



# Morecambe Offshore Windfarm: Generation Assets Development Consent Order Documents

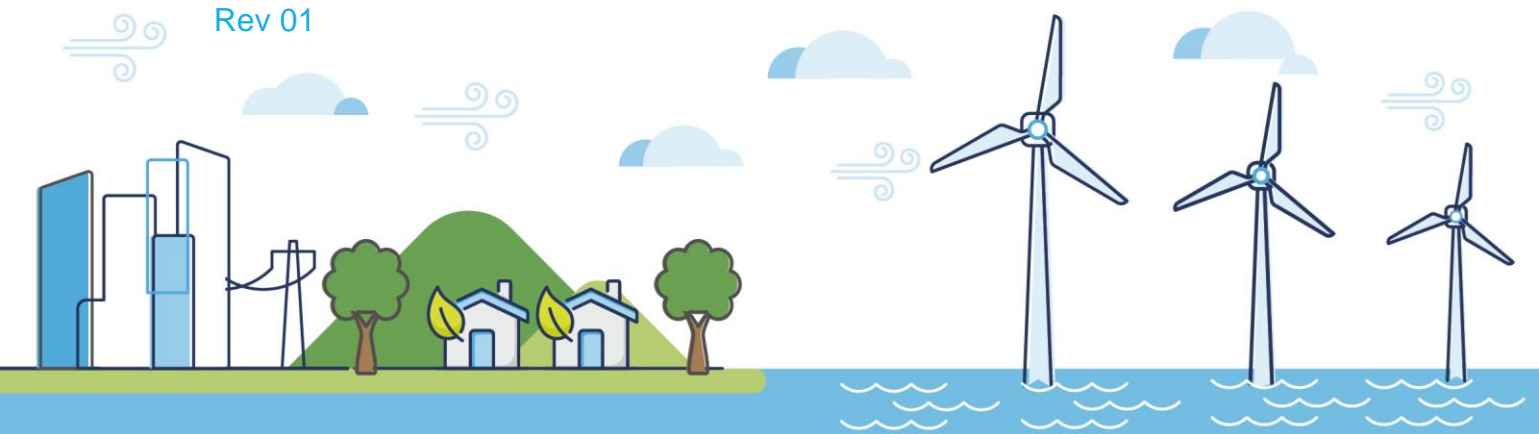
## Volume 1

### Draft Section 55 Checklist

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APFP Regulation: 5(2)(q)

Rev 01



## Document History

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# The future of renewable energy

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# 1 Introduction

1. This draft section 55 checklist (set out in Table 1) has been prepared by the Applicant having regard to Appendix 3 of the Planning Inspectorate's Advice Note Six: Preparation and submission of application Documents. This checklist is intended to assist the Planning Inspectorate in completing the section 55 checklist by setting out where in the application the Applicant has provided the required information.

## 1.1 Table 1: Draft Section 55 Checklist

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
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	<p>Is the development a Nationally Significant Infrastructure Project<sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order<sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>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</p>	<p><b>Yes</b>, the Project (Morecambe Offshore Windfarm Generation Assets) is a Nationally Significant Infrastructure Project pursuant to sections 14(1)(a) and 15(3) of the Planning Act 2008. The Project comprises an offshore generating station and will have a generating capacity greater than 100 megawatts (MW) and therefore requires a development consent order.</p> <p>This is set out in the Application Form (Document Reference 1.2) and explained at paragraphs 2.6 to 2.9 of the Explanatory Memorandum (Document Reference 3.2) accompanying the draft Development Consent Order (DCO) (Document Reference 3.1).</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)

	development to be treated as development for which development consent is required?	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Application as submitted states on the face of it that it is an application for development consent under sections 14(1)(a) and 15(3) of the Planning Act 2008.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>(a) <b>No.</b> A Screening Opinion was not requested.</p> <p>(b) <b>Yes.</b> The Applicant (Morecambe Offshore Windfarm Ltd) notified the Secretary of State in writing on 18 April 2023 under Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”) that they intended to provide an Environmental Statement (“ES”) in respect of the Project. This notification can be found in Section 12 of the Consultation Report (Document Reference 4.1) and Appendix E1 to the Consultation Report (Document Reference 4.1.3)</p> <p>On 23 June 2022, the Applicant published a Scoping Report which set out what the Applicant, at the time, understood to be the Project’s likely effects on the environment and how they would be assessed. The Planning Inspectorate consulted on the Scoping Report and, thereafter, adopted a Scoping Opinion on behalf of the Secretary of State on 2 August 2022 (Document Reference 5.4 (which contains the Scoping Report and Scoping Opinion)).</p>
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that	

