



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

## Rampion 2 - 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>10 August 2023</b>	<b>07 September 2023</b>	<b>07 September 2023</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	<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 (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)

	category or categories in Sections (s)14 to 30 does the Proposed Development fall)?	
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 2 July 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 11 August 2020. A copy of the notification letter is provided at <b>Appendix 1.1 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</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> There are 15 host and neighbouring authorities plus 3 non prescribed authorities (additional Local Authorities), of which 9 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 11 August 2023. The 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: <ul style="list-style-type: none"><li>• Adur &amp; Worthing District Council (A Authority)</li></ul>

<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

		<ul style="list-style-type: none"> <li>• Mole Valley District Council (A Authority)</li> <li>• Guildford Borough Council (A Authority)</li> <li>• Arun District Council (B Authority)</li> <li>• Mid Sussex District Council (B Authority)</li> <li>• Surrey County Council (D Authority)</li> <li>• Lewes District Council (A Authority)</li> <li>• Portsmouth City Council (non prescribed)</li> <li>• Crawley District Council (A Authority)</li> </ul> <p>The following authorities have stated that the Applicant may have complied with its duties under s42, s47 and s48 of the PA2008, but they remain concerned regarding compliance with sections 49 and/or 50 of PA2008:</p> <ul style="list-style-type: none"> <li>• Horsham District Council (B Authority)</li> <li>• South Downs National Park Authority (B Authority)</li> <li>• West Sussex County Council (C Authority)</li> <li>• City of Brighton and Hove Council (D Authority)</li> </ul> <p>Many of the issues raised relate to the Applicant's duty to take account of responses to consultation and publicity under s49 of the PA2008. The Planning Inspectorate considers that there is proportionate demonstration in the Consultation Report (<b>Doc 5.1</b>) and Appendices (<b>Doc 5.1.1, 5.1.2</b> and <b>5.1.3</b>) that regard was had by the Applicant to comments received as part of its statutory consultation.</p> <p>Many of the issues raised relate to the Applicant's duty to have regard to guidance issued in accordance with s50 of the PA2008; in particular 'Planning Act 2008: Guidance on the pre-application process'. Section 2.5 of the Consultation Report (<b>Doc 5.1</b>) sets out how the Applicant has complied with this particular guidance. The Planning Inspectorate considers that there is proportionate demonstration in the Consultation Report (<b>Doc 5.1</b>) and Appendices (<b>Doc 5.1.1, 5.1.2</b> and <b>5.1.3</b>) that regard was had by the Applicant to the statutory guidance. For example –</p> <ul style="list-style-type: none"> <li>– The Applicant shared early proposals during its initial non- statutory consultation before consulting on more detailed proposals for the</li> </ul>
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		<p>statutory Project wide consultation. The proposals were then refined through consultation on alternatives and additions.</p> <ul style="list-style-type: none"><li>- During the Project wide statutory consultation, it was identified that a number of addresses had not been sent newsletters. This meant that part of the published Statement of Community Consultation had not been complied with. To rectify the situation, the consultation was extended and reopened. More information about this is set out in Section 5.7 of the Consultation Report.</li><li>- Additional land interests were identified and included throughout the iterative stages of consultation.</li></ul> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: <a href="https://www.planninginspectorate.gov.uk/documents/rampion-2-offshore-wind-farm">Documents   Rampion 2 Offshore Wind Farm (planninginspectorate.gov.uk)</a></p> <p>Additionally, the Planning Inspectorate received other submissions on the Applicant's consultation from land agents on behalf of land owners, community groups (including CowfoldVRampion, representing residents of Cowfold) and members of the public during the Pre-application and Acceptance stages.</p> <p>The Planning Inspectorate has also received a submission from Andrew Griffith, Member of Parliament for Arundel and South Downs, outlining concerns relating to inadequate consultation and lack of engagement. This is on behalf of various Parish Councils including Washington Parish Council, Cowfold Parish Council and Wiston Parish Council. These have been published here: <a href="https://www.planninginspectorate.gov.uk/documents/rampion-2-offshore-wind-farm">Documents   Rampion 2 Offshore Wind Farm (planninginspectorate.gov.uk)</a></p> <p>No response has been received from the following Authorities:</p> <ul style="list-style-type: none"><li>Chichester District Council (A Authority)</li><li>Waverley District Council (A Authority)</li><li>Wealden District Council (A Authority)</li><li>Hampshire County Council (D Authority)</li><li>East Sussex County Council (D Authority)</li></ul>
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		<p>Tandridge District Council (A Authority)  Isle of Wight Council (non prescribed)  Havent Borough Council (non prescribed)</p> <p>The Planning Inspectorate has considered all submitted representations, in relation to concerns bearing directly on adequacy of consultation. The Planning Inspectorate is satisfied that the Applicant has complied with its statutory obligations. The Planning Inspectorate notes the concerns raised in various AoCRs regarding the Applicant's adequacy of consultation specifically within the Cowfold area. The Planning Inspectorate considers that there is proportionate demonstration in <b>Table 2.5</b> of the Consultation Report (<b>Doc 5.1</b>) regarding the Applicant's consultation in this area. To the extent that other matters have been raised in responses, the Planning Inspectorate is satisfied that these matters do not bear on an Acceptance decision and therefore do not affect the conclusion that the Applicant has complied with its statutory obligations. Where appropriate, other issues will be addressed during the Examination.</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><u>2021 Consultation</u></p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 14 July 2021 at <b>Appendix 4.2.1 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 4.2.8 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>2022 Consultation</u></p>

