



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:** August 2022

## Five Estuaries 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 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 Department 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>25 March 2024</b>	<b>22 April 2024</b>	<b>22 April 2024</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 Sections (s)14 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 a generating station and satisfies section 15(3) of the PA2008; including subsection (a) and subsection (b).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</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)

	If the development does not fall within the categories in s14 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> On 30 September 2021 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 14 March 2023.  A copy of the notification letter is provided at <b>Appendix 11.1</b> of the <b>Consultation Report (Doc 5.1.2)</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> There are 23 host and neighbouring authorities, of which 13 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 27 March 2024.

<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

All 14 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:

- Tendring District Council (B authority)
- East Suffolk District Council (B authority)
- Suffolk County Council (C authority)
- Babergh and Mid Suffolk District Councils (A authority)
- Broads Authority (A authority)\*
- South Norfolk and Broadland District Council (A authority)
- Colchester District Council (A authority)
- London Borough of Havering (A authority)
- Cambridgeshire County Council (D authority)
- Hertfordshire County Council (D authority)
- Essex County Council (D authority)
- Thanet District Council (Non-prescribed authority)
- Kent County Council (Non-prescribed authority)

\* The Broads Authority was only identified as a consultee at the stage 3 targeted consultation under s42, which commenced after s48 notices had been published.

It is noted that Great Yarmouth Borough Council (GYBC) were not identified by the applicant as a consultee despite being an 'A' authority. GYBC is a 'neighbouring' authority for the purposes of ecological compensation measures located a significant distance from their administrative boundary. It is considered that the applicant has in general complied with their statutory

		<p>requirements for consultation and that the omission of GYBC has not resulted in a significant failure of their consultation process.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: <a href="https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010115">https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010115</a></p>
<p><b>Section 42: Duty to consult</b></p>		
<p>Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
6	<p>Section 42(1)(a) persons prescribed<sup>5</sup>?</p>	<p><b>Yes</b></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 14 March 2023 at <b>Appendix 4.1</b> of the <b>Consultation Report (Doc 5.1.1)</b> (Stage 2 consultation).</p> <p>A second consultation (Stage 3) was undertaken between 5 December 2023 and 31 January 2024. The Applicant has provided a list of persons consulted under s42(1)(a) at <b>Appendix 10.1</b> of the <b>Consultation Report (Doc 5.1.2)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 4.3.1</b> of the <b>Consultation Report (Doc 5.1.1)</b>. A sample of the letters sent to s42(1)(a) consultees for the second consultation is provided at <b>Appendix 10.2.1 of the Consultation Report (Doc 5.1.2)</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 were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> <li>• Northern Gas Networks Limited</li> <li>• Wales and West Utilities Ltd</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)

		<ul style="list-style-type: none"> <li>• CNG Services Ltd</li> <li>• Mua Gas Limited</li> <li>• Squire Energy Limited</li> <li>• National Gas</li> <li>• London Power Networks Plc</li> <li>• Aidien Ltd</li> <li>• Mua Electricity Limited</li> <li>• Optimal Power Networks Limited</li> <li>• Squire Energy Metering Ltd</li> <li>• National Grid Electricity System Operation Limited</li> </ul> <p>It is noted that the licences held by the bodies listed above cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <ul style="list-style-type: none"> <li>• Homes England</li> <li>• Great Yarmouth Borough Council</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the bodies identified above have not been consulted</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 <b>Book of Reference (Doc 4.1)</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/document/EN010115-000446">https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446</a></p>
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7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Yes</b>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Table 6.1</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 14 March 2023.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Tendring District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> </ul> <p>The boundary 'A' authorities were consulted*:</p> <ul style="list-style-type: none"> <li>• Babergh District Council</li> <li>• Colchester District Council</li> <li>• Enfield London Borough Council</li> <li>• Havering London Borough Council</li> <li>• Medway Council</li> <li>• Redbridge London Borough Council</li> <li>• Southend-on-Sea Council</li> <li>• Thurrock Council</li> </ul>