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

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

	the Applicant has complied with the duties under s42, s47 and s48?	
<b>Section 42: Duty to consult</b>		
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> ?	<p><b>Yes.</b></p> <p>Appendix D16 of the Consultation Report (Document Reference 4.1.2) lists the statutory consultees which the Applicant consulted under section 42(1)(a) of the Planning Act 2008. The identification of prescribed bodies relevant to the Project was informed by the list of consultees prescribed in Schedule 1 of the APFP Regulations. This list of consultees was then augmented with additional bodies, who were notified of the proposed Application by PINS, under Regulation 11(1)(a) of the EIA Regulations (the Regulation 11 list).</p> <p>All section 42 consultees were emailed several times, before and during the Applicant's statutory consultation. The total period of the Applicant's statutory consultation took place from 19 April to 4 June 2023 (47 days).</p> <p>Section 42 contacts were notified on 14 April 2023 that consultation would be launching soon, at the launch of consultation on 19 April 2023 and on 22 May 2023 and 2 June 2023 with reminders that the consultation would be closing soon.</p> <p>A sample copy of the correspondence sent to the section 42(1)(a) consultees is provided at Appendices D1, D2, D7, D8, D11, D12, D13 and D14 to the Consultation Report (Document Reference 4.1.2).</p>

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



7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<b>Yes.</b> The Marine Management Organisation (MMO) was consulted (see Section 9 to the Consultation Report (Document Reference 4.1)).
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes.</b> As the Proposed Development is located entirely within the marine environment (approximately 30km from the Lancashire coast (the nearest coastline)), there are no 'B' or 'C' authorities for the purposes of section 43 of the Planning Act 2008. However, the Applicant took a precautionary approach to identifying local authorities that could be expected to have an interest in the application. See Appendix D17 to the Consultation Report for the list of local authorities (Document Reference 4.1.2).</p> <p>As part of statutory consultation, a briefing session was held with the appropriate local planning authorities on 25 April 2023. For those who were unable to attend, a recording of the briefing was shared. Further information is also presented in Section 9 of the Consultation Report (Document Reference 4.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Not applicable</b>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes.</b></p> <p>As the Proposed Development is located entirely within the marine environment, the only person which the Applicant considers could fall under any of the section 44 categories is The Crown Estate. Appendix D16 of the Consultation Report (Document Reference 4.1.2)</p>

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

<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

<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. 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

		<p>lists the statutory consultees which the Applicant consulted under section 42(1) of the Planning Act 2008, which includes The Crown Estate.</p> <p>Three contacts at The Crown Estate were contacted before and during statutory consultation. As with all other section 42 consultees, these contacts were notified on 14 April 2023 that consultation would be launching soon, at the launch of consultation on 19 April 2023 and on 22 May 2023 and 2 June 2023 with reminders that the consultation would be closing soon.</p> <p>Copies of the correspondence issued to section 42 consultees are included in Appendices D1, D7, D11, and D13 to the Consultation Report (Document Reference 4.1.2), and correspondence with section 42 consultees is explained in more detail in Section 10 of the Consultation Report (Document Reference 4.1).</p>
<p><b>Section 45: Timetable for s42 consultation</b></p>		
<p>11</p>	<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>, section 42 consultees were provided with 47 days to provide responses on the consultation materials, including the PEIR (19 April to 4 June 2023). The consultation deadline was included in all consultation materials and communications to publicise the consultation.</p> <p>Section 42 contacts received an advance notification of the statutory consultation on 14 April 2023 via email, followed by a launch notice on 19 April 2023. This included a website link to the consultation documents, where they could be accessed and downloaded. Letters were sent to contacts where no email address had been provided. All section 42 contacts received a reminder email on 22 May 2023 and a further 'last chance to take part' email on 2 June 2023. The emails and letters are contained within Appendices D1, D2, D7, D8, D11, D12, D13 and D14 of the Consultation Report (Document Reference 4.1.2)</p> <p>The section 42 consultation ran in parallel to consultation under section 47 and publicity under section 48 of the Planning Act 2008.</p> <p>The consultation materials, including the PEIR, will remain available to access and download on the Project website for the lifetime of the Project, as appropriate.</p>