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

		<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 18 October 2022 at <b>Appendix 6.2.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 6.2.8 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>Targeted Consultations</u></p> <p><b>Cable</b> - The Applicant has provided a list of persons consulted under s42(1)(a) on 24 February 2023 at <b>Appendix 7.2.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 7.2.6 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Substation</b> - The Applicant has provided a list of persons consulted under s42(1)(a) on 28 April 2023 at <b>Appendix 8.2.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 8.2.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Highways</b> - The Applicant has provided a list of persons consulted under s42(1)(a) beginning 4 April 2023 at <b>Table 9.1</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 9.1.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Refresh</b> - The Applicant has provided a list of persons consulted under s42(1)(a) starting 14 April 2023.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 10.1.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</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 5.2 of the Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on rounds of consultation dating from 14 July 2021 to 2023.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Mid Sussex District Council</li> <li>• Horsham District Council</li> <li>• Arun District Council</li> <li>• West Sussex County Council</li> <li>• South Downs National Park Authority</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• East Sussex County Council</li> <li>• Adur District Council</li> <li>• Worthing Borough Council</li> <li>• Chichester District Council</li> <li>• Brighton and Hove City Council</li> <li>• Eastbourne Borough Council</li> <li>• Lewes District Council</li> <li>• Isle of Wight Council</li> <li>• Wealden District Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Brighton and Hove City 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>• Adur &amp; Worthing District Council</li> <li>• Chichester District Council</li> <li>• Crawley Borough Council</li> <li>• Mole Valley District council</li> <li>• Tandridge District Council</li> <li>• Waverly Borough Council</li> <li>• Wealden District Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Essex Sussex County Council</li> <li>• Hampshire County Council</li> <li>• Surrey County Council</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix 4.2.8 (Doc 5.1.1), 6.2.8, 7.2.6, 8.2.2, 9.1.2 and 10.1.2 (Doc 5.1.2)</b>, of the <b>Consultation Report (Doc 5.1)</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>Yes</b></p> <p><u>2021 Consultation</u></p> <p><b>Paragraph 5.3.13</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 13 July 2021.</p> <p><b>Paragraphs 5.3.10 to 5.3.15</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 is provided in <b>paragraph 5.3.15</b> of the <b>Consultation Report (Doc 5.1)</b>.</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>The persons consulted under s42(1)(d) are listed at <b>Appendix 4.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 4.3.1 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>2022 Consultation</u></p> <p><b>Paragraph 6.3.2</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraphs 6.3.2 to 6.3.9</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> and the full methodology undertaken by the Applicant.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 6.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 6.3.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>Targeted Consultations</u></p> <p><b>Cable - Paragraph 7.3.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraphs 7.3.1 to 7.3.4</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> and the full methodology undertaken by the Applicant.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 7.2.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>
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	<p>A sample of the letter is provided at <b>Appendix 7.3.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Substation - <b>Paragraph 8.3.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraphs 8.3.1 to 8.3.4</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> and the full methodology undertaken by the Applicant.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 8.2.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 8.3.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Highways - <b>Paragraph 9.3.3</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted.</p> <p><b>Paragraphs 9.3.1 to 9.3.5</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> and the full methodology undertaken by the Applicant.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 9.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 9.1.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Refresh - <b>Paragraph 10.3.1</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted.</p>
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		<p><b>Paragraphs 10.3.1 to 10.3.6 of the 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> and the full methodology undertaken by the Applicant.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix 10.1.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix 10.1.3 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</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><u>2021 Consultation</u></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix 4.2.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>The sample letter dated 13 July 2021 confirmed that consultation commenced on 14 July 2021 and closed on 16 September 2021, providing more than the required minimum time for receipt of responses.</p> <p><u>2022 Consultation</u></p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 6.2.8 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>Targeted Consultations</u></p> <p><b>Cable</b> - A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 7.2.6 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Substation</b> - A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 8.2.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><b>Highways</b> - A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 9.1.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>

