



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# North Falls Offshore Wind Farm

## Section 55

### Acceptance of Applications Checklist

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

## North Falls 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>26 July 2024</b>	<b>23 August 2024</b>	<b>22 August 2024</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 6.1)</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 14(1)(a) and 15(3) of the PA2008.</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)

	<p>development to which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 6.1)</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	<p>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?</p>	<p><b>Yes</b></p> <p>On 16 July 2021 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation, which started on 16 May 2023.</p> <p>A copy of the notification letter is provided at <b>Appendix H.1 of the Consultation Report (Doc 4.1)</b>.</p>

<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)

5	<p>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?</p>	<p><b>Yes</b></p> <p>There are fourteen host and neighbouring authorities, of which eight responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 26 July 2024.</p> <p>Seven authorities responded 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. One Authority, Thurrock District Council (D Authority), stated that they consider the project too distant to make comment.</p> <p>These local authorities were:</p> <ul style="list-style-type: none"> <li>• Babergh and Mid Suffolk District Council (A authority)</li> <li>• Colchester Borough Council (A authority)</li> <li>• Tendring District Council (B authority) *</li> <li>• Essex County Council (C authority) *</li> <li>• Hertfordshire County Council (D Authority)</li> <li>• Cambridgeshire County Council (D Authority)</li> <li>• Thurrock Council (D Authority)</li> <li>• London Borough of Redbridge (D Authority)</li> </ul> <p>* Essex County Council (C authority) and Tendring District Council (A authority) sent a joint letter and also submitted individual responses agreeing that the Applicant had fulfilled their legislative requirements for Pre-application consultation.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="#">Documents   North Falls Offshore Wind Farm</a></p>
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**Section 42: Duty to consult**

<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

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<sup>5</sup>?

**Yes**

The Applicant has provided a list of persons consulted under s42(1)(a) on 16 May 2023 at **Appendix F (F.22)** of the **Consultation Report (Doc 4.1)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix F (F.24.1)** of the **Consultation Report (Doc 4.1)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that do not appear to have been consulted by the Applicant under s42:

- United Kingdom Health Security Agency
- Northern Gas Networks Limited
- CNG Services Ltd
- ESP Pipelines Ltd
- Stark Works (previously known as Squire Energy)
- Mua Gas Limited (formerly Murphy Gas Networks Ltd)
- National Gas
- Aidien Ltd
- Independent Distribution Connection Specialists Ltd
- Mua Electricity Limited
- Optimal Power Networks Limited
- Stark Infra-Electricity Ltd
- National Grid North Sea Link Limited

The Applicant's **Consultation Report (Doc 4.1)** does not explain why the bodies identified above do not appear to have been consulted. However, it is noted that the

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

		<p>licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the <b>Book of Reference (Doc 6.3)</b>.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:  <a href="https://www.planninginspectorate.gov.uk">Section 51 advice (planninginspectorate.gov.uk)</a></p>
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 7.1</b> of the <b>Consultation Report (Doc 4.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 16 May 2024.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Tendring District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Babergh and Mid Suffolk District Council</li> <li>• Colchester Borough Council</li> <li>• Suffolk County Council (both A &amp; D)</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

