br><b>Statutory / Non-statutory Nature Conservation Sites Plan (Doc 2.8)</b><br><b>Statutory / Non-statutory Sites or Features or the Historic Environment Plan (Doc 2.1)</b> |
| p) | Any of the documents prescribed by Regulation 6 of the APFP                           | <b>Grid Connection and Cable Details Statement (Doc 7.1)</b> | q) | Are they of a satisfactory standard?  | Yes (with minor discrepancies as noted in Box 30).  |
|    | Regulations:  | <b>Safety Zone Statement (Doc 7.2)</b>                       |    | Any other documents considered necessary to support the application   | <b>Planning Statement (Doc 8.1)</b><br><b>EIA Evidence Plan Report (Doc 8.2)</b><br><b>Outline Offshore Archaeological Written Scheme of Investigation</b>  |





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|    |  |      |  | <p><b>(Doc 8.3)</b><br/> <b>Fishing Liaison and Co-existence Plan (Doc 8.5)</b><br/> <b>Offshore Operations and Maintenance Plan (Doc 8.7)</b><br/> <b>Design Principles Document (Doc 8.8)</b><br/> <b>Disposal Site Characterisation (Doc 8.9)</b><br/> <b>Outline Code of Construction Practice (Doc 8.13)</b><br/> <b>Community Linguistic Statement (Doc 8.16)</b></p> |  |
|    | Are they of a satisfactory standard?   | Yes. |  | Are they of a satisfactory standard?  | Yes (with minor discrepancies as noted in Box 30). |
| 30 | Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?  |      |  |   |  |
|    | <p><b>Plans</b> – There are a number of instances within the submitted plans where some clarification would be useful to assist those preparing their Relevant Representation. These are detailed in the accompanying s51 advice.</p> <p><b>29(b)</b> – There are a number of typographical errors / inconsistencies within the submitted dDCO. These are detailed in the accompanying s51 advice.</p> <p><b>29(h)</b> – Appendix 1 and 2 of the Funding Statement (FS) (referred to in the FS at paras 20, 30 and 34) have not been included with the FS.</p> <p><b>29(k)</b> – It would be helpful to enlarge the text of footpath names for ease of reading and identification – ensure the text remains searchable.</p> <p><b>29(o)</b> – Non-statutory Sites or Features or the Historic Environment Plan and Location Plan both labelled ‘Application Reference:</p> |      |  |   |  |

2.1'. Amend Historic Environment Plan to 'Application Reference 2.9' as per index.

**29(q) – Outline Onshore Archaeological Written Scheme of Investigation (Doc 8.14)**

Document is listed in the Section 55 Checklist (**Doc 1.2**) under box 29q as Doc 8.14, however this reference is inaccurate. The document can be found at Doc 6.5.8.5 Annex 8.5 Onshore WSI.

**29(q) – Onshore Archaeological Trial Trenching Evaluation Report (interim) (Doc 8.15)**

Document is listed in the Section 55 Checklist (**Doc 1.2**) under box 29q as considered to be another necessary document to support the application. Document was not submitted to the Inspectorate on 20 April 2022 and is not referred to elsewhere i.e., the relevant ES Chapter, the application form or the Guide to the Application.

**Environmental Statement (ES)**

The Environmental Statement as currently drafted provides brief information about the expertise of the companies responsible for compiling the relevant chapters of the ES. However, given the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, consideration should be given to updating the ES to provide the necessary information in relation to the key individual experts involved in each ES topic.

**Report to Inform Appropriate Assessment**

The Report to Inform the Appropriate Assessment Annex 3 refers to Figure 40 but this does not appear to have been included in the document. The Applicant is requested to provide a revised version of Annex 3 which includes this figure.

Section 51 advice has been issued to the Applicant in respect to some of these matters:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010112-000487>

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| 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 | <b>Yes.</b><br><br>A Report to Inform the Appropriate Assessment (RIAA) is provided at has been provided ( <b>Docs 5.2 and 5.2.1 – 5.2.8</b> ).<br><br>The RIAA 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.<br><br>Note: The Examining Authority will be able to ask questions during the |
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|   | implications for the site if required by Regulation 48(1)? <sup>14</sup>  | 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.  |
| 32  | If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>  | No hard copies requested.  |
| 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? | <b>Yes.</b><br><b>Section 3</b> of the <b>Application Letter (Doc 1.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.<br><br>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.  |
| 34  | <b>Summary - s55(3)(f) and s55(5A)</b>  | The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.<br><br>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:<br><a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010112-000487">https://infrastructure.planninginspectorate.gov.uk/document/EN010112-000487</a> |
| <b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b> |   |  |
| <b>Fees to accompany an application</b>                                 |   |  |
| 35  | Was the fee paid at the same time that the  | The fee was received on 4 April 2022; before the application was made.   |

<sup>14</sup>Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup>Regulation 5(2)(r) of the APFP Regulations

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| application was made <sup>16</sup> ? |  |
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| <b>Role</b>          | <b>Electronic signature</b>      | <b>Date</b> |
|----------------------|----------------------------------|-------------|
| Case Manager         | Jake Stephens                    | 18 May 2022 |
| Acceptance Inspector | Jonathan Hockley and Alex Hutson | 18 May 2022 |

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<sup>16</sup>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