		Refresh - A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix 10.1.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b> .
<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><u>2021 Consultation</u></p> <p>The Applicant gave notice under s46 on 13 July which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix 4.5 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix 4.5 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>2022 Consultation</u></p> <p>The Applicant gave notice under s46 on 14 October 2022 which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix 6.5.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix 6.5.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</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 6.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</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	<p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to the following Authorities as part of the second Statutory Consultation (18 October 2022) with the draft updated SoCC</p>

	<p>days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?</p>	<p>issued on 23 March 2022. This was withdrawn and subsequently reissued on 20 April 2022, with a comment period running until 18 May 2022, providing the required minimum time for responses to be received.</p> <p>'B' Authorities</p> <ul style="list-style-type: none"> <li>• Arun District council</li> <li>• Horsham District Council</li> <li>• Mid Sussex District Council</li> <li>• South Downs National Park Authority</li> <li>• West Sussex County Council</li> </ul> <p>And 'C' authorities</p> <ul style="list-style-type: none"> <li>• East Sussex County Council</li> <li>• Adur District Council</li> <li>• Worthing Borough Council</li> <li>• Chichester District Council</li> <li>• Brighton and Hove City Council</li> <li>• Eastbourne Borough Council</li> <li>• Lewes District Council</li> <li>• Isle of Wight Council</li> <li>• Wealden District Council</li> </ul>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p><b>Yes</b></p> <p><b>Appendix 6.8 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b> provides a summary of the consultation responses from Horsham District Council, South Downs National Park Authority and West Sussex County Council 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>• Table added to final SoCC showing how all Gunning principles have been met and adhered to;</li> </ul>

		<ul style="list-style-type: none"> <li>• Community consultation timeline extended from 6 to 9 weeks;</li> <li>• SoCC made available via PDF and wording updated where it may cause issues for translation/visual impairment reading applications</li> </ul> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>Has the SoCC been made available for inspection on a website maintained by or on 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><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>• Ferring Library Ferring Street, Worthing, BN12 5HL</li> <li>• Littlehampton Library Maltravers Road, Littlehampton, BN17 5NA</li> <li>• Bognor Regis Library London Road, Bognor Regis, PO21 1DE</li> <li>• Arundel Library Surrey Street, Arundel, BN18 9DT</li> <li>• Storrington Library Ryecroft Lane, Storrington, RH20 4PA</li> <li>• Henfield Library Off High Street, Henfield, BN5 9HN</li> <li>• Steyning Library Church Street, BN44 3YB</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Isle of Wight Press - 14 October 2022</li> <li>• Mid Sussex Times - 13 October 2022</li> <li>• Sussex Express - 14 October 2022</li> <li>• The Argus - 12 October 2022</li> <li>• West Sussex County Times - 13 October 2022</li> <li>• West Sussex Gazette - 12 October 2022</li> </ul> <p>The published SoCC notice, provided at <b>Appendix 6.1.11 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b> states where and when the final SoCC was available to inspect.</p>