<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

<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

		<ul style="list-style-type: none"> <li>• Waltham Forest London Borough Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Suffolk District Council</li> <li>• Cambridgeshire County Council</li> <li>• Hertfordshire County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix 4.3.1</b> of the <b>Consultation Report (Doc 5.1.1)</b>.</p> <p><b>*Section 12.2.5 – 12.2.8</b> of the <b>Consultation Report (Doc 5.1)</b> clarifies that the Broads Authority ('A' Authority) was only identified by the Applicant as a consultee after the stage 3 targeted consultation had closed. The Broads Authority was consulted between 21 February 2024 – 22 March 2024 and had no comments on the consultation.</p> <p>Please see box 5 for a clarification why Great Yarmouth Borough Council was not consulted under s42(1)(b)</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>N/A</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>No</b></p> <p><b>Paragraph 6.1.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 14 March 2023. A targeted consultation was carried out separately on 5 December 2023 to 31 January 2024</p>

<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.



		<p>as part of Stage 3 Consultation. However, the <b>Book of Reference (Doc 4.1)</b> includes several parties who appear not to have been consulted at either the stage 2 or 3 consultations.</p> <p><b>Chapter 6.4</b> of the <b>Consultation Report (Doc 5.1)</b> summarises 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>.</p> <p><b>Chapter 11.3</b> of the <b>Consultation Report (Doc 5.1)</b> summarises 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> at Stage 3 Consultation.</p> <p>The full methodology undertaken by the Applicant is provided in <b>Appendix 11.6 and Appendix 11.7</b> of the <b>Consultation Report (Doc 5.1.2)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 4.2.1</b> of the <b>Consultation Report (Doc 5.1.1)</b> and <b>Appendix 9.1</b> of the <b>Consultation Report (Doc 5.1.2)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 4.3.3</b> of the <b>Consultation Report (Doc 5.1.1)</b> and <b>Appendix 9.2.1</b> of the <b>Consultation Report (Doc 5.1.2)</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
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><b>Yes</b></p> <p>A sample of the letters sent to s42 consultees is provided at <b>Appendix 4.3</b> of the <b>Consultation Report (Doc 5.1.1)</b>.</p> <p>The sample letter dated 14 March 2023 confirmed that consultation commenced on 14 March 2023 and will close on 12 May 2023, providing more than the required minimum time for receipt of responses.</p> <p>A sample of the letters sent to s42(1)(d) consultees is provided at <b>Appendix 9.2.1</b> of the <b>Consultation Report (Doc 5.2.1)</b>.</p>

		The sample letter dated 4 December 2023 confirmed that consultation commenced on 5 December 2023 and will close on 31 January 2023, providing more than the required minimum time for receipt of responses.
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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><b>Yes</b></p> <p>The Applicant gave notice under s46 on 13 March 2023, which was one day before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix 5.1</b> of the <b>Consultation Report (Doc 5.1.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix 5.2</b> of the <b>Consultation Report (Doc 5.1.1)</b>.</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 6.4</b> of the <b>Consultation Report (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 Tendring District Council ('B Authority') and Essex County Council ('C' authority) on 3 October 2022 and set a deadline of 1 November 2022 for responses; providing more than the required minimum time for responses to be received.</p>

		<p>The Applicant discusses in <b>Chapter 8.3.2</b> of the <b>Consultation Report (Doc 5.1)</b> that 5 additional local authorities were also consulted. These local authorities were:</p> <ul style="list-style-type: none"> <li>• Babergh District Council</li> </ul> <p>Babergh District Council was notified later on 10 November 2022 and given a deadline of 9 December 2022 for response.</p> <ul style="list-style-type: none"> <li>• East Suffolk Council</li> <li>• Kent County Council</li> <li>• Suffolk County Council; and</li> <li>• Thanet District Council</li> </ul>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Appendix 6.3</b> of the <b>Consultation Report (Doc 5.1.1)</b> provides a summary of the consultation responses from the 7 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>• An additional event in Tendring Village.</li> <li>• The provision of copies of the printed newsletter to parish councils outside of Essex/Tendring.</li> <li>• Additional deposit point locations, newspapers to advertise in and organisations to send information to.</li> </ul> <p><b>Chapter 8.3.8</b> of the <b>Consultation Report (Doc 5.1)</b> provides a full list of the key changes following the consultation responses.</p> <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 on a website maintained by or on	<p><b>Yes</b></p>