		<p>Following the close of statutory consultation and further analysis of the email address data, work was undertaken to find any consultees identified under section 42 who had received but not opened any of the previous emails they were sent.</p> <p>This process identified that out of approximately 500 consultees, 39 consultees had received, but not opened, any of the Applicant's emails. Taking a precautionary approach, these consultees were sent hard copy consultation materials in the post, including a statutory consultation brochure, a USB memory stick containing the full PEIR, the PEIR NTS, the SoCC and a feedback form.</p> <p>These consultees were given a further 28 days to consider the consultation materials and provide any feedback they may have (see Appendix G1).</p>
<p><b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b></p>		
<p>12</p>	<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>, the section 46 notification – which included a link to all consultation documentation where they could be accessed and downloaded – was sent to the Planning Inspectorate in writing via email before it was sent to the section 42 consultees on 18 April 2023. The documents were also sent to the Planning Inspectorate via WeTransfer at their request.</p> <p>The Planning Inspectorate confirmed receipt of the Project's section 46 notification – and that they could access all consultation Documentation – on 19 April 2023, via an email from Karl-Jonas Johansson (Case Manager) on behalf of the Secretary of State.</p> <p>A copy of the section 46 notification sent to PINS is contained within Appendix E1 to the Consultation Report (Document Reference 4.1.3) The consultation materials sent to PINS included the following documentation:</p> <ul style="list-style-type: none"> <li>▪ Statutory Consultation Brochure;</li> <li>▪ Plan showing the extent of the Project (see pages 12 and 13 of the consultation brochure);</li> <li>▪ Statutory Consultation Feedback Form;</li> <li>▪ Statement of Community Consultation (“SoCC”);</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Statutory Consultation Poster;</li> <li>▪ A copy of the notice published in accordance with section 48 of the 2008 Planning Act and regulation 11 of the EIA Regulations 2017; and</li> <li>▪ The Preliminary Environmental Information Report.</li> </ul> <p>Statutory consultation under section 42 then commenced on 19 April 2023.</p>
<p><b>Section 47: Duty to consult local community</b></p>		
13	<p>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>	<p><b>Yes.</b> As the Project is located entirely within the marine environment, approximately 30km from the Lancashire coast (the nearest coastline), there are no people living in the vicinity of the land or related local authorities. The Applicant however took a precautionary approach as to what would constitute “living in the vicinity of” the Proposed Development and consulted with planning authorities serving the closest section of the coast to the Project.</p> <p>A copy of the final SoCC is provided in Appendix C3 and C4 of the Consultation Report (Document Reference 4.1.1).</p>
14	<p>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>	<p><b>Yes.</b> As the Proposed Development is located entirely within the marine environment, there are no ‘B’ or ‘C’ authorities for the purposes of section 43 of the Planning Act 2008. However, the Applicant took a precautionary approach to identifying local authorities that could be expected to have an interest in the application. The following authorities were consulted with about the content of the SoCC:</p> <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Conwy County Borough Council</li> </ul>

- Cumberland Council
- Denbighshire County Council
- Douglas Borough Council
- Flintshire County Council
- Fylde Council
- Isle of Anglesey County Council
- Lancashire County Council
- Lancaster City Council
- Liverpool City Council
- Liverpool City Region Combined Authority
- Sefton Council
- West Lancashire Borough Council
- Westmorland and Furness Council
- Wirral Council Wyre Council

The Applicant also requested feedback on the SoCC from:

- Marine Management Organisation
- Lake District National Park
- Isle of Man Government

The SoCC was sent to Local Planning Authorities, Lake District National Park, IoM Government and the Marine Management Organisation (MMO) for consultation from 30 January to 27 February 2023. Emails were sent on 30 January, 10 and 20 February and 2 March 2023. However, due to lack of feedback to the consultation, the Applicant notified Local Planning Authorities, the MMO, the IoM Government and Lake District National Park that whilst consultation on the SoCC had closed, the Applicant would extend the timescales