		Clippings of the published advertisements are provided at <b>Appendix 6.1.11</b> of the <b>Consultation Report (Doc 5.1)</b> .
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?	<b>Yes</b> <b>Page 9</b> of the final SoCC at <b>Appendix 6.1 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</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.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<b>Yes</b> <b>Paragraphs 6.5.1 to 6.5.9</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. <b>Table 6.4</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. <b>Appendix 6.1</b> of the <b>Consultation Report (Doc 5.1)</b> provides evidence that the commitments within the final SoCC have been carried out.
<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 APFP Regulations which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<b>Yes</b> <b>Paragraph 5.6.1</b> of the <b>Consultation Report (Doc 5.1)</b> states: <i>“Section 48 of the Act requires the Applicant to publicise the proposals in the ‘prescribed manner’. The prescribed manner is set out in the APFP Regulations, in which Schedule 1 details the publications that the notice is required to be published in. Note that the notice contained all of the information required in the Regulations.”</i> <b>Paragraph 6.6.1</b> of the <b>Consultation Report (Doc 5.1)</b> states: <i>“Section 48 of the Act requires the Applicant to publicise the proposals in the ‘prescribed manner’. The prescribed manner is set out in the APFP Regulations,</i>

<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><i>in which Schedule 1 details the publications that the notice is required. Copies of the notices can be found in Appendix 6.6.”</i></p> <p><b>Table 5.8</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity for the first Statutory Consultation as set out below.</p> <p><b>Table 6.6</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity for the second on-shore Statutory Consultation as set out below</p> <p>A copy of the s48 notice is provided at <b>Appendix 4.6 (Doc 5.1.1)</b> and <b>Appendix 6.6 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p>Clippings of the published notices for the first Statutory Consultation set out below are provided at <b>Appendix 4.6 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>:</p> <p>Clippings of the published notices for the second on-shore Statutory Consultation set out below are provided at <b>Appendix 6.6 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b>:</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;"></th> <th style="width: 45%; text-align: center;">Newspaper(s)</th> <th style="width: 20%; text-align: center;">Date</th> </tr> </thead> </table>				Newspaper(s)	Date			
	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;	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 35%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Isle of White Press</li> </ul> </td> <td style="width: 20%; vertical-align: top;">16 July 2021 and 23 July 2021</td> </tr> <tr> <td style="width: 35%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Mid Sussex Times</li> </ul> </td> <td style="width: 20%; vertical-align: top;">15 July 2021, 22 July 2021, 20 October 2022, and 27 October 2022</td> </tr> <tr> <td style="width: 35%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Sussex Express</li> </ul> </td> <td style="width: 20%; vertical-align: top;">16 July 2021, 23 July 2021, 21 October</td> </tr> </tbody> </table>	<ul style="list-style-type: none"> <li>• Isle of White Press</li> </ul>	16 July 2021 and 23 July 2021	<ul style="list-style-type: none"> <li>• Mid Sussex Times</li> </ul>	15 July 2021, 22 July 2021, 20 October 2022, and 27 October 2022	<ul style="list-style-type: none"> <li>• Sussex Express</li> </ul>	16 July 2021, 23 July 2021, 21 October
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<ul style="list-style-type: none"> <li>• Sussex Express</li> </ul>	16 July 2021, 23 July 2021, 21 October							

		<ul style="list-style-type: none"> <li>• The Argus</li> <li>• West Sussex County Times</li> <li>• West Sussex Gazette</li> </ul>	<p>2022, and 28 October 2022</p> <p>14 July 2021, 21 July 2021, 18 October 2022, and 25 October 2022</p> <p>15 July 2021, 22 July 2021, 20 October 2022, and 27 October 2022</p> <p>14 July 2021, 21 July 2021, 19 October 2022, and 26 October 2022</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>• The Guardian</li> </ul>	19 July 2021 and 19 October 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>• The London Gazette</li> </ul>	19 July 2021 and 18 October 2022
d)	<p>where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<ul style="list-style-type: none"> <li>• Lloyds List</li> <li>• Fishing News</li> </ul>	<p>19 July 2021 and 18 October 2022</p> <p>15 July 2021 and 20 October 2022</p>

