



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

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

July 2024

## Dogger Bank South Offshore Wind Farms 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>12 June 2024</b>	<b>10 July 2024</b>	<b>10 July 2024</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
<b>Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent</b>				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the construction of a generating station and satisfies sections 14 and 15 of the PA2008; including section 15, subsection 3.</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.3)</b> which states that the application is for an NSIP.</p>		

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

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

	If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate is satisfied that the <b>Draft Development Consent Order (Doc 3.1)</b> includes development for which development consent is required.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<b>Yes</b> On 26 July 2022 the Applicants notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 06 June 2023. A copy of the notification letter is provided at <b>Appendix B1</b> of the <b>Consultation Report (Doc 5.3)</b> .
5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	<b>Yes</b> There are 6 host and neighbouring authorities, of which 4 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 13 June 2024. All 4 responding authorities confirmed in their AoCR that either the Applicants had complied with their duties under s42, s47 and s48 of the PA2008 and/ or

<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

that their authority had no comments/ objections to make. These local authorities were:

- City of Doncaster Council (A authority) \*
- Hull City Council (A authority)
- North Lincolnshire Council (A authority)
- East Riding of Yorkshire Council (B authority)

The following authorities, some of whom are referred to in the application documentation, were not invited to make an AoCR due to their abolition by the provisions of The North Yorkshire (Structural Changes) Order 2022 and their replacement by North Yorkshire Council, prior to the submission of this application and the Statutory Consultation:

- Selby District Council
- Scarborough Borough Council
- Ryedale District Council
- North Yorkshire County Council

\* City of Doncaster Council has been erroneously referred to as Doncaster County Council in application documents.

All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010125/documents?stage-2=Adequacy+of+Consultation+Representation&date-from-day=&date-from-month=&date-from-year=&date-to-day=&date-to-month=&date-to-year=&searchTerm=&itemsPerPage=25>

## Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p><b>Yes</b></p> <p>The Applicants have provided a list of persons consulted under s42(1)(a) on 6 June 2023 within <b>Section 2.6 of Appendix B3</b> of the <b>Consultation Report (Doc 5.3)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix B4</b> of the <b>Consultation Report (Doc 5.3)</b>.</p> <p>The Planning Inspectorate has identified the following party 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:</p> <ul style="list-style-type: none"> <li>• Barmston and Fraisthorpe Parish Council</li> </ul> <p>The <b>Consultation Report (Doc 5.1)</b> submitted by the Applicants does not explain why the body identified above has not been consulted.</p> <p>The body listed above has been identified by the Applicants as having an interest in the Order lands and are not listed in the <b>Book of Reference (Doc 4.2)</b>.</p> <p>Section 51 advice has been issued to the Applicants in respect of the above matter: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616">https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616</a></p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<p><b>Yes</b></p>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p>

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

<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><b>Table 2.2 of Appendix B3 of the Consultation Report (Doc 5.3)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 6 June 2023.</p> <p>The host ‘B’ authority was consulted:</p> <ul style="list-style-type: none"> <li>• East Riding of Yorkshire Council</li> </ul> <p>The boundary ‘A’ authorities were consulted:</p> <ul style="list-style-type: none"> <li>• City of York Council</li> <li>• City of Doncaster Council *</li> <li>• Hull City Council</li> <li>• North Lincolnshire Council</li> <li>• North Yorkshire Council</li> </ul> <p>The Applicants erroneously identified the following authorities as neighbouring ‘A’ Authorities in <b>Table 2.2 of Appendix B3 of the Consultation Report (Doc 5.3)</b>, which were abolished alongside North Yorkshire County Council, on 1 April 2023 in accordance with the provisions of The North Yorkshire (Structural Changes) Order 2022, and replaced with North Yorkshire Council:</p> <ul style="list-style-type: none"> <li>• Ryedale District Council</li> <li>• Scarborough Borough Council</li> <li>• Selby District Council</li> </ul> <p>* City of Doncaster Council has been erroneously referred to as Doncaster County Council in application documents. This authority was previously known as Doncaster Metropolitan Borough Council.</p> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix B4 of the Consultation Report (Doc 5.3)</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A

