



NORTH FALLS

Offshore Wind Farm

Draft Section 55 Checklist

Document Reference:	1.5
Volume:	1
APFP Regulation:	5(2)(q)
Date:	July 2024
Revision:	0

Project Reference: EN010119



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Project	North Falls Offshore Wind Farm
Document Title	Draft Section 55 Checklist
Document Reference	1.5
APFP Regulation	5(2)(q)
Supplier	Stantec
Supplier Document ID	33313180800.DS.0724

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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
0	July 2024	Submission	Stantec	NFOW	NFOW



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: October 2019

Section 55 Acceptance of Applications Checklist

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

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		[26 July 2024]	[23 August 2024]	
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?	<p>Yes.</p> <p>North Falls Offshore Wind Farm (the 'Project' or 'North Falls') will comprise an offshore generating station with a capacity exceeding 100 megawatts (MW). The Proposed Development is set out in Schedule 1 to the draft Development Consent Order (Document Reference: 6.1).</p> <p>The Project is therefore classified as a nationally significant infrastructure project (NSIP) under sections 14(1)(a) and 15(3) of the Planning Act 2008 (the Act) and</p>		

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

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

	If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	requires development consent in accordance with section 31 of the Act. This is an application for a development consent order (DCO). The information above is set out in the Application Form (Document Reference: 1.2).
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate can be satisfied that the draft DCO (Document Reference: 6.1) includes development for which development consent is required.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	Yes. The Applicant notified the Secretary of State (via the Planning Inspectorate) in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that it would be submitting an Environmental Statement in respect of the Project in a letter dated 16 July 2021 as set out in the Appendix H.1 of the Consultation Report Appendix G.6 to H.3 (Part 4) (Document Reference: 4.1.4.4). On that same date (and as part of the same correspondence), the Applicant submitted a scoping request to the Secretary of State via the Planning Inspectorate. A Scoping Opinion (Document Reference: 7.25) was adopted by the Secretary of State on 26 August 2021.
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<i>The Planning Inspectorate to complete.</i>

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

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

Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes.</p> <p>The Applicant consulted the applicable prescribed persons under section 42(1)(a) of the PA2008 about the proposed application. The Applicant's Stage 3 (statutory) consultation took place from 16 May 2023 to 14 July 2023 (a period of 59 days).</p> <p>The Applicant has consulted all relevant persons prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as outlined in Appendix F.22 of the Consultation Report Appendix F.15 – F.30 (Part 3) (Document Reference: 4.1.3.3).</p> <p>Additional potentially interested stakeholders, not identified under section 42 or the list of prescribed bodies under regulation 11(1)(c), were sent the same information as section 42 consultees. These are listed in Appendix F.22 of the Consultation Report Appendix F.15 – F.30 (Part 3) (Document Reference: 4.1.3.3).</p> <p>The Applicant held a further round of consultation as part of its Stage 4 (targeted) consultation from 14 March 2024 to 22 April 2024. During this stage, the Applicant consulted the relevant section 42(1)(a) consultees listed in Appendix G.7 of the Consultation Report Appendix G.6 to H.3 (Part 4) (Document Reference: 4.1.4.4).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes.</p> <p>The Applicant consulted with the Marine Management Organisation. This is outlined in Appendix F.22 of the Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3).</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes the Applicant consulted with each local authority within s43 as follows:</p>