		<p>for consultation responses until 6 March 2023. No further comments or feedback were received as a result of this extended deadline.</p> <p>Two local Planning Authorities provided feedback to the draft SoCC. The feedback and the Applicant's response is presented in Table 8.1 in the Consultation Report (Document Reference 4.1).</p> <p>The Applicant created a holding page on the Project website and made available electronic copies of the finalised SoCC (see Appendix C7 (Document Reference 4.1.1)) and Section 47 notice from 28 March 2023. The SoCC will remain available to access and download on the Project website until a decision letter has been issued from the Secretary of State.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes.</b> The Project received feedback from Isle of Anglesey Council and Douglas Borough Council. A summary of their feedback and the Applicant's response is included in Table 8.1 in the Consultation Report (Document Reference 4.1).</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes.</b> The Project's SoCC was available to read on the Project website from 29 March 2023 and throughout the duration of consultation. This will remain available to access and download on the Project website until a decision letter has been issued from the Secretary of State. It was made available at all in-person consultation events, of which there were 19, and at 12 deposit (or reference) locations across the North West of England, North Wales and Isle of Man.</p> <p>A link where the SoCC could be accessed and downloaded was also included in all emails sent to section 42 and section 47 contacts at the launch of consultation (19 April 2023).</p> <p>The Section 47 Notice (notice of publication of SoCC) was published in the following regional newspapers for one week:</p> <ul style="list-style-type: none"> <li>▪ Golwg (30 March 2023)</li> <li>▪ Blackpool Gazette (30 March 2023)</li> <li>▪ Daily Post (29 March 2023)</li> <li>▪ Isle of Man Courier (31 March 2023)</li> <li>▪ Lancashire Post (30 March 2023)</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Liverpool Echo (29 March 2023)</li> </ul> <p>These notices are included at Appendix C5, C6 and C8 of the Consultation Report (Document Reference 4.1.1).</p> <p>The Section 47 Notice stated that an individual unable to access the website could request an electronic (free of charge) or paper copy (subject to a reasonable copying charge).</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> Page 8 (section 3.2) of the SoCC (Appendix C3 and C4 to the Consultation Report) explains EIA and confirms that the development is EIA development for the purposes of the EIA Regulations. Pages 10-19 of the SoCC explain how the Project intended to publicise and consult on the Preliminary Environmental Information Report.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes.</b> The consultation ran from 19 April to 4 June 2023 as planned, and the commitments set out in the SoCC have been fulfilled as set out in Section 8 of the Consultation Report (Document Reference 4.1).</p> <p>During the writing of the Consultation Report (Document Reference 4.1) it was identified that whilst an email was sent to both the Coal Authority and the Cheshire and Wirral NHS Trust, there was no evidence that these emails were delivered. The Applicant considers that this does not materially impact its compliance with the commitments set out in the SoCC or the adequacy of the consultation, in particular given that neither is a prescribed consultee in relation to the Application and the distance offshore of the proposed development.</p> <p>On 16 August 2023 it came to light that a technical website error meant that respondents' feedback to question 1.16, relating to traffic and transport, submitted via the online feedback form on the Project website, was not captured.</p> <p>The Applicant proactively contacted every party who had submitted an online feedback form – and who had provided their contact details (a total of 53 consultees, including three section 42 consultees with the remainder being classified as section 47 consultees). In total, 46</p>