		<p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Suffolk County Council (both A &amp; D)</li> <li>• Hertfordshire County Council</li> <li>• Cambridgeshire County Council</li> <li>• Southend-on-Sea Borough Council</li> <li>• Thurrock Council</li> <li>• Medway Council</li> <li>• London Borough of Enfield</li> <li>• London Borough of Waltham Forest</li> <li>• London Borough of Redbridge</li> <li>• London Borough of Havering</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix F (F.24.1)</b> of the <b>Consultation Report (Doc 4.1)</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><b>Paragraph 7.2.1</b> of the <b>Consultation Report (Doc 4.1)</b> states that all persons identified under s42(1)(d) were consulted on 16 May 2023.</p> <p><b>Paragraphs 7.1.10 to 7.1.17</b> of the <b>Consultation Report (Doc 4.1)</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 6.1)</b>. The full methodology</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>undertaken by the Applicant is provided in <b>Appendix B.1</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Appendix C.8</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>A sample of the letter is provided at <b>Appendix C.10.1</b> of the <b>Consultation Report (Doc 4.1)</b> and <b>Appendix C.21</b> of the <b>Consultation Report (Doc 4.1)</b> for further identified Persons with an Interest in Land.</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix F.24.1</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>The sample letter dated 16 May 2023 confirmed that consultation commenced on 16 May 2023 and closed on 14 July 2023, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
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><b>Yes</b></p> <p>The Applicant gave notice under s46 on 12 May 2023, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix F.28</b> of the <b>Consultation Report (Doc 4.1)</b> and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix F.29</b> of the <b>Consultation Report (Doc 4.1)</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 F.35</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Tendring District Council ('B authority') and Essex County Council ('C' authority) on 4 April 2022 and set a deadline of 20 May 2022 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Table 9.3</b> of the <b>Consultation Report (Doc 4.1)</b> provides a summary of the consultation responses from <b>Essex County Council in partnership with Tendring District Council, Suffolk County Council, and East Suffolk Council</b> 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>• Reference to Five Estuaries was made in the Applicant's SoCC and a commitment was made to work collaboratively with Five Estuaries.</li> <li>• The cumulative impact of North Falls and Five Estuaries was acknowledged in the SoCC, and a commitment was made to consult on this throughout the consultation.</li> <li>• 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.</li> </ul> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>

16	Has the SoCC been made available for inspection 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><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>• Clacton Library</li> <li>• Frinton Library</li> <li>• Tendring District Council Town Hall</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>• Clacton and Frinton Gazette (on 29 March 2023)</li> </ul> <p>The published SoCC notice, provided at <b>Appendix F.38</b> of the <b>Consultation Report (Doc 4.1)</b> states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at <b>Appendix F.38</b> of the <b>Consultation Report (Doc 4.1)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Paragraph 3.2</b> of the final SoCC at <b>Appendix F.35</b> of the <b>Consultation Report (Doc 4.1)</b> sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Table 9.5</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

## 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 (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p><b>Paragraph 10.1.2 of the Consultation Report (Doc 4.1)</b> states:</p> <p>“In line with the APFP regulations, Table 10.1 sets out the publications in which the section 48 notice was placed, and the dates it appeared. The publication dates for the section 48 notice align with the beginning of the statutory consultation period (in accordance with [58] of the DCLG Guidance (2015) on the pre-application process).”</p> <p><b>Table 10.1</b> of the <b>Consultation Report (Doc 4.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix F.48</b> of the <b>Consultation Report (Doc 4.1)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendices F.49 - F.54</b> of the <b>Consultation Report (Doc 4.1)</b>:</p>	
		<b>Newspaper(s)</b>	<b>Date</b>
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>The Daily Gazette</li> </ul>	16 May 2023 23 May 2023
b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Guardian</li> </ul>	23 May 2023
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>London Gazette</li> </ul>	16 May 2023

d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> <li>• Lloyds List</li> <li>• Fishing News</li> </ul>		16 May 2023 15 May 2023	
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	<b>Yes</b> The published s48 notice, supplied at <b>Appendix F.48</b> of the <b>Consultation Report (Doc 4.1)</b> , contains the required information as set out below:			
	<b>Information</b>	<b>Paragraph</b>		<b>Information</b>	<b>Paragraph</b>
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2
e)	a statement that the documents, plans and maps 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> </ul>	5,6,7	f)	the latest date on which those documents, plans and maps will be available for inspection	6

	<ul style="list-style-type: none"> <li>• The address of the website</li> <li>• The place on the website</li> <li>• A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	h)	details of how to respond to the publicity	8
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			
21	Are there any observations in respect of the s48 notice provided above?				
	<b>No</b>				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any	<b>Yes</b> A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 10.1.4 of the Consultation Report (Doc 4.1)</b> .			