10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraphs 188 to 197 of the Consultation Report (Doc 5.1)</b> summarise how the Applicants made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>. The full methodology undertaken by the Applicants is provided in <b>Appendix C6 of the Consultation Report (Doc 5.4)</b>.</p> <p>It has been identified that one of the persons with an interest in land included in the <b>Book of Reference (Doc 4.2)</b> is not listed in <b>Table 2.3 in Appendix B3 of the Consultation Report (Doc 5.3)</b>, <b>Table 4.1 in Appendix B3 of the Consultation Report (Doc 5.3)</b> or other parts of the <b>Consultation Report (Doc 5.1)</b> and associated appendices. Section 51 advice has been issued to the Applicants in respect of the above matter:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616">https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616</a></p> <p><b>Statutory Consultation</b></p> <p><b>Paragraph 203 of the Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 6 June 2023.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Table 2.3 in Appendix B3 of the Consultation Report (Doc 5.3)</b>.</p> <p>A sample of the letter is provided at <b>Appendix B4 of the Consultation Report (Doc 5.3)</b>.</p> <p><b>Targeted Statutory Consultation</b></p> <p><b>Paragraphs 353 and 355 of the Consultation Report (Doc 5.1)</b> state that further persons identified under s42(1)(d) following Red Line Boundary changes were consulted on 13 November 2023.</p> <p>The persons consulted under s42(1)(d) are listed at <b>Table 4.1 in Appendix B3 of the Consultation Report (Doc 5.3)</b>.</p>
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<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.

		A sample of the letter is provided at <b>Appendix B6</b> of the <b>Consultation Report (Doc 5.3)</b> .
<b>Section 45: Timetable for s42 consultation</b>		
11	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><b>Yes</b></p> <p><b>Statutory Consultation</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix B4</b> of the <b>Consultation Report (Doc 5.3)</b>.</p> <p>The sample letter dated 25 May 2023 confirmed that consultation commenced on 6 June 2023 and closed on 17 July 2023, providing more than the required minimum time for receipt of responses.</p> <p><b>Targeted Statutory Consultation</b></p> <p>A sample of the letter sent to targeted statutory consultees is provided at <b>Appendix B6</b> of the <b>Consultation Report (Doc 5.3)</b>.</p> <p>The sample letter dated 10 November 2023 confirmed that consultation commenced on 13 November 2023 and closed on 10 December 2023.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p><b>Yes</b></p> <p>The Applicants gave notice under s46 on 5 June 2023, which was before the beginning of the s42 consultation.</p> <p>A copy of the s46 notification letter and a copy of the s46 notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix B5</b> of the <b>Consultation Report (Doc 5.3)</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 D3</b> of the <b>Consultation Report (Doc 5.5)</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 Applicants sent the draft SoCC to East Riding of Yorkshire Council ('B Authority') and Hull City Council ('A Authority') on 16 February 2023 and set a deadline of 15 March 2023 for responses. Although this only provided 27 days in which to comment on the draft SoCC, both East Riding of Yorkshire Council and Hull City Council have indicated in their Adequacy of Consultation Representations (AoCR) that they consider the Applicants have met their obligations under s47 of PA2008.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Appendix D2.1</b> of the <b>Consultation Report (Doc 5.5)</b> provides the consultation response from East Riding of Yorkshire Council and <b>Appendix D2.2</b> of the <b>Consultation Report (Doc 5.5)</b> provides the consultation response from Hull City Council in respect of the draft SoCC and demonstrates how the Applicants had regard to their content. Both Local Authorities responded that they had no comments to make on the draft SoCC.</p> <p>The Planning Inspectorate is satisfied that the Applicants 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>• Driffield Centre, Cross Hill, Driffield, YO25 6RQ</li> <li>• Beverley Library, Champney Road, Beverley, HU17 8HE</li> </ul>

		<ul style="list-style-type: none"> <li>• Bridlington Central Library, King Street, Bridlington, YO15 2DF</li> <li>• Cottingham Centre, Market Green, Cottingham, HU16 5QG</li> <li>• Greenwood Avenue Library, 220 Greenwood Avenue, Hull, HU6 9RA</li> <li>• Hornsea Library Broadway, Hornsea, HU18 1RU</li> <li>• Leven Library, 74 East Street, Leven, HU17 5NG</li> <li>• Bridlington Community Hub, 1st Floor, 2a Marshall Avenue, Bridlington, YO15 2DS.</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>• Hull Daily Mail (29th May 2023);</li> <li>• Driffield and Wolds Weekly (30th May 2023);</li> <li>• Lloyd’s List (31 May 2023);</li> <li>• Holderness and Hornsea Gazette (1st June 2023);</li> <li>• Beverley Life (June 2023 edition);</li> <li>• Just Beverley (June 2023 edition); and</li> <li>• Beverley Mag (June 2023 edition).</li> </ul> <p>The SoCC has been made available on a website maintained by or on behalf of the Applicants on 5 May 2023 as stated in <b>Paragraph 214</b> of the <b>Consultation Report (Doc 5.1)</b>. <b>Appendix D6</b> of the <b>Consultation Report (Doc 5.5)</b> provides screenshots of the website showing that the SoCC was made available for inspection.</p> <p>The published SoCC, provided at <b>Appendix D3</b> of the <b>Consultation Report (Doc 5.5)</b> states where and when the final SoCC was available for inspection.</p> <p>Clippings of the published advertisements are provided at <b>Appendix D4 and Appendix D5</b> of the <b>Consultation Report (Doc 5.5)</b>.</p>
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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>Paragraphs 2.2.1 and 2.2.7</b> of the final SoCC at <b>Appendix D3</b> of the <b>Consultation Report (Doc 5.5)</b> set out that the development is EIA development and sets out how the Applicants 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 6-4</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicants have complied with the commitments set out in the final SoCC.</p> <p><b>Table 6-1</b> of the <b>Consultation Report (Doc 5.1)</b>, <b>Appendices D7, D10, D15</b> and <b>D17 (Doc 5.5)</b> and <b>Appendix E</b> of the <b>Consultation Report (Doc 5.6)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicants have carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• The Applicants committed to ‘consult Persons with an Interest in Land (PILs) under sections 42(1) (d) and 44’ in the SoCC, however, as flagged in Box 10, one of the PILs does not appear to have been consulted in some capacity.</li> <li>• The Applicants committed to distributing a ‘newsletter in advance of the consultation to all residential and business addresses with postcodes in the consultation zone’. However, as set out in <b>Table 6-4</b> of the <b>Consultation Report (Doc 5.1)</b> the newsletter itself was not mailed to the addresses in the consultation zone as the Applicants became concerned that a general mailing of the newsletter could be non-compliant with GDPR (as promotional material) and a decision was taken only to send the</li> </ul>