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

		<p>consultees received both a letter and an email, three consultees received just a letter and four consultees only received an email.</p> <p>The Applicant therefore took necessary steps to recapture feedback relating to question 1.16 submitted via the online feedback form on the Project consultation website. In response, the Applicant received 14 pieces of feedback: ten emails and four hard copy responses. This is covered in more detail in Section 14.2 of the Consultation Report (Document Reference 4.1).</p> <p>Every consultee who submitted their comments to the Applicant (and provided their contact details) received an acknowledgement (by email or letter) that their feedback had been received.</p> <p>The commitments set out in the SoCC have been fulfilled as set out in Section 8 of the Consultation Report (Document Reference 4.1).</p>			
<b>Section 48: Duty to publicise the proposed application</b>					
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<b>Yes.</b> The Section 48 Notice as prescribed by the Planning Act 2008 was published in accordance with Regulation 4(2) of the APFP Regulations as laid out in sections a) to d) below. A copy of the Section 48 notice is included in Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 35%; text-align: left;">Newspaper(s)</th> <th style="width: 60%; text-align: left;">Date</th> </tr> </thead> </table>				Newspaper(s)	Date
	Newspaper(s)	Date			
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; vertical-align: top;"> <b>Yes.</b> As the Proposed Development is situated entirely in the marine environment, a precautionary approach was taken in determining what constituted the vicinity of the Proposed Development for the purposes of local newspaper notices.             The Section 48 Notice was placed in the following regional and local newspapers for two consecutive weeks:           <ul style="list-style-type: none"> <li>• Daily Post (12 and 19 April 2023)</li> <li>• Isle of Man Courier (14 and 21 April 2023)</li> </ul> </td> <td style="width: 60%; vertical-align: top;"> <u>All dates 2023:</u>             12 and 19 April             14 and 21 April         </td> </tr> </table>	<b>Yes.</b> As the Proposed Development is situated entirely in the marine environment, a precautionary approach was taken in determining what constituted the vicinity of the Proposed Development for the purposes of local newspaper notices.  The Section 48 Notice was placed in the following regional and local newspapers for two consecutive weeks: <ul style="list-style-type: none"> <li>• Daily Post (12 and 19 April 2023)</li> <li>• Isle of Man Courier (14 and 21 April 2023)</li> </ul>	<u>All dates 2023:</u>  12 and 19 April  14 and 21 April	
<b>Yes.</b> As the Proposed Development is situated entirely in the marine environment, a precautionary approach was taken in determining what constituted the vicinity of the Proposed Development for the purposes of local newspaper notices.  The Section 48 Notice was placed in the following regional and local newspapers for two consecutive weeks: <ul style="list-style-type: none"> <li>• Daily Post (12 and 19 April 2023)</li> <li>• Isle of Man Courier (14 and 21 April 2023)</li> </ul>	<u>All dates 2023:</u>  12 and 19 April  14 and 21 April				



		<ul style="list-style-type: none"> <li>• Lancashire Evening Post (12 and 19 April 2023)</li> <li>• Liverpool Echo</li> <li>• Golwg (13 and 20 April 2023)</li> <li>• Barrow Mail (12 and 19 April 2023)</li> <li>• Blackpool Gazette (12 and 19 April 2023)</li> </ul> <p>The public notice is presented in Appendix F3 to the Consultation Report (Document Reference 4.1.3).</p>	<p>12 and 19 April</p> <p>12 and 19 April</p> <p>13 and 20 April</p> <p>12 and 19 April</p> <p>12 and 19 April</p>
b)	once in a national newspaper;	<p><b>Yes.</b> The Section 48 Notice was published in The Guardian on 12 April 2023.</p> <p>The public notice is presented in Appendix F3 to the Consultation Report (Document Reference 4.1.3).</p>	12 April 2023
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><b>Yes.</b> The Section 48 Notice was published in the London Gazette on 12 April 2023.</p> <p>The public notice is presented in Appendix F3 to the Consultation Report (Document Reference 4.1.3).</p>	12 April 2023
d)	<p>where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p><b>Yes.</b> The Section 48 Notice was published in Lloyd’s List on 12 April 2023 and Fishing News on 12 April 2023.</p> <p>The public notice is presented in Appendix F3 to the Consultation Report (Document Reference 4.1.3).</p>	12 April 2023
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p><b>Yes.</b> The Section 48 Notice included the required information set out in Regulation 4(3) of the APFP Regulations (as noted below).</p> <p>The Section 48 Notice also referenced the consultation start and end date and included a map of the proposed Project as well as contact information for the Project.</p> <p>See Section 48 Notice within the Appendix F1 and F2 of the Consultation Report (Document Reference 4.1.3).</p>	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	<b>Yes.</b> No paragraph numbers were marked on the Section 48 Notice, however this information was included. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).
c)	a statement as to whether the application is EIA development	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).
e)	a statement that the Documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge 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 can be used to contact the Applicant for	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).	f)	the latest date on which those Documents, plans and maps will be available for inspection on the website	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).