<p>behalf of the Applicant; 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>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>• Brightlingsea Library</li> <li>• Clacton Library</li> <li>• Colchester Library</li> <li>• Frinton Library</li> <li>• Greenstead Library</li> <li>• Harwich Library</li> <li>• Jaywick Library</li> <li>• Manningtree Library</li> <li>• Prettygate Library</li> <li>• Tendring Townhall</li> <li>• West Clacton</li> <li>• Wivenhoe Library</li> <li>• Aldeburgh Library</li> <li>• Endeavour House,</li> <li>• Felixstowe Library</li> <li>• Leiston Library</li> <li>• Lowestoft Library</li> <li>• Saxmundham Library</li> <li>• Southwold Library</li> <li>• Margate Library</li> </ul>
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		<p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• East Anglian Daily Time - 16 February 2023</li> <li>• Frinton and Clacton Gazette - 16 February 2023</li> <li>• Isle of Thanet News - online only – live from 16 February 2023</li> <li>• Essex County Standard - 17 February 2023</li> <li>• Harwich and Manningtree Standard - 17 February 2023</li> <li>• Thanet Extra - 22 February 2023</li> <li>• Felixstowe Flyer - 1 March 2023</li> <li>• Southwold Gazette - 3 March 2023.</li> <li>• Aldeburgh Gazette – 10 March 2023</li> </ul> <p>The published SoCC notice, provided at <b>Appendix 6.4</b> of the <b>Consultation Report (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 6.5</b> of the <b>Consultation Report (Doc 5.1.1)</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>The ‘What we’re consulting on’ Chapter (Page 11) of the final SoCC at <b>Appendix 6.4</b> of the <b>Consultation Report (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>

<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

		<p><b>Table 8.6</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p><b>Appendices 6.2, 6.5 and 6.6</b> of the <b>Consultation Report (Doc 5.1.1)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• 100 properties were originally missed due to being new build properties that were not on the database used to extract addresses. They were sent a copy of the newsletter on Friday 24 March 2023.</li> </ul>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p><b>Paragraph 9.2.2</b> of the <b>Consultation Report (Doc 5.1)</b> states: <i>“In line with the requirements of the APFP regulations, the notice was published in a number of publications”.</i></p> <p><b>Table 9.2</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix 7.6</b> of the <b>Consultation Report (Doc 5.1.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix 7</b> of the <b>Consultation Report (Doc 5.1.1)</b>:</p>
<b>Newspaper(s)</b> <span style="float: right;"><b>Date</b></span>		
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>• East Anglian Daily Times</li> </ul> <div style="text-align: right;">14 March 2023 and 21 March 2023</div>

b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Daily Telegraph</li> </ul>	14 March 2023
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>	14 March 2023
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> <li>Lloyds List</li> <li>Fishing News</li> </ul>	14 March 2023 16 March 2023
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p>The published s48 notice, supplied at <b>Appendix 7.6</b> of the <b>Consultation Report (Doc 5.1.1)</b>, contains the required information as set out below:</p>	

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	6	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	4 and 5
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>The address of the website</li> </ul>	2, 7, 10	f)	the latest date on which those documents, plans and maps will be available for inspection	11

	<ul style="list-style-type: none"> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	10	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	13		
21	Are there any observations in respect of the s48 notice provided above?			
	<b>No</b>			
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>Table 2.2</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the s42 consultation letter provided at <b>Appendix 4.3.3</b> of the <b>Consultation Report (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>				

<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



23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Table 14.1</b> of the <b>Consultation Report (Doc 5.1)</b> sets 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.</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>Yes</b></p> <p><b>Section 2.5</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 Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant in this regard, available here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446">https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446</a></p>
<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>		