<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

		newsletter to those who had requested it as per the SoCC commitment to do that.																			
<b>Section 48: Duty to publicise the proposed application</b>																					
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p><b>Paragraph 229</b> of the <b>Consultation Report (Doc 5.1)</b> states:  <i>“The Applicants publicised (in accordance with the requirements of section 48) the application to coincide with the statutory section 42 and 47 consultations.”</i></p> <p><b>Paragraph 233</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix E1</b> of the <b>Consultation Report (Doc 5.6)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix E2</b> of the <b>Consultation Report (Doc 5.6)</b>.</p>																			
<table border="1"> <thead> <tr> <th></th> <th><b>Newspaper(s)</b></th> <th><b>Date</b></th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> <li>Hull Daily Mail</li> </ul> </td> <td>22 and 29 May 2023</td> </tr> <tr> <td>b)</td> <td>once in a national newspaper;</td> <td> <ul style="list-style-type: none"> <li>Daily Telegraph</li> </ul> </td> <td>2 June 2023</td> </tr> <tr> <td>c)</td> <td>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</td> <td> <ul style="list-style-type: none"> <li>London Gazette</li> </ul> </td> <td>26 May 2023</td> </tr> <tr> <td>d)</td> <td>where the proposed application relates to offshore development – (i) once in Lloyds List; and</td> <td> <ul style="list-style-type: none"> <li>Lloyds List</li> <li>Fishing News</li> </ul> </td> <td>31 May 2023 25 May 2023</td> </tr> </tbody> </table>				<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>Hull Daily Mail</li> </ul>	22 and 29 May 2023	b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>Daily Telegraph</li> </ul>	2 June 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>	26 May 2023	d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and	<ul style="list-style-type: none"> <li>Lloyds List</li> <li>Fishing News</li> </ul>	31 May 2023 25 May 2023
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	(ii) once in an appropriate fishing trade journal?		
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 E1</b> of the <b>Consultation Report (Doc 5.6)</b> , contains the required information as set out below:	
	<b>Information</b>	<b>Paragraph</b>	<b>Information</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
c)	a statement as to whether the application is EIA development	5	d) a summary of the main proposals, specifying the location or route of the Proposed Development
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>The address of the website</li> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>	3, 6, 12	f) the latest date on which those documents, plans and maps will be available for inspection
			8

g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8	h)	details of how to respond to the publicity	10
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	11			
21	Are there any observations in respect of the s48 notice provided above? <b>No</b>				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<b>Yes</b> A copy of the s48 notice was not sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>section 6.8.1.1</b> of the <b>Consultation Report (Doc 5.1)</b> . However, a website link to a suite of documents, including the notice, was provided as part of the s42 consultation letters and therefore, this information was available to consultees.			
<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?	<b>Yes</b> <b>Appendix G1</b> and <b>Appendix G2</b> of the <b>Consultation Report (Doc 5.8)</b> set out how the Applicants had regard to the consultation responses received; including whether or not responses led to changes to the application.  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.			