	enquiries in relation to the Documents, plans and maps			
g)	whether a charge will be made for copies of any of the Documents, plans or maps and the amount of any charge	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).	h)	details of how to respond to the publicity
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).		<b>Yes.</b> See Section 48 Notice. Please see Appendices F1 and F2 of the Consultation Report (Document Reference 4.1.3).
21	Are there any observations in respect of the s48 notice provided above?			
	Please note that all consultation documentation will remain available to access and download on the Project website in perpetuity.			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<b>Yes.</b> In accordance with regulation 13 of the EIA Regulations, the Section 48 Notice was sent to the section 42 consultees. No additional consultation bodies were notified to the Applicant by PINS in accordance with Regulation 11(1)(c). This is noted in a letter sent by the Planning Inspectorate to the Applicant on 2 August 2022.  Section 42 consultees are listed in Appendix D16 of the Consultation Report (Document Reference 4.1.2).		
<b>s49: Duty to take account of responses to consultation and publicity</b>				

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

23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes.</b> All responses received to the consultation have been considered by the Applicant.</p> <p>Section 15 of the Consultation Report (Document Reference 4.1) provides a summary of sections 42, 47 and 48 responses and includes an overview of the key issues raised and a description of how the Applicant had regard to consultation responses.</p> <p>Full details of this are also contained within Appendix I of the Consultation Report (Document Reference 4.1.4).</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>The Applicant has had regard to and complied with 'Planning Act 2008: Guidance on the pre-application process', Chapter 2 of Part 5 (pre-application procedure) of the Planning Act 2008 and other applicable guidance and undertaken both non-statutory and statutory consultation. This is outlined in the Consultation Report (Document Reference 4.1).</p> <p>On 30 April 2024 the Department for Levelling Up, Housing and Communities published six guidance notes for Nationally Significant Infrastructure Projects. One of these guidance notes, 'Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (April 2024)' supersedes the previous guidance note 'Planning Act 2008: guidance on the pre-application process for major infrastructure projects'. The Applicant has had regard to the new guidance notes in preparing this Application. All activities carried out by the Applicant prior to 30 April 2024 were undertaken with reference to the now superseded guidance. The Applicant has not identified any material discrepancies in its approach as compared to the new guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the Planning Act 2008.

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<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> <p>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</p> <p>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</p>	<p><b>Yes.</b></p> <p>Section 4 of the Application Form (Document Reference 1.2) outlines why the Proposed Development falls within the remit of the Planning Inspectorate. This is also set out in the Explanatory Memorandum (Document Reference 3.2).</p> <p>Sections 5 and 6 of the Application Form (Document Reference 1.2) provide a brief, non-technical description of the application site and its location. An Offshore Location Plan (Document Reference 2.1) has also been provided.</p>			
27	Is it accompanied by a Consultation Report?	<p><b>Yes.</b> The Application includes a Consultation Report (Document Reference 4.1), with various appendices (Document References 4.1.1 to 4.1.4), which are set out in the Guide to the Application (Document Reference 1.3).</p>			
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<p><b>Not applicable.</b> No plans submitted with the application have three or more separate sheets.</p>			
29	Is it accompanied by the Documents and information set out in APFP Regulation 5(2)?	<p><b>Yes.</b> 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>			
	<b>Information</b>	<b>Document</b>	<b>Information</b>	<b>Document</b>	
a)	Where applicable, the Environmental Statement required under the EIA	<b>Yes.</b> The Application is accompanied by an Environmental Statement which comprises a Non-Technical Summary,	b)	The draft Development Consent Order (DCO)	<b>Yes.</b> The Application includes a draft Development Consent Order (DCO) (Document Reference 3.1), which

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

	Regulations <sup>13</sup> and any scoping or screening opinions or directions	chapters, figures and appendices (Section 5 of the Application Documents, as set out in the Guide to the Application (Document Reference 1.3)).  The Scoping Report and Scoping Opinion are included with the Application (Document Reference 5.4).			includes a Deemed Marine Licence. A validation report (Document Reference 3.3) is also included with the Application.
	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	<b>Yes.</b> The Application includes an Explanatory Memorandum (Document Reference 3.2), which explains the purpose and effect of the provisions in the draft DCO.	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	<b>Not applicable.</b>  As confirmed in the Application Form (Document Reference 1.2), the Application does not seek to include compulsory acquisition of land or an interest in land or right over land within the draft DCO (Document Reference 3.1). As such a Book of Reference is not relevant to the Application and not provided.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	<b>Not applicable.</b>  As confirmed in the Application Form (Document Reference 1.2), the Project is entirely offshore (approximately 30km	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the	<b>Yes.</b> See Statutory Nuisance Statement (Document Reference 4.17).