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

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

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

		<p>'B' Host Authorities:</p> <ul style="list-style-type: none">• Tendring District Council <p>'C' Host Authorities:</p> <ul style="list-style-type: none">• Essex County Council <p>'A' Neighbouring Authorities:</p> <ul style="list-style-type: none">• Colchester City Council• Babergh District Council• Suffolk County Council ('D' also) <p>'D' Neighbouring Authorities:</p> <ul style="list-style-type: none">• Hertfordshire County Council• Cambridgeshire County Council• Southend-on-Sea City Council• Thurrock Council• Medway Council• Havering London Borough Council• Enfield London Borough Council• London Borough of Waltham Forest• Redbridge London Borough Council <p>The Applicant also consulted the following authorities as non-prescribed consultees potentially impacted by the Project, with respect to landscape, visual, and seascape effects.</p>
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		<ul style="list-style-type: none"> • East Suffolk Council • Kent County Council • Maldon District Council • Rochford District Council <p>The list is included in Table 7.1 Section 7 of the Consultation Report (Document Reference: 4.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Consultation under section 42(1)(c) was not required as the land required for the Project is not in Greater London.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes.</p> <p>The Applicant consulted all persons identified under one or more categories set out in section 44 of the PA2008, persons with a relevant interest in land affected by the Project. These persons are identified in the Book of Reference (Document Reference: 6.3)</p> <p>A list of persons consulted under the Stage 3 (statutory) consultation is included in Appendix C.8 of the Consultation Report Appendix B.1 to D.16 (Document Reference: 4.1.1)</p> <p>A list of persons consulted under the Stage 4 (targeted) consultation is included in Appendix C.8 of the Consultation Report Appendix B.1 to D.16 (Document Reference: 4.1.1).</p> <p>As outlined in Section 11.3 of the Consultation Report (Document Reference: 4.1) 172 Persons with an Interest in the Land (PILs) were initially identified and sent letters at the beginning of Stage 4 (targeted) consultation. An additional 31 PILs were identified following the commencement of the consultation and were subsequently consulted in the same manner in excess of the statutory minimum requirement of at least 28 days (see Appendix C.21 of the Consultation Report Appendix B.1 to D.16 (Document Reference: 4.1.1) for the letter to these additional consultees).</p>

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

Section 45: Timetable for s42 consultation

11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>The Applicant held consultation under s42 as part of the Applicant's Stage 3 (statutory) consultation from the 16 May 2023 to the 14 July 2023 (a period of 59 days). This deadline was stated in the letter and email sent to consultees. An example of the email is included in Appendix F.24 and an example of the letter is included in Appendix F.24.1 of the Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3).</p> <p>The Applicant held further consultation which included consultation with relevant section 42 consultees as part of the Applicant's Stage 4 (targeted) consultation from the 14 March 2024 to 22 April 2024 (a period of 40 days). This deadline was stated in the letter and email to consultees. An example of the email is included in Appendix G.9 and an example of the letter is included in G.9.2 of the Consultation Report Appendix G.6 to H.3 (Part 4) (Document Reference: 4.1.4.4).</p> <p>The additional 31 persons with interests in the land were issued letters following the Stage 4 (targeted) consultation and consulted for a period of 29 days (see Appendix C.21 of the Consultation Report Appendix B.1 to D.16 (Document Reference: 4.1.1) for the letter to these additional consultees).</p>
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Section 46: Duty to notify the Planning Inspectorate of proposed application

12	<p>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>	<p>Yes.</p> <p>The Applicant notified the Planning Inspectorate under s46 of the Planning Act 2008 of the proposed application in writing (by letter and email) on the 15 May 2023, ahead of commencement of Stage 3 (statutory) consultation commencing on the 16 May 2023.</p> <p>The postal notification included the following documents:</p> <ul style="list-style-type: none"> • Hard copy section 46 cover letter; • Hard copy of the Project's section 48 notice; • A USB containing the same information as was provided to section 42 consultees, as follows:
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		<ul style="list-style-type: none"> ○ Example covering letter to statutory and / or non-statutory consultees under section 42 of the Act and / or regulation 13 of the EIA Regulations; ○ Example covering letter to land interests consulted under section 42 of the Act; ○ Notice publicising the proposed DCO application under Section 48 of the Act; ○ Feedback form; ○ PEIR; ○ PEIR NTS; ○ Guide to the PEIR; ○ Plans showing the onshore and offshore locations of the Project; ○ Draft information for the HRA; and ○ Draft information for the Marine Conservation Zone Assessment. <p>The Planning Inspectorate confirmed receipt on 18 May 2023.</p> <p>A copy of the section 46 notification letter is included in Appendix F.28 of the Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3). A copy of the Planning Inspectorate's confirmation of receipt is included in Appendix F.29 of the Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3).</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>The Applicant prepared a Statement of Community Consultation (SoCC) which was published on the 26 March 2023 setting out how it intended to consult people living in the vicinity of the land. The published SoCC is included in Appendix F.35 of the Consultation Report Appendix F.31 to F.47 (Part 4) (Document Reference: 4.1.3.4)</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	<p>Yes.</p>

	beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>A draft SoCC was consulted on with the following authorities as outlined in Section 9.3 of the Consultation Report (Document Reference: 4.1):</p> <ul style="list-style-type: none"> • Tendring District Council ('B') • Essex County Council ('C') <p>The Applicant formally consulted these authorities on the draft SoCC from the 4 April 2022 to the 20 May 2022 (allowing greater than the 28-day response period from the day after the day on which the document was received).</p> <p>Table 9.1 of the Consultation Report (Document Reference: 4.1) includes host and neighbouring authorities consulted on the draft SoCC. This included Suffolk County Council and East Suffolk Council who were consulted as non-prescribed consultees potentially impacted by the Project, with respect to landscape, visual, and seascape effects.</p> <p>Table 9.2 of the Consultation Report (Document Reference: 4.1) includes the additional stakeholders that were consulted on the draft SoCC. This included Members of Parliament and numerous Parish Councils.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>The Applicant had regard to all relevant comments received on the draft SoCC.</p> <p>Details of the responses and how the Applicant had regard to them are provided in Table 9.3 within Section 9.4 of the Consultation Report (Document Reference: 4.1).</p> <p>Changes made to the draft SoCC following feedback included (but not limited to) the following:</p> <ul style="list-style-type: none"> • Greater reference was made to Five Estuaries and the Applicant's commitment to collaboration; • The Applicant's final SoCC committed to each stage of consultation exceeding the statutory minimum of 28 days; • The Applicant's SoCC was amended to remove the explanation of Greater Gabbard and instead include the total offshore area of the proposed wind farm; • The Applicant's SoCC was amended to clarify a three-kilometre consultation zone either side of the proposed landfall and above and below ground

		infrastructure, and one kilometre from other areas identified as being directly affected by construction activities.
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>The SoCC was published on the Project website on 26 March 2023. Hard copies of the SoCC were placed at three deposit locations from 28 March 2023 until the 14 July 2023 when Stage 3 (statutory) consultation closed.</p> <p>The deposit locations are listed in Table 9.4 in Section 9.5 of the Consultation Report (Document Reference: 4.1) and were selected on the basis that they were considered reasonably convenient for members of the public living in the vicinity of the land required for the Project. Proof of the SoCC being placed in these locations can be found in Appendix F.37 of the Consultation Report Appendix F.31 to F.47 (Part 4) (Document Reference: 4.1.3.4).</p> <p>A notice publicising the SoCC in accordance with section 47(6)(a) of the PA2008 was placed on 29 March 2023 in the Daily Gazette. A copy of this notice is included in Appendix F.38 of the Consultation Report Appendix F.31 to F.47 (Part 4) (Document Reference: 4.1.3.4).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes.</p> <p>The SoCC stated that the Project is an EIA development, and that the preliminary environmental information was to be made available and consulted on as part of the consultation.</p> <p>The published SoCC can be found in Appendix F.35 of the Consultation Report Appendix F.31 to F.47 (Part 4) (Document Reference: 4.1.3.4), in which reference to the development being EIA development and preliminary environmental information can be found on page 10, under section 3.2 (environmental information).</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>The Applicant undertook consultation under section 47 of the PA2008 in accordance with the SoCC.</p>

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

		The Applicant has set out how it has complied with the SoCC in Table 9.5 of Section 9.6 of the Consultation Report (Document Reference 4.1).
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Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes.</p> <p>The Applicant publicised the application in the prescribed manner set out in regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) in accordance with s48 of the Act.</p> <p>Table 10.1 of Section 10.1 of the Consultation Report (Document Reference: 4.1) sets out the various publications and corresponding dates for when the press notices were published.</p> <p>A copy of the all the section 48 notices is included within the Consultation Report Appendix F.48 to F.60.1 (Part 5) (Document Reference: 4.1.3.5) and are specifically listed in the table below.</p>
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		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;	The Daily Gazette (Appendix F.51 and F.54)	16 May 2023 23 May 2023
b)	once in a national newspaper;	The Guardian (Appendix F.53)	16 May 2023
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette (Appendix F.52)	16 May 2023
d)	where the proposed application relates to offshore development –	Fishing News (Appendix F.49)	15 May 2023
	(i) once in Lloyds List; and	Lloyd’s List (Appendix F.50)	16 May 2023
	(ii) once in an appropriate fishing trade journal?		