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p><b>Yes</b></p> <p><u>2021 Consultation</u></p> <p>The published s48 notice, supplied at <b>Appendix 4.6 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b>; and</p> <p><u>2022 Consultation</u></p> <p>The published s48 notice, supplied at <b>Appendix 6.6 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b> contains the required information as set out below:</p>
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Information		Paragraph	
a)	the name and address of the Applicant.	1 (2021) 1 (2022)	b) a statement that the Applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	4 (2021) 6 (2022)	d) a summary of the main proposals, specifying the location or route of the Proposed Development
e)	a statement that the documents, plans and maps 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> <li>• The place on the website</li> </ul>	2, 3, 5 and 6 (2021) 4, 5, 7 and 10 (2022)	f) the latest date on which those documents, plans and maps will be available for inspection

	<ul style="list-style-type: none"> <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	7 (2021) 10 (2022)	h)	details of how to respond to the publicity	8 (2021) 11 (2022)
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	8 (2021) 8 and 10 (2022)			
21	<p>Are there any observations in respect of the s48 notice provided above?</p> <p><b>Yes</b></p> <p>Whilst the s48 is clear that a USB drive with the full document set would be provided without charge, the fee to be charged and related charging structure for hard copies of the consultation documents is not clearly set out. Regulation 4 (3) (g) of The Infrastructure Planning (Applications: Prescribes Forms and Procedure) Regulations 2009 (as amended) specifies that the notice must state whether a charge will be made and the amount of the charge.</p>				
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 11.1.7</b> of the <b>Consultation Report (Doc 5.1)</b>.</p> <p><u>2021 Consultation</u></p> <p>A sample of the s42 consultation letter provided at <b>Appendix 4.2 (Doc 5.1.1)</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.</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

		<p><u>2022 Consultation</u></p> <p>A sample of the s42 consultation letter provided at <b>Appendix 6.2 (Doc 5.1.2)</b> of the <b>Consultation Report (Doc 5.1)</b> confirms a copy of the s48 notice was enclosed.</p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>		
23	<p>Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p><b>Yes</b></p> <p><b>Appendix 11 (Doc 5.1.3)</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>
<p><b>Guidance about pre-application procedure</b></p>		
24	<p>To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process'<sup>11</sup>?</p>	<p><b>Section 2</b> of the <b>Consultation Report (Doc 5.1)</b> outlines a checklist of compliance against and shows consideration 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	<p><b>Summary: Section 55(3)(e)</b></p>	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p>
<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></p>		

<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	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <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 (Doc 2.9 and 2.10)</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 (Doc 5.1.1, 5.1.2 and 5.1.3)</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>	<b>Yes</b>									
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>Information</th> <th>Document</th> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA Regulations<sup>13</sup> and any</td> <td> <b>Environmental Statement (ES) Volume 1 – Non-Technical Summary (Doc 6.1)</b>   <b>ES Volume 2 – Main Volume (ES Chapters 1-31) (Doc 6.2.1-6.2.31)</b> </td> <td>b) The draft Development Consent Order (DCO)</td> <td><b>Draft Development Consent Order (Doc 3.1)</b></td> </tr> </tbody> </table>		Information	Document	Information	Document	a) Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any	<b>Environmental Statement (ES) Volume 1 – Non-Technical Summary (Doc 6.1)</b>  <b>ES Volume 2 – Main Volume (ES Chapters 1-31) (Doc 6.2.1-6.2.31)</b>	b) The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>		
Information	Document	Information	Document								
a) Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any	<b>Environmental Statement (ES) Volume 1 – Non-Technical Summary (Doc 6.1)</b>  <b>ES Volume 2 – Main Volume (ES Chapters 1-31) (Doc 6.2.1-6.2.31)</b>	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