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

		<p>from the Lancashire coast (the nearest coastline)), and no Flood Risk Assessment is required.</p> <p>The Applicant notes that Flood Risk Assessment was scoped out by the Planning Inspectorate (as confirmed in the EIA Scoping Opinion (Document Reference 5.4)).</p>		<p>Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them</p>	
	<p>Is this of a satisfactory standard?</p>			<p>Is this of a satisfactory standard?</p>	
<p>h)</p>	<p>A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)</p>	<p><b>Not applicable.</b></p> <p>Section 13 of the Application Form (Document Reference 1.2) confirms that the application does not involve any Compulsory Acquisition and therefore neither a Statement of Reasons nor a Funding Statement are required.</p>	<p>i)</p>	<p>A Land Plan identifying:-</p> <ul style="list-style-type: none"> <li>(i) the land required for, or affected by, the Proposed Development;</li> <li>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</li> <li>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</li> <li>(iv) any special category land and replacement land</li> </ul>	<p><b>Yes.</b> The Application includes an Offshore Order Limits and Grid Coordinates Plan (Document Reference 2.4) which shows the land (seabed) required for the Proposed Development. This fully addresses the requirements of (i)(i).</p> <p>As the Project is entirely offshore, no powers of Compulsory Acquisition are proposed to be exercised. As such:</p> <ul style="list-style-type: none"> <li>(i)(ii) not applicable;</li> <li>(i)(iii) there is no such land; and</li> <li>(i)(iv) there is no special category land.</li> </ul>

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	<p><b>Yes.</b></p> <p>The Application includes an Offshore Works Plan (Document Reference 2.3) (Document Reference 2.4), which shows the location of the Proposed Development and which address the requirements of (j)(i) and (j)(ii).</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>Not applicable.</b></p> <p>No provision for 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 have been identified as being included within the draft DCO (Document Reference 3.1). No plan under Regulation 5(2)(k) is therefore required.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p>	<p>(i) <b>Yes.</b> See Offshore Statutory and Non-Statutory Nature Conservation Sites (Document Reference 2.6).</p> <p>(ii) <b>Yes.</b> See Offshore Statutory and Non-Statutory Nature Conservation Sites (Document Reference 2.6).</p> <p>(iii) <b>Not applicable.</b> As confirmed in the Application Form (Document Reference 1.2), the Project is entirely offshore. No water bodies in a river basin</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with</p>	<p><b>Yes,</b> see Historic Environment Plan (Document Reference 2.7)</p> <p>Chapter 15 Marine Archaeology and Cultural Heritage (Document Reference 5.1.15) provides an assessment of effects on the relevant sites, features or structures.</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>management plan have been identified as being included within the application.</p> <p>The following Documents provide an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development:</p> <ul style="list-style-type: none"> <li>▪ The Habitats Regulations Assessment (HRA) (Document Reference 4.9 to 4.11)</li> <li>▪ The Marine Conservation Zone Assessment (Document Reference 4.12 and 4.13)</li> <li>▪ Chapter 7 Marine Geology, Oceanography &amp; Physical Processes (Document Reference 5.1.7)</li> <li>▪ Chapter 8 Marine Sediment and Water Quality (Document Reference 5.1.8)</li> <li>▪ Chapter 9 Benthic Ecology (Document Reference 5.1.9)</li> <li>▪ Chapter 10 Fish and Shellfish Ecology (Document Reference 5.1.10)</li> <li>▪ Chapter 11 Marine Mammals (Document Reference 5.1.11)</li> <li>▪ Chapter 12 Offshore Ornithology (Document Reference 5.1.12)</li> </ul>	<p>an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	
<p>Is this of a satisfactory standard?</p>		<p>Is this of a satisfactory standard?</p>	