<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

Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Paragraph 24</b> of the <b>Consultation Report (Doc 5.1)</b> states that the Applicants have taken into consideration all relevant statutory and other guidance.</p> <p><b>Appendix A</b> of the <b>Consultation Report (Doc 5.2)</b> provides an overview of the statutory consultation requirements and key guidance has been met or followed by the Applicants.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicants have identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	<p>The Applicants have complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant in this regard, available here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616">https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616</a></p>
<p><b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b></p>		
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> </ul>	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.3)</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 1.3)</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 (Offshore) (Doc 2.1)</b> and a <b>Location Plan (Onshore) (Doc 2.2)</b> have been provided for offshore and onshore elements respectively.</p>

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

	<ul style="list-style-type: none"> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>		
27	Is it accompanied by a Consultation Report?	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and <b>Appendix A of the Consultation Report (Doc 5.2)</b>, <b>Appendix B of the Consultation Report (Doc 5.3)</b>, <b>Appendix C of the Consultation Report (Doc 5.4)</b>, <b>Appendix D of the Consultation Report (Doc 5.5)</b>, <b>Appendix E of the Consultation Report (Doc 5.6)</b>, <b>Appendix F of the Consultation Report (Doc 5.7)</b> and <b>Appendix G of the Consultation Report (Doc 5.8)</b>. The application is also accompanied by <b>Copies of Statutory Newspaper Notices (Doc 1.5)</b> as a separate document.</p>	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes</b>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:	
<b>Information</b>		<b>Document</b>	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<b>ES Non-Technical Summary (Doc 7.0);</b> <b>ES Main Volume Chapters 1 – 30 (Docs 7.1 – 7.30);</b> <b>ES Figures (Docs 7.4.1 – 7.29.1);</b>	b)
		The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>

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

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



		<b>ES Appendices (Docs 7.4.4.1 – 7.30.30.3); and Copy of Scoping Opinion (Doc 8.7).</b>			
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (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 3.2)</b>	d)	Where applicable, a Book of Reference	<b>Book of Reference (Doc 4.2)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
e)	A copy of any Flood Risk Assessment	<b>ES Appendix 20-4 - Flood Risk Assessment (Doc 7.20.20.4)</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 8.4)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard?	<b>Yes</b>
h)	A Statement of Reasons and a Funding Statement (where the application	<b>Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.4)</b>	i)	A Land Plan identifying:-	<b>Land Plans (Onshore) (Doc 2.7)</b>

	involves any Compulsory Acquisition)		<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>	
	Is this of a satisfactory standard?	<b>Yes</b>	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:-  (i) the proposed location or (for a linear scheme) the	<b>Works Plan (Offshore) (Doc 2.5)</b> <b>Works Plan (Onshore) (Doc 2.6)</b>	k) Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions,	<b>Access to Works Plan (Doc 2.10)</b> <b>Public Rights of Way Plan (Doc 2.11)</b> <b>Streets Plan (Doc 2.12)</b>

	<p>proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>		<p>extinguishments or creation of rights of way or public rights of navigation</p>		
	<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b> (with minor discrepancies as noted in Box 30)</p>	<p>Is this of a satisfactory standard?</p>	<p><b>Yes</b></p>	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p>	<p><b>(i)</b></p> <p><b><u>Offshore:</u></b></p> <p><b>Offshore Statutory and Non-Statutory Nature Conservation Sites Plan (Doc 2.13);</b></p> <p><b>ES Figure 9-1 to Figure 9-6 (Doc 7.9.1);</b></p> <p><b>ES Figure 10-1 to Figure 10-10 (Doc 7.10.1); and</b></p> <p><b>ES Figure 11-1 to 11-9 (Doc 7.11.1).</b></p> <p>The assessment of effects is provided within:</p> <p><b>ES Chapter 9 - Benthic and Intertidal Ecology (Doc 7.9)</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by</p>	<p><b><u>Offshore:</u></b></p> <p><b>Historic Environment Plan – Offshore (Doc 2.16); and</b></p> <p><b>ES Figures 17-1 to 17-3 (Doc 7.17.1).</b></p> <p><b><u>Onshore:</u></b></p> <p><b>Statutory/ Non-Statutory Features of the Historic Environment Plan - Onshore (Doc 2.15); and</b></p> <p><b>ES Figures 22-1 to Figure 22-5 (Doc 7.22.1).</b></p> <p>The assessment of effects is provided within:</p> <p><b>ES Chapter 17 – Offshore Archaeology and Cultural Heritage</b></p>