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Table 10.2 of Section 10.1 of the Consultation Report (Document Reference: 4.1) sets out the information that was included within the section 48 notices as prescribed.
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Information		Paragraph	
a)	the name and address of the Applicant.	'North Falls Offshore Wind Farm Limited (company number 12435947) with registered office at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB'	b) a statement that the Applicant intends to make an application for development consent to the Secretary of State The Applicant 'intends to make an application to the Secretary of State for Energy Security and Net Zero under Section 37 of the Planning Act 2008 for development consent (the "Application"). for North Falls Offshore Wind Farm ("North Falls")'
c)	a statement as to whether the application is EIA development	'North Falls is an environmental impact assessment (EIA) development as defined in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017'	d) a summary of the main proposals, specifying the location or route of the Proposed Development 'North Falls is a proposed offshore wind farm located in the southern North Sea, approximately 20 kilometres from the East Anglia coast at its nearest point. An offer has been accepted from National Grid for an onshore grid connection in Tendring, North Essex, approximately 24 kilometres from the coast near Frinton-on-Sea, the likely landfall location for that connection option. North Falls is set to support the UK's target of 50GW of installed offshore wind capacity by 2030. North Falls comprises: <ul style="list-style-type: none"> • Up to 72 offshore wind turbine generators • Up to two offshore substation platforms • Platform interconnector cables

					<ul style="list-style-type: none"> • Inter-array cables • Three options for transmission infrastructure': <ul style="list-style-type: none"> o Option 1: Onshore electrical connection at a connection point within Tendring, Essex, with a project alone onshore cable route and onshore substation infrastructure; o Option 2: Onshore electrical connection at a National Grid connection point within Tendring, Essex, sharing an onshore cable route with separate onshore export cables with another project (such as Five Estuaries) where practicable, or o Option 3: Offshore electrical connection supplied by a third-party electricity network provider. Such a connection will potentially be identified through the OTNR process.'
e)	<p>a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which</p>	<p>'From the start of the statutory consultation on 16 May 2023, the North Falls Preliminary Environmental Information Report (PEIR), a non-technical summary (NTS) providing an overview of the proposals, consultation booklet and other documents, plans and maps showing the nature and location of the Project will be available to view and download free of charge via the consultation portal</p>	f)	<p>the latest date on which those documents, plans and maps will be available for inspection on the website</p>	<p>'The documents, plans and maps will all be available online for at least the duration of the statutory consultation period ending at 11.59pm on 14 July 2023.'</p>

<p>can be used to contact the Applicant for enquiries in relation to the documents, plans and maps</p>	<p>(www.stat.northfallsoffshore.com). The consultation portal can be accessed from the website (www.northfallsoffshore.com).</p> <p>Alternatively, copies of the documents can be requested by calling 0800 254 5340 or by emailing contact@northfallsoffshore.com. These contact details can also be used for any enquiries relating to the documents, plans and maps accompanying this consultation.'</p> <p>Paper copies of all consultation documents were also available to view free of charge at addresses in the vicinity of the Project:</p> <p>'Paper copies of all the consultation documents – including the PEIR - will be available to view at the following drop-in consultation events:</p> <ul style="list-style-type: none"> • Great Bromley Village Hall, 2 June 2023, 3:30-7:30pm • Tendring Village Hall, 3 June 2023, 9am-1pm • McGrigor Hall, Frinton-on-Sea, 8 June 2023, 3:30-7:30pm • Thorpe-le-Soken Women's Institute, 9 June 2023, 3:30-7:30pm 			
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		• Ardleigh Village Hall, 10 June, 9am-1pm'			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	<p>'Electronic copies of the documents on a USB stick can be requested free of charge along with paper copies of the NTS, consultation booklet and previously published Statement of Community Consultation (SoCC).</p> <p>However due to the size of the PEIR, a charge of £3,500 would be applied for a paper copy, to cover the production costs.'</p>	h)	details of how to respond to the publicity	<p>'Responses can be submitted via a feedback form or the interactive map on the project consultation portal (www.stat.northfallsoffshore.com); via feedback forms or postcards available at the consultation events; by email contact@northfallsoffshore.com, or in writing to FREEPOST NORTH FALLS. Any responses related to North Falls statutory consultation should be received by the Applicant using the details above by 11.59pm on 14 July 2023.'</p>
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	'Any responses related to North Falls statutory consultation should be received by the Applicant using the details above by 11.59pm on 14 July 2023'			
21	Are there any observations in respect of the s48 notice provided above?				
	No.				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<p>Yes.</p> <p>Letters which enclosed the section 48 notices were sent to all EIA consultation bodies on the 16 May 2023.</p> <p>A copy of the letter is included within Appendix F.24.1 of the Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3).</p>			