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

<p>scoping or screening opinions or directions</p>	<p><b>ES Volume 3 – Figures for ES Chapters 1-21 (Doc 6.3.1-6.3.21), ES Chapters 23-26 (Doc 6.3.23 - 6.3.26), and ES Chapter 28 (Doc 6.3.28)</b></p> <p><b>ES Volume 4 – Technical Appendices for ES Chapter 1 (Doc 6.4.4.1), ES Chapters 3-6 (Doc 6.4.3.1-6.4.6.3), ES Chapters 8-26 (Doc 6.4.8.1 – 6.4.26.4), ES Chapters 28-29 (Doc 6.4.28.1-6.4.29.1).</b></p> <p>The figures for Volume 2 Chapter 22 (Ecology) are included within the individual desk studies / <b>species</b> surveys in ES Volume 4 (<b>Docs 6.4.22.1 – 6.4.22.17</b>). There are no figures for ES Chapter 29 (Climate Change), and no figures or appendices for ES Chapters 27 (Major Accidents and Disasters) or 30 (Interrelated Effects).</p> <p><b>Environmental Statement Volume 4, Appendix 5.1: Planning Inspectorate’s Scoping Opinion (Doc 6.4.5.1)</b></p>		
<p>Is this of a satisfactory standard?</p>	<p><b>Yes – (with minor discrepancies set out in s51 advice).</b></p>	<p>Is this of a satisfactory standard?</p>	<p><b>Yes – (with minor discrepancies set out in box 30 and s51 Advice).</b></p>

c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.3)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes – (with minor discrepancies set out in box 30 and s51 advice).</b>
e)	A copy of any Flood Risk Assessment	<b>ES Volume 4, Appendix 26.2: Flood Risk Assessment (Doc 6.4.26.2)</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?	<b>Yes</b>		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.2)</b>	i)	A Land Plan identifying:-  (i) the land required for, or affected by, the Proposed Development;  (ii) where applicable, any land over which it is	<b>Land Plans (Doc 2.1.2)</b>



			<p>proposed to exercise powers of Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to 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?	<b>Yes</b> – <i>(with minor discrepancies set out in box 30).</i>	Is this of a satisfactory standard?	<b>Yes</b> – <i>(with minor discrepancies set out in box 30 and s51 advice).</i>
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><b>Offshore Works Plans (Doc 2.2.1)</b></p> <p><b>Onshore Works Plans (Doc 2.2.2)</b></p>	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>Access, Rights of Way and Street Plans (Doc 2.5)</b></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			
	Is this of a satisfactory standard?	<b>Yes</b>		Is this of a satisfactory standard?
l)	Where applicable, a plan with accompanying information identifying:-  (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;  (ii) habitats of protected species, important habitats or other diversity features; and  (iii) water bodies in a river basin management plan, together with an assessment of any	(i) <b>Site Characterisation Report Date: August 2023 Revision A (Doc 5.2); Environmental Statement Volume 3, Chapter 18: Landscape and visual impact assessment – Figures (Doc 6.3.18); Environmental Statement Volume 3, Chapter 24: Ground conditions – Figures (Doc 6.3.24); and, Environmental Statement Volume 3, Chapter 26: Water environment – Figures (Doc 6.3.26).</b>  (ii) <b>Draft Marine Conservation Zone assessment (Doc 5.11); Environmental Statement Volume 3, Chapter 6: Coastal</b>	m)	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 the Proposed Development
				<b>Environmental Statement Volume 3, Chapter 16: Marine archaeology – Figures (Doc 6.3.16); and Environmental Statement Volume 3, Chapter 25: Historic environment – Figures (Doc 6.3.25) including:</b>  <b>ES Figures 25.2a-25.2h (Designated heritage assets within Study Area)</b>  <b>ES Figures 25.3a-25.3x HER monument records and UKHO wreck sites</b>  <b>ES Figures 25.4a-25.4h Archaeological Notification Areas</b>  <b>ES Figures 25.5a-25.5h, 25.6a-25.6h, 25.7a-25.7c, 25.8a-25.8c, Designated heritage assets.</b>