<p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p><b>and supporting ES appendices (Docs 7.9.9.1 to 7.9.9.4);</b></p> <p><b>ES Chapter 10 - Fish and Shellfish Ecology (Doc 7.10) and supporting ES appendices (Docs 7.10.10.1 to 7.10.10.2);</b></p> <p><b>ES Chapter 11 - Marine Mammals (Doc 7.11) and supporting ES appendices (Docs 7.11.11.1 to 7.11.11.6); and</b></p> <p><b>ES Chapter 12 - Offshore Ornithology (Doc 7.12) and supporting ES appendices (Docs 7.12.12.1 to 7.12.12.13).</b></p> <p><b><u>Onshore:</u></b></p> <p><b>Statutory/ Non-Statutory Nature Conservation Sites Plan (Onshore) (Doc 2.14);</b></p> <p><b>ES Figures 18-1 to Figure 18-6 (Doc 7.18.1); and</b></p> <p><b>ES Figures 23-1 to 23-15 (Doc 7.23.1).</b></p> <p>The assessment of effects is provided within:</p> <p><b>ES Chapter 18 - Terrestrial Ecology and Ornithology (Doc 7.18) and supporting ES</b></p>	<p>the Proposed Development</p>	<p><b>(Doc 7.17) and supporting ES appendices (Docs 7.17.17.1 to 7.17.17); and</b></p> <p><b>ES Chapter 22 – Onshore Archaeology (Doc 7.22) and supporting ES appendices (Docs 7.22.22.1 to 7.22.22.10).</b></p>
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	<p><b>appendices (Docs 7.18.18.1 to 7.18.18.10);</b></p> <p><b>ES Chapter 19 – Geology and Land Quality (Doc 7.19) and supporting ES appendices (Docs 7.19.19.1 to 7.19.19.3); and</b></p> <p><b>ES Chapter 23 – Landscape and Visual Impact Assessment (Doc 7.23).</b></p> <p>For documents relating to Habitats Regulations Assessment please refer to Box 31.</p> <p><b>(ii) As per i) above.</b></p> <p><b>(iii) Water Bodies in a River Basin Management Plan and Coastal Waterbodies (Doc 2.17);</b></p> <p><b>ES Figures 19-1 to Figure 19-9 (Doc 17.9.1); and</b></p> <p><b>ES Figures 20-1 to Figure 20-6 (Doc 7.20.1).</b></p> <p>The assessment of effects is provided within:</p> <p><b>ES Chapter 19 - Geology and Land Quality (Doc 7.19) and supporting ES appendices</b></p>		
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		<b>(Docs 7.19.19.1 to 7.19.19.3); and (iv) ES Chapter 20 - Flood Risk and Hydrology (Doc 7.20) and supporting ES appendices (Docs 7.20.20.1 to 7.20.20.4).</b>		
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? <b>Yes</b> (with minor discrepancies as noted in Box 30)
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Crown Land Plan (Doc 2.9)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping  <b>Location Plan (Offshore) (Doc 2.1)</b> <b>Location Plan (Onshore) (Doc 2.2)</b> <b>Offshore Order Limits and Grid Coordinates (Doc 2.3)</b> <b>Onshore Order Limits and Grid Coordinates (Doc 2.4)</b>  <b>Special Category Land Plan (Doc 2.8)</b>
	Is this of a satisfactory standard?	<b>Yes</b> (with minor discrepancies as noted in Box 30)		Are they of a satisfactory standard? <b>Yes</b> (with minor discrepancies as noted in Box 30)
p)	Any of the documents prescribed by Regulation	<b>Safety Zone Statement (Doc 8.19)</b>	q)	Any other documents considered necessary to support the application  <b>Application Cover Letter (Doc 1.1)</b>