n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Yes</b> , the Application includes the Crown Land Plan (Document Reference 2.2).	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>Yes</b> , see the following Documents which provide details of the project design: <ul style="list-style-type: none"> <li>▪ Chapter 5 Project Description (Document Reference 5.1.5)</li> <li>▪ Design Statement (Document Reference 4.3)</li> </ul>
	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:	<b>Yes</b> . As the application is for an offshore generating station, Regulation 6(1)(b) applies. Regulation 6(1)(b)(i): The Cable Statement (Document Reference 4.2) sets out the details of the proposed route and method of installation for any cable. Regulation 6(1)(b)(ii): The Safety Zone Statement (Document Reference 4.5) explains that it is the Applicant's intention to apply for safety zones around the wind turbines and offshore substation platforms during the	q)	Any other Documents considered necessary to support the application	In addition to Documents and plans referred to in (a) through (p), see also: <ul style="list-style-type: none"> <li>▪ Environmental Benefit and Net Gain Statement (Document Reference 4.4)</li> <li>▪ Marine Plan Policy Review (Document Reference 4.7)</li> <li>▪ Planning Development Consent and Need Statement (Document Reference 4.8)</li> <li>▪ National Policy Statement Accordance Report (Document Reference 4.14)</li> <li>▪ Other Consents and Licences Required (Document Reference 4.15)</li> </ul>

		construction and operation phases of the Project.			And all other Documents listed in the Guide to the Application (Document Reference 1.3): <ul style="list-style-type: none"> <li>▪ Volume 1: Application Form</li> <li>▪ Volume 2: Plans and Drawings</li> <li>▪ Volume 3: Draft Development Consent Order</li> <li>▪ Volume 4: Reports and Statements</li> <li>▪ Volume 5: Environmental Statement</li> <li>▪ Volume 6: Other Documents</li> </ul>
	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?				
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)? <sup>14</sup>		<b>Yes</b> , a Habitats Regulations Assessment has been prepared and is outlined in the following reports: <ul style="list-style-type: none"> <li>▪ Report to Inform Appropriate Assessment (Document Reference 4.9)</li> <li>▪ Habitats Regulations Assessment Screening Report (Document Reference 4.10)</li> <li>▪ Habitats Regulations Assessment Without Prejudice Derogation Case (Document Reference 4.11) and Outline Compensation Implementation and Monitoring Plan (Document Reference 4.11.1)</li> </ul>		

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

32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting Documents and plans <sup>15</sup>	N/A at this stage.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p><b>Yes</b>, the Applicant has had regard to the full application procedure as outlined in the statutory guidance. The format and content of the application documents submitted are consistent with 'Planning Act 2008: Application form guidance'.</p> <p>On 30th April 2024 the Department for Levelling Up, Housing and Communities published six guidance notes for Nationally Significant Infrastructure Projects. The Applicant has had regard to the new guidance notes in preparing this Application. Where activities were carried out by the Applicant prior to 30 April 2024, these were undertaken with reference to the statutory guidance in force at the time. The Applicant has not identified any material discrepancies in its approach as compared to the new guidance.</p> <p>Please refer to the following documents:</p> <ul style="list-style-type: none"> <li>▪ Consultation Report (Document Reference 4.1)</li> <li>▪ Planning Development Consent and Need Statement (Document Reference 4.8)</li> <li>▪ Offshore Works Plan (Document Reference 2.3)</li> <li>▪ Offshore Location Plan (Document Reference 2.1)</li> <li>▪ Application Form (Document Reference 1.2)</li> <li>▪ Chapter 3 Policy and Legislation (Document Reference 5.1.3)</li> <li>▪ Chapter 5 Project Description (Document Reference 5.1.5)</li> <li>▪ Chapter 6 EIA Methodology (Document Reference 5.1.6)</li> </ul>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	

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

**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> ?	<p><b>Yes.</b></p> <p>The Applicant has paid the application fee of £8796 on 23 April 2024 (Reference EN010121 Morecambe) ahead of receipt of the Application. Receipt of payment was confirmed by the Planning Inspectorate to the Applicant on 25 April 2024.</p>
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Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

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