<p>effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p><b>processes – Figures (Doc 6.3.6); Environmental Statement Volume 3, Chapter 8: Fish and shellfish – Figures (Doc 6.3.8); Environmental Statement Volume 3, Chapter 9: Benthic, subtidal and intertidal ecology - Figures (Doc 6.3.9); Environmental Statement Volume 3, Chapter 11: Marine mammals – Figures (Doc 6.3.11); Environmental Statement Volume 3, Chapter 12: Offshore and intertidal ornithology – Figures (Doc 6.3.12); Environmental Statement Volume 4, Appendix 22.2: Terrestrial ecology desk study (Doc 6.4.22.2); Environmental Statement Volume 4, Appendix 22.3: Extended Phase 1 habitat survey report (Doc 6.4.22.3); Environmental Statement Appendix 22.5: Hedgerow survey report (Doc 6.4.22.5); Environmental Statement Volume 4, Appendix 22.7: Great Crested Newt environmental DNA survey</b></p>			
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	<p>report 2021-2023 (Doc 6.4.22.7); Environmental Statement Volume 4, Appendix 22.8: Passive and active bat activity report (Doc 6.4.22.8); Environmental Statement Volume 4, Appendix 22.9: Hazel dormouse report 2020-2022 (Doc 6.4.22.9); Environmental Statement Volume 4, Appendix 22.10: Invertebrate survey report (Doc 6.4.22.10); Environmental Statement Volume 4, Appendix 22.11: Badger, otter and water vole survey report (Doc 6.4.22.11); Environmental Statement Volume 4, Appendix 22.12: Reptile survey (Doc 6.4.22.12); Environmental Statement Volume 4, Appendix 22.13: Breeding bird survey (Doc 6.4.22.13); Environmental Statement Volume 4, Appendix 22.14: Onshore winter bird report 2020 – 2022 (Doc 6.4.22.14); and Environmental Statement Volume 4, Appendix 22.17: Bat tree ground level visual</p>		
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		<b>assessment survey report (Doc 6.4.22.17).</b> (iii) <b>Environmental Statement Volume 3, Chapter 26: Water environment – Figures (Doc 6.3.26).</b>		
	Is this of a satisfactory standard?	<b>Yes - (with minor discrepancies set out in s51 advice).</b>		Is this of a satisfactory standard? <b>Yes</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Offshore Crown Land Plan (Doc 2.3)</b> <b>Onshore Crown Land Plan (Doc 2.8)</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 (Offshore) (Doc 2.10)</b> <b>Offshore Order Limits and Grid Coordinates Plan (Doc 2.11)</b> <b>Special Category Land Plan (Doc 2.4)</b> <b>Tree Preservation Order and Hedgerow Plan (Doc 2.6)</b> <b>Open Access Land Plan (Doc 2.7)</b> <b>Location Plan (Onshore) (Doc 2.9)</b>
	Is this of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard? <b>Yes</b>
p)	Any of the documents prescribed by	<b>Grid Connection and Cable Statement (Doc 5.5)</b> <b>Safety Zone Statement (Doc 5.6)</b>	q)	Any other documents considered necessary  <b>Site Characteristics Report (Doc 5.2)</b> <b>Planning Statement (Doc 5.7)</b>