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

s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>The Applicant has had regard to all the relevant responses received in response to the s42 and s47 consultation. No respondents specifically referenced s48 in their feedback.</p> <p>The Applicant's regard to responses to s42 are included in Appendix F.14.</p> <p>The Applicant's regard to responses to s47 are included in Appendix F.14.1.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Table 2.4 Chapter 2 of the Consultation Report confirms that the Applicant has had regard to the statutory guidance 'Planning Act 2008: Guidance on the pre-application process' (March 2015 – withdrawn April 2024) pursuant to Section 50 of the PA2008 which was relevant at the time of statutory consultation for the Project.</p> <p>Guidance from the Department for Levelling Up, Housing and Communities titled the 'Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects' was published in April 2024 and the Applicant has had regard to it in the preparation of the Consultation Report (Document Reference: 4.1).</p>
25	Summary: Section 55(3)(e)	The Planning Inspectorate can be satisfied that the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:	Yes.

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

	<ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>The Cover Letter (Document Reference: 1.1) and Application Form (Document Reference: 1.2) provide a brief statement explaining why the Project falls within the remit of the Planning Inspectorate.</p> <p>Box 6 of the Application Form (Document Reference: 1.2) provides a brief statement that identifies the location and route of the proposed Project.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The Consultation Report (Document Reference: 4.1) is provided with supporting Appendices.</p> <p>Consultation Report Appendix B.1 to D.16 (Document Reference: 4.1.1)</p> <p>Consultation Report Appendix E.1 to E.9 (Part 1) (Document Reference: 4.1.2.1)</p> <p>Consultation Report Appendix E.10 to E.15 (Part 2) (Document Reference: 4.1.2.2)</p> <p>Consultation Report Appendix E.15.1 to E.28 (Part 3) (Document Reference: 4.1.2.3)</p> <p>Consultation Report Appendix E.29 to E.32 (Part 4) (Document Reference: 4.1.2.4)</p> <p>Consultation Report Appendix F.1 to F.12.2 (Part 1) (Document Reference: 4.1.3.1)</p> <p>Consultation Report Appendix F.14 (Part 2) (Document Reference: 4.1.3.2)</p> <p>Consultation Report Appendix F.15 to F.30 (Part 3) (Document Reference: 4.1.3.3)</p> <p>Consultation Report Appendix F.31 to F.47 (Part 4) (Document Reference: 4.1.3.4)</p> <p>Consultation Report Appendix F.48 to F.60.1 (Part 5) (Document Reference: 4.1.3.5)</p> <p>Consultation Report Appendix F.61 (Part 6) (Document Reference: 4.1.3.6)</p> <p>Consultation Report Appendix F.14.1 (Part 7) (Document Reference: 4.1.3.7)</p> <p>Consultation Report Appendix G.1 to G.4 (Part 1) (Document Reference: 4.1.4.1)</p> <p>Consultation Report Appendix G.5 (Part 2) (Document Reference: 4.1.4.2)</p> <p>Consultation Report Appendix G.5.1 (Part 3)(Document Reference: 4.1.4.3)</p> <p>Consultation Report Appendix G.6 to H.3 (Part 4) (Document Reference: 4.1.4.4)</p>

28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Yes.</p> <p>A key plan has been included for the following plans:</p> <p>Land Plans (Document Reference: 5.3)</p> <p>Crown Land Plan (Document Reference: 5.4)</p> <p>Special Category Land (Document Reference: 5.5)</p> <p>Works Plans (Onshore) (Document Reference: 5.6)</p> <p>Works Plans (Offshore) (Document Reference: 5.7)</p> <p>Access to Works Plan (Document Reference: 5.9)</p> <p>Streets Plan (Document Reference: 5.10)</p> <p>Public Rights of Way Plan (Document Reference: 5.11)</p> <p>Tree Preservation Order & Hedgerow Plan (Document Reference: 5.12)</p> <p>Historic Environment Plan (Onshore) (Document Reference: 5.13)</p> <p>Statutory/Non-Statutory Nature Conservation Sites (Onshore) (Document Reference: 5.15)</p> <p>Habitats of Protected Species (Document Reference: 5.17)</p> <p>Water Bodies in a River Basin Management Plan (Document Reference: 5.18)</p> <p>Temporary Traffic Regulation Order Plan (Document Reference 5.19)</p>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p>Yes.</p> <p>The application is accompanied by the documents and information required by APFP Regulation 5(2) as set out below:</p>	
Information		Document	