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

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 1.2)</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 1.2)</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 (Docs 2.1 and 2.2)</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> and <b>Consultation Report Appendices (Docs 5.1.1 and 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>									
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:									
<table border="1"> <thead> <tr> <th data-bbox="129 1015 584 1086">Information</th> <th data-bbox="584 1015 1093 1086">Document</th> </tr> </thead> <tbody> <tr> <td data-bbox="129 1086 584 1265">a) Where applicable, the Environmental Statement required under the EIA</td> <td data-bbox="584 1086 1093 1265">Environmental Statement is within Volume 6 of the submitted documents, specifically broken down as follows:</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA	Environmental Statement is within Volume 6 of the submitted documents, specifically broken down as follows:	<table border="1"> <thead> <tr> <th data-bbox="1093 1015 1547 1086">Information</th> <th data-bbox="1547 1015 2125 1086">Document</th> </tr> </thead> <tbody> <tr> <td data-bbox="1093 1086 1547 1265">b) The draft Development Consent Order (DCO)</td> <td data-bbox="1547 1086 2125 1265"><b>Draft Development Consent order (Doc 3.1)</b></td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	<b>Draft Development Consent order (Doc 3.1)</b>
Information	Document										
a) Where applicable, the Environmental Statement required under the EIA	Environmental Statement is within Volume 6 of the submitted documents, specifically broken down as follows:										
Information	Document										
b) The draft Development Consent Order (DCO)	<b>Draft Development Consent order (Doc 3.1)</b>										

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

<p>Regulations<sup>13</sup> and any scoping or screening opinions or directions</p>	<p><b>Part 1: Introductory Chapters and Annexes (Docs 6.1.1 to 6.1.6) including:</b></p> <ul style="list-style-type: none"> <li>• <b>Non-Technical Summary (Doc 6.1.5)</b></li> <li>• <b>Scoping Report and Scoping Opinion (Doc 6.1.6)</b></li> </ul> <p><b>Part 2: Offshore Chapters (Docs 6.2.1 to 6.2.13)</b></p> <p><b>Part 3: Onshore Chapters (Docs 6.3.1 to 6.3.10)</b></p> <p><b>Part 4: Project Wide Chapters (Docs 6.4.1 to 6.4.3)</b></p> <p><b>Part 5: Offshore Annexes (Docs 6.5.2.1 to 6.5.11.1)</b></p> <p><b>Part 6: Onshore Annexes (Docs 6.6.1.1 to 6.6.10.4)</b></p> <p><b>Part 7: Seascape, Landscape and Visual Impact Assessment Annexes (Docs 6.7.10.1 to 6.7.2.2)</b></p> <p><b>Part 8: Lesser Black Backed Gull (LBBG) Compensatory Areas Environmental Impact Assessment (Docs 6.8.1 to 6.8.4)</b></p>			
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<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

c)	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)	d)	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and in s51 advice)
	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 3.2)</b>		Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.1)</b>
e)	Is this of a satisfactory standard?	Yes	f)	Is this of a satisfactory standard?	Yes
	A copy of any Flood Risk Assessment	<b>Onshore Export Cable Corridor (ECC) Flood Risk Assessment (FRA) (Doc 5.3.1)</b> <b>Onshore Substation FRA (Doc 5.3.2)</b> <b>Lesser Black Backed Gull Flood Risk Assessment Compensatory Area FRA (Doc 6.8.1.1)</b>		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 5.7)</b>
h)	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)	i)	Is this of a satisfactory standard?	Yes
	A Statement of Reasons and a Funding Statement (where the application	<b>Statement of Reason (Doc 4.3)</b> <b>Funding Statement (Doc 4.2)</b>		A Land Plan identifying:- (i) the land required for, or affected by,	<b>Land Plans - (Onshore) (Doc 2.3)</b> <b>Special Category Land Plan (Doc 2.4),</b>

	involves any Compulsory Acquisition)			the Proposed Development;	
				(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;	
				(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	
				(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)
j)	A Works Plan showing, in relation to existing features:-  (i) the proposed location or (for a linear scheme) the	<b>Works Plan - Onshore (Doc 2.5),</b> <b>Works Plan – Offshore (Doc 2.6)</b>		k) Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or	<b>Street Works and Access Plans (Doc 2.8)</b> <b>Temporary Closure of Public Rights of Way Plan (Doc 2.9)</b>