Regulation 6 of the APFP Regulations:		to support the application	<b>Design and Access Statement (Doc 5.8)</b> <b>Outline Management Plans (Doc 7.6)</b> <b>Evidence Plan and Commitments Register (Doc 7.22)</b> <b>Draft Marine Conservation Zone Assessment (Doc 5.11)</b>
Are they of a satisfactory standard?	<b>Yes</b>	Are they of a satisfactory standard?	<b>Yes - (with minor discrepancies set out in box 30).</b>
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?		
<p><b>Land Plans (Doc 2.1.2)</b></p> <ul style="list-style-type: none"> <li>- Cut lines make plans difficult to read and appear incomplete examples being on sheet 1/2, 2/3 and sheet 22.</li> <li>- Inserts not used for some smaller plots (examples 1/20, 14/5, 17/4, 27/21).</li> <li>- Full legends are used for every sheet, this is not always required.</li> </ul> <p><b>Book of Reference (Doc 4.3)</b></p> <ul style="list-style-type: none"> <li>- A cross reference is needed to ensure all plots are labelled accurately. Some descriptions in BoR not named in a way that they can be identified (i.e Atherington Cottages for plots 1/6).</li> <li>- The numbering of insert 9a is incorrect.</li> </ul> <p><b>Works Plans (Doc 2.2.1 to 2.2.2)</b></p> <ul style="list-style-type: none"> <li>- The plan doesn't identify works 9 (a), 9 (b) individually.</li> <li>- Unable to identify Work No. 14 .</li> </ul> <p><b>Statement of Reasons (Doc 4.1)</b></p>			

- Land identified at Plot No. 34/25 states in Appendix 1 that it will be used for Works Nos. 10, 13 and 19. The works also include a small area of work no. 15 (operational access) in 'pink' stripes.
- Plot no 24/6 states in Appendix 1 it will be used for works no 14. An insert 24/A on the Land plans but no insert is provided on the Works Plans. The red outline is very thick, making plot 24/6 illegible.

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

- A description cannot be found similar to that of Work No. 2b or 2c (cables and connections from the WTGs to the offshore substation) in the ES Volume 2 Chapter 4, The Proposed Development. Works Nos. 2a and 2b are spatially depicted on the Works Plans. Again, differing terminology is used.
- ES Volume 2, Chapter 4, section 4.4.6 again has minor inconsistencies as to whether the temporary construction compound is in works 8 or 9. It is referred to in works 9 in the draft DCO but the description in section 4.4.6 infers it is part of works 8.
- The description of works 10 to 18 in the dDCO appear much less detailed than the description of other numbered works in the dDCO.
- Scour protection should be included in the dDCO works description.
- The description of the proposed development in ES Volume 2 Chapter 4 section 4.4.5 mentions a connection into the A259. This is not mentioned within Work No.9 in the dDCO but a similar connection to another A-road is described under Work No.19 in the dDCO.
- There is limited mention to drainage works – they are only referenced once in the ES Volume 2 Chapter 4 in relation to the whole of the cable construction, however it is a component of many of the numbered works in the dDCO such as, Works no 9 (e), 16, 18 and 19 (3).
- There is limited consistency between landfall works description in Environmental statement Volume 2 Chapter 4 section 4.4.3 and Works numbers 6 and 9 when describing the intertidal works.
- The onshore grid connection at Bolney substation is described in Environmental Statement Volume 2 Chapter 4 section 4.6.1. However, circuit breakers, surge arrestors, relay marshalling rooms are not mentioned specifically in the Environmental Statement Volume 2 Chapter 4 but they are mentioned specifically in the dDCO.

#### **Planning Statement (Doc 5.7)**

- PS references location as between 13km and 25km off the Sussex Coast whereas the Executive Summary of Volume 2 Chapter 4 of the ES and the introductory Chap of ES references 13km and 26km.

#### **Design and Access Statement (Doc 5.8)**

	<p>– Plans at Appendix C &amp; D are very poor quality – the keys are either missing or are on the first page so out of sequence and illegible.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matters:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010117-000420">https://infrastructure.planninginspectorate.gov.uk/document/EN010117-000420</a></p>	
31	<p>Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &amp;c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?<sup>14</sup></p>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (<b>Doc 5.9</b>). 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	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans<sup>15</sup></p>	<p><b>No hard copies requested.</b></p>
33	<p>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>	<p><b>Yes</b></p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.</p>
34	<p><b>Summary - s55(3)(f) and s55(5A)</b></p>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p>

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

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



	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: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010117-000420">https://infrastructure.planninginspectorate.gov.uk/document/EN010117-000420</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 07 August 2023; before the application was made.
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<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Emily Davies</i>	07 September 2023
Acceptance Inspector	<i>Richard Allen</i>	07 September 2023

<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