<p>6 of the APFP Regulations:</p>	<p><b>Cable Statement (Doc 8.20)</b></p>		<p><b>Applicants' Section 55 checklist (Doc 1.2)</b></p> <p><b>Guide to the Application (Doc 1.4)</b></p> <p><b>Schedule of progress for voluntary land interest agreements (Doc 4.3)</b></p> <p><b>Planning Statement (Doc 8.1)</b></p> <p><b>Policy Compliance Assessment Tables (Doc 8.2)</b></p> <p><b>Other Consents and Licenses (Doc 8.3)</b></p> <p><b>Outline Skills and Employment Strategy (Doc 8.5)</b></p> <p><b>Commitments Register (Doc 8.6)</b></p> <p><b>Design and Access Statement (Doc 8.8)</b></p> <p><b>Outline Code of Construction Practice (Doc 8.9)</b></p> <p><b>Outline Ecological Management Plan (Doc 8.10)</b></p> <p><b>Outline Landscape Management Plan (Doc 8.11)</b></p> <p><b>Outline Drainage Strategy (Doc 8.12)</b></p>
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					<p><b>Outline Construction Traffic Management Plan (Doc 8.13)</b></p> <p><b>Outline Onshore Written Scheme of Investigation (Doc 8.14)</b></p> <p><b>Stage 1 Marine Conservation Zone Assessment (Doc 8.17)</b></p> <p><b>Appendix A - Marine Conservation Zone Assessment Screening Report (Doc 8.17.1)</b></p> <p><b>Disposal Site Characterisation Report (Doc 8.18)</b></p> <p><b>Outline Project Environmental Management Plan (Doc 8.21)</b></p> <p><b>Outline Written Scheme of Investigation (Offshore) (Doc 8.22)</b></p> <p><b>In-Principle Monitoring Plan (Doc 8.23)</b></p> <p><b>Outline Offshore Operations and Maintenance Plan (Doc 8.24)</b></p> <p><b>Outline Marine Mammal Mitigation Protocol (Doc 8.25)</b></p> <p><b>In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation (Doc 8.26)</b></p>
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				<p><b>Outline Scour Protection Plan (Doc 8.27)</b></p> <p><b>Outline Fisheries Liaison and Co-existence Plan (Doc 8.28)</b></p> <p><b>Unexploded Ordnance (UXO) Risk Management – Potential UXO Predictive Numbers (Doc 8.29)</b></p> <p><b>Outline Vessel Traffic Monitoring Plan (Doc 8.30)</b></p>	
	Are they of a satisfactory standard?	<b>Yes</b>		Are they of a satisfactory standard?	<b>Yes</b> (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 Chapter 12 (Offshore Ornithology) (Doc 7.12) and Offshore Statutory and Non-Statutory Nature Conservation Sites Plan (Doc 2.13)</b></p> <p><b>ES Chapter 12 (Offshore Ornithology) (Doc 7.12)</b> does not have any accompanying figures. The <b>Offshore Statutory and Non-Statutory Nature Conservation Sites Plan (Doc 2.13)</b> identifies the relevant sites considered in the ES and <b>Report to Inform Appropriate Assessment (RIAA) (Doc 6.1)</b>, with the exception of Special Protection Areas (SPAs) beyond 10km from the Proposed Development (eg Farne Islands SPA or SPAs in Scotland). <b>ES Chapter 12 (Offshore Ornithology) (Doc 7.12)</b> and the <b>Report to Inform Appropriate Assessment (RIAA) (Doc 6.1)</b> describe the locations of the SPAs beyond 10km from the Proposed Development and their distances from the Proposed Development.</p> <p><b>ES Appendix 20-4 Flood Risk Assessment (FRA) (Doc 7.20.20.4)</b></p> <p>The FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b, or to explain how the sequential or exception tests have been applied to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation - which crosses a small area identified as Flood Zone 3 and is also at risk from surface water flooding. The information provided for the sequential and exception tests in relation to the Landfall Zone and Onshore Export Cable Corridor appears that it would also be applicable to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation, but this is not specifically stated.</p>				

It is also unclear from the information presented whether the Proposed Development would result in no net loss of floodplain storage.

**Statutory/ Non-Statutory Features of the Historic Environment Plan – Onshore (Doc 2.15) and ES Figures 22-1 to Figure 22-5 (Doc 7.22.1)**

There appear to be some inconsistencies between the plan and the ES Figures. Some features are not represented on both the plan and ES Figures and where a feature does appear on both the plan and ES Figures, this is often represented as a different boundary or linear alignment. An example is the two pink dots at the access from the A165, shown on page 2 of **Doc 2.15**, but these are not shown on the ES Figures in (**Doc 7.22.1**).

**Waterbodies in a River Basin Management Plan and Coastal Waterbodies Plan (Doc 2.17)**

The plan shows a number of waterbodies designated by the Environment Agency as Main Rivers, which are just labelled as “Main Rivers” rather than with the individual river names.

Where a number of waterbodies are adjacent to each other on the plan, it is not always clear which label is referring to which waterbody. However, this detail is provided in ES Figures 20-1 to 20-6 (**Doc 7.20.1**).

**Onshore Order Limits and Grid Co-ordinates (Doc 2.4)**

The Inspectorate notes that on page 4 of 32 of the **Onshore Order Limits and Grid Co-ordinates (Doc 2.4)** a half-moon shaped piece of land is excluded from the order limits below co-ordinates 10-12 and it is unclear whether this is intentional.

**Works Plan (Offshore) (Doc 2.5) and Works Plan (Onshore) (Doc 2.6)**

The Inspectorate notes that there are some inconsistencies and apparent omissions on the **Works Plan (Offshore) (Doc 2.5)**, which the Applicants may wish to check and amend as appropriate to assist parties to an Examination. For example, Work Nos. 8a/b, whilst partly offshore, are not currently shown on the **Works Plan (Offshore) (Doc 2.5)** and there are a yellow circle and grey line markings on the plan which are not included in the key.