	person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	A sample of the s42 consultation letter provided at <b>Appendix F.24.1 of the Consultation Report (Doc 4.1)</b> confirms a copy of the s48 notice was enclosed.
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Appendices F.14, F.14.1, G.5 and G.5.1</b> of the <b>Consultation Report (Doc 4.1)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application. No feedback was received regarding s48 specifically.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Table 2.4</b> of the <b>Consultation Report (Doc 4.1)</b> states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	<p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant in this regard, available here:</p> <p><a href="http://planninginspectorate.gov.uk">Section 51 advice (planninginspectorate.gov.uk)</a></p>

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

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

**s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)**

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <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 Onshore (Doc 5.1)</b> and <b>Location Plan Offshore (Doc 5.2)</b> have been provided.</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 4.1)</b> and the <b>Consultation Report Appendices: Documents 4.1.1</b> through to <b>4.1.4.4</b></p>
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?<sup>12</sup></p>	<p><b>Yes</b></p>
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p>

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

	Information	Document	Information	Document	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>Non-Technical Summary (Doc 3.1.1)</b> <b>Environmental Statement (ES) Volume 3.1, Chapters 0 to 34 (Doc 3.1.2 to Doc 3.1.36)</b> <b>ES Volume 3.2, Figures (Doc 3.2.1 to Doc 3.2.28)</b> <b>ES Volume 3.3, Appendices (Doc 3.3.1.1 to Doc 3.3.71)</b> <b>Scoping Opinion (Doc 7.25)</b>	b)	The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 6.1)</b>
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum (Doc 6.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 6.3)</b>

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



	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>ES Appendix 21.3 Flood Risk Assessment (Doc 3.3.29)</b> <b>ES Appendix 21.2 Water Environment Regulations Compliance Assessment (Doc 3.3.28)</b> <b>ES Appendix 21.1 Geomorphology Baseline Survey (Doc 3.3.27)</b> <b>ES Chapter 21 Water Resources and Flood Risk (Doc 3.1.23)</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 7.4)</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons (Doc 6.5)</b> <b>Funding Statement (Doc 6.4)</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 proposed to exercise powers of	<b>Land Plans (Doc 5.3)</b> <b>Special Category Land Plan (Doc 5.5)</b>

				<p>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?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which</p>	<p><b>Works Plan Onshore (Doc 5.6)</b></p> <p><b>Works Plan Offshore (Doc 5.7)</b></p> <p><b>Offshore Order Limits and Boundary Co-ordinates Plan (Doc 5.8)</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>Streets Plan (Doc 5.10)</b></p> <p><b>Public Rights of Way (Doc 5.11)</b></p> <p><b>Access to Works Plan (Doc 5.9)</b></p> <p><b>Temporary Traffic Regulation Order (Doc 5.19)</b></p>

	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?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
i)	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	(i) <b>Statutory/ Non-Statutory Nature Conservation Sites (Onshore) (Doc 5.15) and Statutory/ Non-Statutory Nature Conservation Sites (Offshore) (Doc 5.16)</b>  (ii) <b>Habitats of Protected Species (Doc 5.17)</b>  (iii) <b>Water Bodies in a River Basin Management Plan (Doc 5.18)</b>  Assessment of the effects is set out in the <b>Marine Conservation Zone</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>Historic Environment Plan (Onshore) (Doc 5.13)</b>  <b>Historic Environment Plan (Offshore) (Doc 5.14)</b>  Assessments of the effects and some additional plans are included in the following ES chapters:  • <b>Offshore Intertidal Archaeology and Cultural Heritage (Doc 3.1.18)</b>