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

a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	The Environmental Statement comprises of Volume 3 of the application (Document References: Volume 3.1, 3.2, and 3.3). The Scoping Opinion (Document Reference: 7.25) is included in the application.	b)	The draft Development Consent Order (DCO)	The draft Development Consent Order has been submitted with the application (Document Reference: 6.1).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Document Reference: 6.2)	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Book of Reference (Document Reference: 6.3) and is supported by a Schedule of Negotiations (Document Reference: 6.6) and a Statutory Undertakers Schedule (Document Reference: 6.7)
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	ES Appendix 21.3 Flood Risk Assessment (Document Reference : 3.3.29)	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	Statutory Nuisance Statement (Document Reference : 7.4)
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

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

h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Funding Statement Document Reference: 6.4 Statement of Reasons (Document Reference: 6.5)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	Land Plans (Document Reference: 5.3) Special Category Land Plan (Document Reference: 5.5)
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and	Works Plans (Onshore) (Document Reference: 5.6) Works Plans (Offshore) (Document Reference: 5.7) Offshore Order Limits and Boundary Co-ordinates Plan (Document Reference: 5.8)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Streets Plan (Document Reference: 5.10) Public Rights of Way Plan (Document Reference: 5.11) Access to Works Plan (Document Reference: 5.9)

	(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO			Temporary Traffic Regulation Order Plan (Document Reference: 5.19)
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development	Tree Preservation Order & Hedgerow Plan (Document Reference: 5.12) Statutory/Non-Statutory Nature Conservation Sites (Onshore) (Document Reference: 5.15) Statutory/Non-Statutory Nature Conservation Sites (Offshore) (Document Reference: 5.16) Habitats of Protected Species (Document Reference: 5.17) Water Bodies in a River Basin Management Plan (Document Reference: 5.18)	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
				Historic Environment Plan (Onshore) (Document Reference: 5.13) Historic Environment Plan (Offshore) (Document Reference: 5.14)

n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plan (Document Reference: 5.4)	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	Location Plan (Onshore) (Document Reference: 5.1) Location Plan (Offshore) (Document Reference: 5.2)
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Cable Statement (Document Reference :7.27) Safety Zone Statement (Document Reference 7.23)	q)	Any other documents considered necessary to support the application	Cover Letter (Document Reference: 1.1) Guide to the Application (Document Reference: 1.3) Planning Inspectorate Electronic Index (Document Reference: 1.4) Draft Section 55 Checklist (Document Reference: 1.5) Needs Case and Project Benefits Statement (Document Reference: 2.1) Planning Statement (Document Reference: 2.2) Design Vision (Document Reference: 2.3) Design and Access Statement (Document Reference: 2.4)

				<p>Co-ordination Report (Document Reference: 2.5)</p> <p>Schedule of Mitigation (Document Reference: 2.6)</p> <p>Marine Conservation Zone (MCZ) Assessment Report (Document Reference: 7.3)</p> <p>Marine Conservation Zone (MCZ) Appendix 1 Screening (Document Reference: 7.3.1)</p> <p>Marine Plan Assessment (Document Reference: 7.5)</p> <p>Outline Project Environmental Management Plan (PEMP) (Document Reference: 7.6)</p> <p>Draft Marine Mammal Mitigation Protocol (MMMP) (Document Reference: 7.7)</p> <p>Outline Site Integrity Plan for the Southern North Sea Special Area of Conservation (Document Reference: 7.8)</p> <p>Outline Fisheries Liaison and Coexistence Plan (FLCP) (Document Reference: 7.9)</p> <p>Offshore In-principle monitoring plan (IPMP) (Document Reference: 7.10)</p> <p>Outline Offshore Written Scheme of Investigation (WSI) (Document Reference: 7.11)</p> <p>Outline Onshore Written Scheme of Investigation (WSI) (Document Reference: 7.12)</p>
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					<p>Outline Code of Construction Practice (CoCP) (Document Reference: 7.13)</p> <p>Outline Landscape and Ecological Management Strategy (OLEMS) (Document Reference: 7.14)</p> <p>Outline Horizontal Directional Drill Method Statement and Contingency Plan (Document Reference: 7.15)</p> <p>Outline Construction Traffic Management Plan (OCTMP) (Document Reference: 7.16)</p> <p>Outline Public Rights of Way Management Plan (OPRoWMP) (Document Reference: 7.17)</p> <p>Outline Skills and Employment Plan (Document Reference: 7.18)</p> <p>Outline Operational Drainage Strategy (Document Reference: 7.19)</p> <p>Outline Offshore Operations and Maintenance Plan (Document Reference: 7.20)</p> <p>Outline Vessel Traffic Monitoring Plan (Document Reference: 7.21)</p> <p>Biodiversity Net Gain Strategy (Document Reference: 7.22)</p> <p>Outline Navigation and Installation Plan (Document Reference: 7.24)</p> <p>Site Characterisation Report (Document Reference: 7.26)</p>
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				District Level Licence (DLL) Draft Certificate (Document Reference: 7.29)
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	No.			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	Yes	<p>The relevant application documents collectively referred to as the Report to Inform Appropriate Assessment (herein referred to as the 'RIAA') (Document References: 7.1.1 – 7.1.6) are as follows:</p> <ul style="list-style-type: none"> • Report to Inform Appropriate Assessment Part 1 Introduction (Document Reference: 7.1.1) • Report to Inform Appropriate Assessment Appendix 1.1 Habitats Regulations Assessment Screening (Document Reference: 7.1.1.1) • Report to Inform Appropriate Assessment Part 2 Benthic Ecology (Annex I habitat in Special Areas of Conservation and Special Protection Areas supporting habitat) (Document Reference: 7.1.2) • Report to Inform Appropriate Assessment Part 3 Marine Mammals (Annex II species) (Document Reference: 7.1.3) • Report to Inform Appropriate Assessment Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment (Document Reference: 7.1.3.1) • Report to Inform Appropriate Assessment Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) (Document Reference: 7.1.4) • Report to Inform Appropriate Assessment Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls 	