The Inspectorate notes that there are several minor discrepancies between the **Draft Development Consent Order (Doc 3.1)** and **Works Plan (Onshore) (Doc 2.6)** in terms of the description of works. For example, the works relating to Works Nos. 17a/b, 18a/b and 19a/b refer to ‘temporary’ working arrangements within the **Draft Development Consent Order (Doc 3.1)**; however, the term ‘temporary’ has not been included on the works plans key. Furthermore, Works Nos. 22a/b also relate to drainage works which is not included on the works plans key. The Applicants may wish to review and amend these documents to ensure consistency.

**Land Plan (Onshore) (Doc 2.7)**

The Inspectorate considers that the **Land Plan (Onshore) (Doc 2.7)** could benefit from improved clarity for parties as various roads are not identified on the land plans, which are referenced in the **Book of Reference (Doc 4.2)**. To assist parties to an Examination it

is desirable for all road names referenced in the **Book of Reference (Doc 4.2)** to be included in the **Land Plans (Onshore) (Doc 2.7)**. For example, the road east of plots 04-021/04-022; the road at plots 04-001 to 04-008 and the road located west of plot 05-004.

A number of issues connected to cut lines and plot numbers have been identified including cut lines with incorrect or missing labelling and plot numbers missing. For example, the bottom cut line on sheet 7 of **Land Plan (Onshore) (Doc 2.7)** appears to be labelled incorrectly, sheets 7-14, 16,18 and 19 have missing labelling within or near the cut lines for other features as well as the cut line. Sheet 11 has a cut line which is mislabelled as 'Sheet 11', when it appears that this line should be labelled 'sheet 10'.

There are plot numbers missing from sheets within **Land Plan (Onshore) (Doc 2.7)** for example on sheet 16 there is a plot number missing from a triangular plot just below cut line for sheet 15, on sheet 18 there is a plot number missing within cut line for sheet 19 where it says 'Rose Villa'. On Sheets 19 and 20 plot number 18-025 is missing on plan within cut lines for Sheet 18 and a plot number missing within cut line for sheet 18 where it says 'Rose Villa'.

### **Crown Land Plan (Doc 2.9)**

The Inspectorate notes that the **Crown Land Plan (Doc 2.9)** does not include Crown Land within the inshore region and only shows Crown Land onshore. It is also unclear whether it is intentional to leave a white plot next to 02-002 on **Crown Land Plan (Doc 2.9)** Sheet 2, or thin white plot next to 02-008, which is only shown in inset and not in the main plan area.

### **Special Category Land Plan (Doc 2.8)**

It is not clear to the Inspectorate why on sheet 2 of the **Special Category Land Plan (Doc 2.8)** a small parcel of land between 02-008 and 02-005 is shown in white and excluded from surrounding open space. This parcel is labelled 02-009 on land plan and is excluded from Part 5 of the **Book of Reference (Doc 4.2)**.

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

The Inspectorate notes that there are potential inconsistencies in wording, referencing, presentation and explanatory text within the **Draft Development Consent Order (Doc 3.1)**. For example, on page 10, the 'Interpretation of offshore works' refers to Works Nos. 1A to 9A and 1B to 10B; however, it would appear this should refer to Works Nos. 1A to 9A and 1B to 9B. Reference is made in Article 5 (13) to articles 29 (temporary use of land for carrying out the authorised project) and 30 (temporary use of land for maintaining the project); however, this appears to be incorrect and should refer to articles 30 (temporary use of land for carrying out the authorised project) and 31 (temporary use of land for maintaining the authorised project) instead. In Article 9 (1) (b) reference is made to Article 10 (temporary stopping up of streets); however, Article 10 relates to 'Temporary closure of streets'. Whilst this appears to be intended to have the same meaning, the wording should ideally be aligned and that 'stopping up of streets' is a permanent process not a temporary one.

Lines are only provided in half the table on page 54. Ideally the whole table should have the same format for ease of reading. In addition, the formatting of the name column in Schedule 19, is difficult to read. The Applicants may wish to review and update the formatting in the **Draft Development Consent Order (Doc 3.1)** to address these points and ensure clarity in Examination.

#### **Explanatory Memorandum (Doc 3.2)**

The Inspectorate notes that there are various incorrect article references, for example in **paragraphs** 8.25, 8.66, 8.69, 8.70, 8.76 and 8.81. The Applicants may wish to review and cross-reference the **Explanatory Memorandum (Doc 3.2)** with the **Draft Development Consent Order (Doc 3.1)** to ensure consistency between application documents.

There are also several provisions where precedent is relied upon to justify inclusion of a power in the **Draft Development Consent Order (Doc 3.1)**. For example, **paragraph** 8.34 of the **Explanatory Memorandum (Doc 3.2)** seeks to justify Article 9 of the **Draft Development Consent Order (Doc 3.1)**. The attention of the Applicants is drawn to **paragraph** 2.13 of the Planning Inspectorate Advice Note 13.