	<p>landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p><b>Assessment Report (Doc 7.3)</b> and the following ES chapters:</p> <ul style="list-style-type: none"> <li>• <b>Marine Geology, Oceanography and Physical Processes (Doc 3.1.10)</b></li> <li>• <b>Marine Water and Sediment Quality (Doc 3.1.11)</b></li> <li>• <b>Benthic and Intertidal Ecology (Doc 3.1.12)</b></li> <li>• <b>Fish and Shellfish Ecology (Doc 3.1.13)</b></li> <li>• <b>Marine Mammals (Doc 3.1.14)</b></li> <li>• <b>Offshore Ornithology (Doc 3.1.15)</b></li> <li>• <b>Ground Conditions and Contamination (Doc 3.1.21)</b></li> <li>• <b>Onshore Ecology (Doc 3.1.25)</b></li> <li>• <b>Onshore Ornithology (Doc 3.1.26)</b></li> <li>• <b>ES Appendix 21.2: Water Environment Regulation</b></li> </ul>			<ul style="list-style-type: none"> <li>• <b>Onshore Archaeology and Cultural Heritage (Doc 3.1.27)</b></li> </ul>
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		<b>Compliance Assessment (Doc 3.3.28)</b>			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan (Doc 5.4)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>Location Plan Onshore (Doc 5.1)</b> <b>Location Plan Offshore (Doc 5.2)</b>
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Safety Zone Statement (Doc 7.23)</b> <b>Cable Statement (Doc 7.27)</b>	q)	Any other documents considered necessary to support the application	<b>Cover Letter (Doc 1.1)</b> <b>Guide to the Application (Doc 1.3)</b> <b>Planning Inspectorate Electronic Index (Doc 1.4)</b> <b>Draft Section 55 Checklist (Doc 1.5)</b>

				<p><b>Needs Case and Project Benefits Statement (Doc 2.1)</b></p> <p><b>Planning Statement (Doc 2.2)</b></p> <p><b>Design Vision (Doc 2.3)</b></p> <p><b>Design and Access Statement (Doc 2.4)</b></p> <p><b>Co-ordination Report (Doc 2.5)</b></p> <p><b>Schedule of Mitigation (Doc 2.6)</b></p> <p><b>Marine Conservation Zone (MCZ) Assessment Report (Doc 7.3)</b></p> <p><b>Marine Conservation Zone (MCZ) Appendix 1 Screening (Doc 7.3.1)</b></p> <p><b>Marine Plan Assessment (Doc 7.5)</b></p> <p><b>Outline Project Environmental Management Plan (PEMP) (Doc 7.6)</b></p> <p><b>Draft Marine Mammal Mitigation Protocol (MMMP) (Doc 7.7)</b></p>
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					<p><b>Outline Site Integrity Plan for the Southern North Sea Special area of Conservation (Doc 7.8)</b></p> <p><b>Outline Fisheries Liaison and Coexistence Plan (FLCP) (Doc 7.9)</b></p> <p><b>Offshore In-principle monitoring plan (IPMP) (Doc 7.10)</b></p> <p><b>Outline Offshore Written Scheme of Investigation (WSI) (Doc 7.11)</b></p> <p><b>Outline Onshore Written Scheme of Investigation (WSI) (Doc 7.12)</b></p> <p><b>Outline Code of Construction Practice (CoCP) (Doc 7.13)</b></p> <p><b>Outline Landscape and Ecological Management Strategy (OLEMS) (Doc 7.14)</b></p> <p><b>Outline Horizontal Directional Drill Method Statement and Contingency Plan (Doc 7.15)</b></p>
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				<p><b>Outline Construction Traffic Management Plan (OCTMP) (Doc 7.16)</b></p> <p><b>Outline Public Rights of Way Management Plan (OPRoWMP) (Doc 7.17)</b></p> <p><b>Outline Skills and Employment Plan (Doc 7.18)</b></p> <p><b>Outline Operational Drainage Strategy (Doc 7.19)</b></p> <p><b>Outline Offshore Operations and Maintenance Plan (Doc 7.20)</b></p> <p><b>Outline Vessel Traffic Monitoring Plan (Doc 7.21)</b></p> <p><b>Biodiversity Net Gain Strategy (Doc 7.22)</b></p> <p><b>Outline Navigation and Installation Plan (Doc 7.24)</b></p> <p><b>Site Characterisation Report (Doc 7.26)</b></p> <p><b>District Level Licence (DLL) Draft Certificate (Doc 7.29)</b></p>
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	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
	<p><b>ES- Non-Technical Summary (3.1.1)</b></p> <ul style="list-style-type: none"> <li>Environmental Statement Chapter 31 Socio Economics, Table 31.1, page 34: There is a reference to Chapter 30 Tourism and Recreation (Document Reference: 3.1.32) on page 34, it currently refers to <b>Chapter 30 Tourism and Recreation (Doc 3.1.32)</b> rather than Chapter 32 Tourism and Recreation (<b>Doc 3.1.34</b>)</li> <li>In the response to Suffolk and NE Essex ICB, PEIR response 14/7/23 refers to Traffic and Transport at Chapter 24, rather than Chapter 27.</li> <li>Refers to doc 7.11, missing the word “Offshore” in the title of the document.</li> <li>Reference to Chapter 20 of the ES is missing the word “Onshore” Air Quality.</li> </ul> <p><b>Draft Development Consent Order (Doc 6.1)</b></p> <ul style="list-style-type: none"> <li>Part 4, Article 31 (3) b – typo: <i>“in the case of land specified in paragraph (1)(a)(ii) after the end of the period of on year...”</i></li> <li>The dDCO does not provide the sheet references for the roads/footpaths in the <b>Street Plans (Doc 5.10)</b></li> <li>Article 5(9) – refers to Schedule 10 and 11, rather than 9 and 10.</li> </ul> <p><b>Explanatory Memorandum (Doc 6.2)</b></p> <ul style="list-style-type: none"> <li>Page 69, Part 2 Conditions, Condition 12 refers to Maintenance of the authorised development, whereas the dDCO uses Condition 13 for this heading. See discrepancies in other headings in Conditions 13 to 34 inclusive.</li> </ul> <p><b>Book of Reference (Doc 6.3)</b></p> <ul style="list-style-type: none"> <li>Para 2.1.7 refers to Article 27 rather than 32.</li> <li>Para 4.1.1 refers to Article 20 rather than 24.</li> <li>Para 4.1.1 refers to Schedule 7 however the title does not match the dDCO.</li> </ul> <p><b>Statement of Reasons (Doc 6.5)</b></p>				