	<p>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>		<p>creation of rights of way or public rights of navigation</p>		
	<p>Is this of a satisfactory standard?</p>	<p>Yes (with minor discrepancies as noted in s51 advice)</p>	<p>Is this of a satisfactory standard?</p>	<p>Yes</p>	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p>	<p>i. <b>Statutory/Non-Statutory Nature Conservation Sites – Onshore (Doc 2.13)</b></p> <p><b>Statutory/Non-Statutory Nature Conservation Sites – Offshore (Doc 2.14)</b></p> <p><b>HRA Screening Report (Doc 5.4.2)</b> includes Figures 4.1 to 4.6 denoting designated sites considered in the HRA screening</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or 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</p>	<p>The following documents have been submitted as part of the application:</p> <p><b>Historic Environment Plan – Onshore (Doc 2.11)</b></p> <p><b>Historic Environment Plan – Offshore (Doc 2.12)</b></p> <p>Assessments of these effects and some additional plans are included in the following chapters:</p> <p><b>Archaeology and Cultural Heritage (Doc 6.3.7)</b></p> <p><b>Offshore Archaeology and Cultural Heritage (Doc 6.2.11)</b></p>

<p>(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</p>	<p>ii. Tree Preservation Order and Important Hedgerow Plan (<b>Doc 2.10</b>)</p> <p>iii. The locations of surface waterbodies (Holland, Kirby, Tendring and Tenpenny Brooks) in a River Basin Management Plan are shown on <b>Doc 2.15</b>. The location of the groundwater body (Essex Gravels) in a River Basin Management Plan is shown on Figure 4.1 in <b>Doc 9.6</b>. The location of the coastal waterbody (Essex Coastal) is shown on Figure 1.1 in <b>Doc 9.7</b>.</p> <p>An assessment of these effects is set out in the Environmental Statement submitted as part of the application (volume 6) in the following chapters:</p> <ul style="list-style-type: none"> <li>• Benthic and Intertidal Ecology (Doc 6.2.5)</li> <li>• Fish and Shellfish Ecology (Doc 6.2.6)</li> <li>• Marine Geology, Oceanography and Physical processes (Doc 6.2.2)</li> </ul>		<p>the Proposed Development</p>	
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		<ul style="list-style-type: none"> <li>• Marine Mammal Ecology (Doc 6.2.7)</li> <li>• Offshore Ornithology (Doc 6.2.4)</li> <li>• Onshore Biodiversity and Nature Conservation (Doc 6.3.4)</li> </ul> <p>And in the Water Framework Directive (WFD) Assessment - Onshore (<b>Doc 9.6</b>) and WFD Assessment - Offshore (<b>Doc 9.7</b>).</p>		
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan - Offshore (Doc 2.16)</b> <b>Crown Land Plan – Onshore (Doc 2.17)</b>	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  <b>Location Plan – Onshore (Doc 2.1)</b> <b>Location Plan – Offshore (Doc 2.2)</b> <b>Offshore Order Limits and Grid Coordinates Plan (Doc 2.7)</b> <b>Temporary Speed Reduction Plan (Doc 2.18)</b> <b>Offshore Project Design Principles (Doc 9.3)</b> <b>Onshore Substation Design Principles (Doc 9.4)</b> <b>Outline Landscape and Ecological</b>