#### **Consultation Report (Doc 5.1) and Consultation Report Appendix B (Doc 5.3),**

The Inspectorate notes that Paragraph 135 of the **Consultation Report (Doc 5.1)** states that ‘Germany, The Netherlands and Norway would be considered as non-prescribed consultees and would be consulted under s42’. However, whilst The Netherlands and Norway are listed in Chapter 3.2 (Transboundary) of **Consultation Report Appendix B (Doc 5.3)**, it appears that Germany is not listed and therefore it is not clear whether and how they have been consulted.

#### **Book of Reference (Doc 4.2)**

The Inspectorate notes that there is some inconsistency between the description of the location of plots between the **Book of Reference (Doc 4.2)**, the **Land Plan (Doc 2.7)** and the **Streets Plan (Doc 2.12)**. For example, plots 04-001 to 04-008 are referenced in the **Book of Reference (Doc 4.2)** relative to Skipsea Lane; however, sheet 4 of the **Land Plan (Doc 2.7)** does not show a road name and the relevant road name on sheet 8 of the **Streets Plan (Doc 2.12)** is Dunnington Lane.

The Inspectorate also considers that various land descriptions are vague or incorrect in the **Book of Reference (Doc 4.2)**. For example, plot 06-001 on the **Land Plan (Doc 2.7)** is situated west of Main Road rather than east of Main Road as described in the **Book of Reference (Doc 4.2)**. The Applicants may wish to review these documents and amend as appropriate to ensure accuracy and consistency.

#### **Outline Onshore Written Scheme of Investigation (Doc 8.14)**

The Inspectorate notes that various reference numbers identified in Figure 1-5 do not appear to have been identified in Appendix 2 - Outline Schedule of Archaeological Requirements within the **Outline Onshore Written Scheme of Investigation (Doc 8.14)**. For

example, reference numbers APS\_085, APS\_080, APS\_082, 1241E. The Applicants may wish to review this and ensure this inconsistency is resolved to assist understanding in Examination.

### Guide to application (Doc 1.4)

The Inspectorate notes that **Table 1-1** and **Table 1-2** of the **Guide to the application (Doc 1.4)** erroneously identify HRA as ‘Habitat Risk Assessment’. In addition, the top plate (page 5 of 7) on page 60 of the **Guide to the application (Doc 1.4)** erroneously refers to Schedule 10 and 11 instead of Schedule 12 and 13. The Applicants may wish to amend as appropriate to ensure accuracy with other application documents.

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

<https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616>

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>	<p><b>Yes</b></p> <p>A Habitats Regulations Assessment (HRA) Report has been provided:</p> <ul style="list-style-type: none"><li>• Report to Inform Appropriate Assessment (RIAA), Parts 1 to 4 (<b>Doc 6.1</b>);</li><li>• RIAA Appendices A and B (<b>Docs 6.1.1 and 6.1.2</b>);</li><li>• HRA Derogation: Provision of Evidence (<b>Doc 6.2</b>);</li><li>• Appendix 1 - Kittiwake Compensation (<b>Docs 6.2.1 and 6.2.1.1 to 6.2.1.3</b>);</li><li>• Appendix 2 - Guillemot and Razorbill Compensation (<b>Docs 6.2.2, 6.2.2.1 and 6.2.2.2</b>); and</li><li>• Appendix 3 - Project Level Dogger Bank Compensation (<b>Docs 6.2.3 and 6.2.3.1 to 6.2.3.3</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. The following observations are noted:</p>
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<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

		<ul style="list-style-type: none"> <li>• The RIAA (<b>Doc 6.1</b>), Part 1 describes the offshore development in Section 2 and does not include a description of the onshore development. The Applicant has signposted to <b>Section 5.7.3</b> of ES Chapter 5 (<b>Doc 7.5</b>) as the description of the onshore works which were assessed in the HRA; and</li> <li>• Whilst a summary of European/Natura 2000 sites considered in the RIAA is included at Section 4 of Part 1 (<b>Doc 6.1</b>), it is not in all instances clear which European sites, qualifying features, and potential effect pathways have been screened for likely significant effects.</li> </ul> <p>Section 51 advice has been issued to the Applicants in respect of the above matters: <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616">https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616</a></p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	<b>No hard copies requested.</b>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<p><b>Yes</b></p> <p>The <b>Application Cover Letter (Doc 1.1)</b> explains how the Applicants have had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicants have demonstrated regard to the guidance principles.</p>

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

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 Applicants in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here:  <a href="https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616">https://infrastructure.planninginspectorate.gov.uk/document/EN010125-000616</a></p>
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 17 May 2024; before the application was made.

Role	Electronic signature	Date
Case Manager	<i>Simon Raywood</i>	10 July 2024
Acceptance Inspector	<i>Laura Shorney</i>	10 July 2024

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