- Paragraph 10.33 refers to Article 31, rather than Article 33.

#### **Land Plans (Doc 5.3)**

- The naming of land plots in the Land Plans legends differs to that in the dDCO, for example:
  - The 'Land Subject to Acquisition of Rights' shown coloured blue on Land Plans is titled in Schedule 5 of the dDCO as 'Land in which only New Rights etc. may be required'.
- The 'Land Subject to Freehold Acquisition' is shown in pink on the Land Plans, but these do not appear to be mentioned in the dDCO.
- On Sheet 13, plot number 13-029 is included in the Legend under both 'Land Subject to Acquisition of Rights', and 'Land Subject to Freehold Acquisition'. The polygon is coloured pink on the Sheet.
- On Sheet 13 in the inset box to the left of the Sheet, the labels are 13-026 and 13-027 and 13-041, do not appear to match other numbering on that sheet.

#### **Public Rights of Way (Doc 5.11), Access to Works Plan (Doc 5.9) and dDCO (Doc 6.1)**

- Little Bromley FP15 is stated in the **dDCO** as being on Sheet 18 of the public rights of way plan but it is on Sheet 15 & 16.
- Little Bromley FP16 is stated in the **dDCO** as being on Sheet 17 of the public rights of way plan but it is on Sheet 15.
- On the **Access to Works Plan** Church Lane is mentioned in the dDCO but on the plan it is only labelled at its marked point (OA-1)
- On the **Access to Works Plan** Pork Lane is mentioned in the dDCO but on the plan it is only labelled at marked points (OA-6 & OA-7)

#### **Consultation Report (Doc 4.1)**

- Appendices:
  - There is no Appendix A, therefore it starts at B.
  - There are numbers missing eg there is no c.14 and no D.12.
  - They are not referred to in the Consultation Report though it is not clear why the numbering is not consistent.
- The names of a NHS foundation trusts have changed. North Essex Partnership NHS Foundation Trust listed as a consultee Appendix F (F.22) is now NHS Suffolk and North East Essex Integrated Care Board.
- It is noted that:
  - Page 29, box 52 refers to Appendix 10.1, rather than 10.1.1.
  - Page 75, table 6.4 refers to Appendix F.19 and F.11.1 which are missing.