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

		<p>digital aerial surveys (12km buffer) and the Outer Thames Estuary Special Protection Area (Document Reference: 7.1.4.1)</p> <ul style="list-style-type: none"> • Report to Inform Appropriate Assessment Appendix 4.2 Population Viability Analysis (Document Reference: 7.1.4.2) • Report to Inform Appropriate Assessment Part 5 Onshore European and Ramsar Sites (Document Reference: 7.1.5) • Report to Inform Appropriate Assessment Part 6 Summary (Document Reference: 7.1.6) <p>The documents listed above together identify all relevant European sites and provide the necessary information for the competent authority to determine whether the Project will have any adverse effects on the integrity of any European site (including any European offshore marine site), where the potential for likely significant effects has been identified as a result of screening.</p> <p>The RIAA concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black-backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.</p> <p>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to kittiwake, guillemot and razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination.</p> <p>The relevant documents are listed below. They set out the Applicant's derogation case, including the assessment of alternative solutions, the imperative reasons of overriding public interest, and proposed compensatory measures.</p> <ul style="list-style-type: none"> • Habitats Regulations Derogation: Provision of Evidence (Document Reference: 7.2) • Appendix 1 Compensatory Measures Overview (Document Reference: 7.2.1)
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		<ul style="list-style-type: none"> • Annex 1A Habitats Regulations Assessment Compensation Consultation (Document Reference: 7.2.1.1) • Annex 1B Compensation Funding Statement (Document Reference: 7.2.1.2) • Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) (Document Reference: 7.2.1.3) • Appendix 2 Lesser Black-Backed Gull Compensation Document (Document Reference: 7.2.2) • Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.2.1) • Appendix 3 Red Throated Diver Compensation Document (Document Reference: 7.2.3) • Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.3.1) • Appendix 4 Kittiwake Compensation Document (Document Reference: 7.2.4) • Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.4.1) • Appendix 5 Guillemot and Razorbill Compensation Document (Document Reference: 7.2.5) • Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.5.1) <p>The documents listed above demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which fully compensate the effects of the Project on the European Site features assessed above and which can be legally secured.</p>
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32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	Not requested at the time of submission.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes. The Applicant has had full regard to and complied with the statutory guidance when completing the Application Form (Document Reference: 1.2). This is also outlined in Section 3 of the Cover Letter (Document Reference: 1.1).
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate can be satisfied that the application (including accompaniments) has been prepared to a satisfactory standard.
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The application fee in the sum of £8,244.00 has been transferred by BACS to the account of the Planning Inspectorate using reference EN010119 on 20 June 2024. The Planning Inspectorate confirmed receipt via email on the 24 June 2024.

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

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

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



NORTH FALLS

Offshore Wind Farm



HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Limited

A joint venture company owned equally by SSE Renewables and RWE.

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