			<b>Management Plan (Doc 9.22).</b>
Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)	Are they of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Cable Statement (Doc 8.1)</b> <b>Safety Zone Statement (Doc 8.2)</b>	q)	Any other documents considered necessary to support the application	<b>Stage 1 Marine Conservation Zone Assessment (MCZA) (Doc 5.6)</b> <b>Planning Statement (Doc 9.1)</b> <b>Policy Compliance Statement (Doc 9.2)</b> <b>Minerals Resources Assessment (Doc 9.5)</b> <b>Dredge Disposal Site Characterisation Report (Doc 9.8)</b> <b>Outline Cable Risk Burial Assessment (Doc 9.9)</b> <b>Navigational Risk Assessment (Doc 9.10)</b> <b>Equality Impact Assessment (Doc 9.11)</b> <b>Outline Cable Specification and Installation Plan (Doc 9.12)</b> <b>Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan (Doc 9.13)</b> <b>Outline Marine Mammal Mitigation Protocol - Piling (Doc 9.14.1)</b> <b>Outline Marine Mammal Mitigation Protocol - UXO (Doc 9.14.2)</b> <b>Outline Southern North Sea Special Area of Conservation Site Integrity Plan (Doc 9.15)</b>
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					<p><b>Outline Fisheries Liaison and Co-existence Plan (Doc 9.16)</b></p> <p><b>Outline Offshore Operations and Maintenance Plan (Doc 9.17)</b></p> <p><b>Outline Project Environmental Management Plan (Doc 9.18)</b></p> <p><b>Outline Marine Written Scheme of Investigation (Doc 9.19)</b></p> <p><b>Outline Navigation and Installation Plan (Doc 9.20)</b></p> <p><b>Code of Construction Practice (Doc 9.21)</b></p> <p><b>Outline Written Scheme of Investigation-Onshore (Doc 9.23)</b></p> <p><b>Outline Construction Traffic Management Plan (Doc 9.24)</b></p> <p><b>Outline Public Access Management Plan (Doc 9.25)</b></p> <p><b>Outline Workforce Travel Plan (Doc 9.26)</b></p> <p><b>Outline Skills and Employment Strategy (Doc 9.27)</b></p> <p><b>Outline Landfall Methodology (Doc 9.28)</b></p> <p><b>Offshore Connection Scenario (Doc 9.29)</b></p> <p><b>Co-ordination document (Doc 9.30)</b></p>
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					<p><b>Schedule of Mitigation Routemap (Doc 9.31)</b></p> <p><b>Offshore In Principle Monitoring Plan (Doc 9.32)</b></p> <p><b>Approach to Statements of Common Ground (Doc 9.33)</b></p> <p><b>Details of other consents and licences (Doc 5.8)</b></p> <p><b>Evidence Plan (Doc 5.2)</b></p> <p><b>Summary of Pre-application Meetings (Doc 5.2.2)</b></p> <p><b>Selected Meeting Minutes (Doc 5.2.3)</b></p> <p><b>Cover Letter (Doc 1.1)</b></p> <p><b>Guide to the Application (and Glossary) (Doc 1.3)</b></p> <p><b>Copies of</b></p> <p><b>Statutory Newspaper Notices (Doc 1.4)</b></p> <p><b>Draft Section 55 Checklist (Doc 1.5)</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?				

**Draft Development Consent Order (dDCO) (Doc 3.1)**

Schedule 16 of the dDCO provides document references for 2.1 for location plan (offshore), 2.2 for location plan (onshore) and 6.8.1.4 for the Lesser Black Backed Gull (LLBG) Compensation Site HRA. The location plan (offshore) is document reference 2.2, the location plan (onshore) is document reference 2.1 and LBBG Compensation Site HRA is document reference 5.4.5.

**Habitats Regulations Assessment (HRA) Derogation Case (Doc 5.5)**

The paragraph numbering in the document restarts at 5.3.1 after 5.3.53 in the middle of the section on gross value added.

**Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan (Doc 9.13)**

The document is missing the list of references.

**Code of Construction Practice (Doc 9.21)**

The document seems to not have been indexed correctly and is missing paragraph numbers.

**Outline Landscape and Ecological Management Plan (Doc 9.22)**

Figure 1 page 17. The Legend for this image/plan is not legible irrespective of how much or little this is zoomed. The OLEMP does not appear to contain any commitments regarding the maintenance of the proposed mitigation planting and neither is this covered in R7 (Provision of landscaping) of the dDCO.

**Outline Skills and Employment Strategy (Doc 9.27)**

The ledgers for figures 4 and 5 are not legible due to the resolution being too low.

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

<https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446>

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	<p><b>Yes</b></p> <p>A <b>Report to Inform Appropriate Assessment (Doc 5.4)</b> has been provided. Also, <b>Habitats Regulations Assessment Site Integrity Matrices (Doc 5.4.1)</b>, a <b>Habitats Regulations Assessment Screening Report (Doc 5.4.2)</b></p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (<b>Docs 5.4 – 5.5.11</b>).</p>
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	implications for the site if required by Regulation 48(1)? <sup>14</sup>	<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>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>No hard copies requested.</b>
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?	<p><b>Yes</b></p> <p><b>Paragraph 1.3</b> of the <b>Cover Letter (Doc 1.1)</b> explains that the Applicant has complied with statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>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</p>

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

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

	application. That advice is published on the National Infrastructure Planning website, here: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446">https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000446</a>
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**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 <sup>16</sup> ?	The fee was received on 20 March 2024; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Karl-Jonas Johansson</i>	22 April 2024
Acceptance Inspector	<i>Gavin Jones</i>	22 April 2024

<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