	<ul style="list-style-type: none"> <li>○ Page 67, table 5.3 refers to Appendix E21.1 which is missing.</li> <li>○ Page 64, table 5.1 refers to Appendix E.4 which is missing.</li> </ul> <p><b>Coordination Report (Doc 2.5)</b></p> <ul style="list-style-type: none"> <li>● Para 8.91 refers to requirements 27 and 28 of the draft DCO in respect of decommissioning, rather than 25 and 26.</li> </ul> <p><b>Consents and Licences Statement (Doc 7.28)</b></p> <ul style="list-style-type: none"> <li>● Para 1.3.3 bullet point 2 refers to Articles 30 and 31 of the DCO, rather than Articles 31 and 32</li> </ul> <p><b>Planning Statement (Doc 2.2)</b></p> <ul style="list-style-type: none"> <li>● Paragraphs 5.4.5, 5.5.6, 5.6.6 &amp; 5.7.6 refer to ‘The Secretary of Statement’ rather than ‘the Secretary of State’.</li> </ul> <p><b>Habitat of Protected Species Plans (Doc 5.17)</b></p> <ul style="list-style-type: none"> <li>● The acronym GCN eDNA used in the legend is not described. It might help stakeholders and members of the public to understand the Plan to have the acronym written in full.</li> </ul> <p>Section 51 advice has been issued to the Applicant in respect of the above matters:  <a href="http://planninginspectorate.gov.uk">Section 51 advice (planninginspectorate.gov.uk)</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</p> <p><b>Yes</b></p> <p>A Habitat Regulations Assessment (HRA) Report has been provided. It comprises a Report to Inform Appropriate Assessment in the following parts:</p> <ul style="list-style-type: none"> <li>● <b>Part 1 Introduction (Doc 7.1.1)</b></li> <li>● <b>Appendix 1.1 HRA Screening (Doc 7.1.1.1)</b></li> <li>● <b>Part 2 Annex I Habitat in Special Areas of Conservation (SACs) and Special Protection Area (SPA) supporting habitat (Doc 7.1.2)</b></li> <li>● <b>Part 3 Marine Mammals (Annex II species) (Doc 7.1.3)</b></li> <li>● <b>Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment (Doc 7.1.3.1)</b></li> </ul>

	<p>implications for the site if required by Regulation 48(1)?<sup>14</sup></p>	<ul style="list-style-type: none"> <li>• <b>Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) (Doc 7.1.4)</b></li> <li>• <b>Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary SPA (Doc 7.1.4.1)</b></li> <li>• <b>Appendix 4.2 Population Viability Analysis (Doc 7.1.4.2)</b></li> <li>• <b>Part 5 Onshore European and Ramsar Sites (Doc 7.1.5)</b></li> <li>• <b>Part 6 Summary (Doc 7.1.6)</b></li> </ul> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>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>No hard copies requested.</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</p>	<p><b>Yes</b></p> <p><b>Section 3 of the Cover Letter (Doc 1.1)</b> explains how the Applicant has had regard to statutory guidance on the form of the application.</p>

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

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

	standard that the Planning Inspectorate considers satisfactory?	The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application.</p> <p>That advice is published on the National Infrastructure Planning website, here: <a href="https://www.planninginspectorate.gov.uk/section-51-advice">Section 51 advice (planninginspectorate.gov.uk)</a></p>

### 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 <b>20 June 2024</b> ; before the application was made.
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Role	Electronic signature	Date
Case Manager	<i>Deborah Allen</i>	<b>22 August 2024</b>
Acceptance Inspector	<i>Anthony Johnson</i>	<b>22 August 2024</b>

<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

