



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: August 2022

Stonestreet Green Solar 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
		11 June 2024	09 July 2024	09 July 2024
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in Sections	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14(1)(a) and s15(2) of the PA2008. The development is for the construction of a onshore generating station in England and satisfies sections 14(1)(a), 15(1) and 15(2) of the PA2008.</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.3) which states that the application is for a NSIP.</p>		

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

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

	<p>(s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</p>	<p>The Planning Inspectorate is satisfied that the Draft DCO (Doc 3.1) includes development for which development consent is required.</p>
<p>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>		
4	<p>In accordance with the EIA Regulations³, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes</p> <p>A formal request for Scoping Opinion was submitted to the Planning Inspectorate in accordance with Regulation 10(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations) on 10 April 2022.</p> <p>The Scoping Report is provided at ES Volume 4, Appendix 1.1: Scoping Report (Doc. 5.4). The Scoping Opinion was sent by the Planning Inspectorate on 30 May 2022 (ES Volume 4, Appendix 1.2: Scoping Opinion (Doc. 5.4)). Paragraph 1.0.1 of the Scoping Opinion acknowledged the Applicant’s notification.</p> <p>Statutory Consultation was undertaken twice. First between 25 October 2022 to 29</p>

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

		<p>November 2022 and the second between 12 June 2023 and 17 July 2023 with an extended deadline of 31 July 2023 for section 42 consultees whose letters were sent on 22 June 2023.</p> <p>On 24 October 2022 and 8 June 2023, the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 25 October 2022 and 12 June 2023.</p> <p>A copy of the notification letter is provided at Appendix C-4: Section 46 Notification and Acknowledgment for 2022 Statutory Consultation and Appendix C-7: Section 46 Notification and Acknowledgment for 2023 Statutory Consultation of the Consultation Report (Doc. 6.2).</p>
5	<p>Have any Adequacy of Consultation Representations⁴ been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>Yes</p> <p>There are 14 host and neighbouring authorities, of which 7 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 12 June 2024.</p> <p>All 7 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 in relation to the Statutory Consultations undertaken. These local authorities were:</p> <ul style="list-style-type: none"> • Dover District Council (A Authority) • Tunbridge Wells District (A Authority) • Kent County (C Authority)

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

- Folkestone and Hythe District (B Authority)
- Ashford Borough Council (B Authority)*
- Thurrock (D Authority)
- Surrey Council (D Authority)

Ashford Borough Council (B Authority) confirmed that the Applicant had in their view met legislative duties under s42, s47 and s48 of the PA2008, however made additional comments with regards to concerns from the local community on the quality of the consultation. Ashford Borough Council provided further documentation to evidence these concerns, including a report from Aldington and Mersham Support Group dated January 2024.

As all 7 responding local authorities have confirmed in their AoCR that the Applicant had complied with its duties under s42, s47 and s48 of the PA2008, the Inspectorate is satisfied that the Applicant has met this duty.

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/EN010135/documents>

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 prescribed⁵?

Yes

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

The Applicant carried out two rounds of statutory consultation pursuant to s42 of the PA2008. The first statutory consultation took place between **25 October and 29 November 2022**. This consultation is described below, briefly.

Statutory Consultation 1

The Applicant has provided a list of persons consulted under s42(1)(a) between **25 October and 29 November 2022** at **Appendix C-1: List of Section 42(1)(a) and (b) Consultees for 2022 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix C-3: Sample Letters Sent to Section 42 Consultees for 2022 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

The second round of statutory consultation took place between **12 June and 17 July 2023**. This consultation is described below.

Statutory Consultation 2

The Applicant has provided a list of persons consulted under s42(1)(a) between **12 June and 17 July 2023** at **Appendix C-5: List of Section 42(1)(a) and (b) Consultees for the 2023 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix C-6: Sample Letters Sent to Section 42 Consultees for the 2023 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42 in either 2022 and/or 2023 of consultation:

United Kingdom Health Security Agency – on a precautionary basis

National Gas - Licence covers Great Britain - consult on a precautionary basis.

		<p>Aidien Ltd - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Independent Distribution Connection Specialists Ltd - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Optimal Power Networks Limited - Licence covers Great Britain - consult on a precautionary basis.</p> <p>Stark Works - Consult on a precautionary basis -Licence covers Great Britain</p> <p>The Applicant's Consultation Report (Doc. 6.1) does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc. 4.1).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	n/a
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 7: Section 42(1)(b) local authorities (2022 Statutory Consultation and 2023 Statutory Consultation of the Consultation Report (Doc. 6.2) identifies the relevant local authorities. Figure 1: Administrative boundaries of section 42(1)(b) authorities (2022 Statutory Consultation and 2023 Statutory Consultation) of the Consultation Report (Doc. 6.2) reflects the administrative boundaries of these authorities.</p>

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

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

		<p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • Folkestone and Hythe District (B Authority) • Ashford Borough Council (B Authority) <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> • Kent County Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • Rother District (A Authority) • Dover District Council (A Authority) • Tunbridge Wells District (A Authority) • Maidstone District (A Authority) • Swale District (A Authority) • Canterbury District (A Authority) <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> • London Borough of Bromley (D Authority) • Medway (D Authority) • London Borough of Bexley (D Authority) • Thurrock (D Authority) • East Sussex County (D & A Authority) • Surrey Council (D Authority) <p>A sample of the letter sent to s42(1)(b) relevant authorities for the Consultation</p>
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		<p>between 25 October 2022 and 29 November 2022 is provided at Appendix C-1 Sample Letters Sent to Section 42 Consultees for 2022 Statutory Consultation of the Consultation Report (Doc. 6.2).</p> <p>A sample of the letter sent to s42(1)(b) relevant authorities for the Consultation between 12 June 2023 and 17 July 2023 is provided at Appendix C-5 Sample Letters Sent to Section 42 Consultees for 2022 Statutory Consultation of the Consultation Report (Doc. 6.2).</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 ⁸ ?	<p>Yes</p> <p>Paragraph 5.3.12 of the Consultation Report (Doc. 6.1) states that all persons identified under s42(1)(d) received consultation letters on 19 October and 21 October 2022.</p> <p>Paragraph 5.3.11 of the Consultation Report (Doc. 6.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc. 3.1). The full methodology undertaken by the Applicant is provided in 5.3 Part A: Section 42 Consultation of the Consultation Report (Doc. 6.1).</p> <p>The persons consulted under s42(1)(d) between 25 October to 29 November 2022 are listed at Appendix C-2 and Appendix K of the Consultation Report (Doc. 6.2).</p> <p>A sample of the letter of the 2022 Statutory Consultation is provided at Appendix C2 of the Consultation Report (Doc. 6.2).</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.

		<p>Paragraph 6.3.1 of the Consultation Report (Doc. 6.1) states that all persons identified under s42(1)(d) were consulted between 12 June and 17 July 2023 during which further persons with land interests were identified.</p> <p>The Applicant confirms at paragraph 6.3.7 of the Consultation Report (Doc. 6.1), that the same approach as set out in Section 5.3 of the Report was used to identify persons falling within the categories set out in section 44 of the PA2008.</p> <p>A sample of the letter of the 2023 Statutory Consultation is provided at Appendix C-6 of the Consultation Report (Doc. 6.2).</p>
Section 45: Timetable for s42 consultation		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes</p> <p>A sample of the letter sent to s42 consultees as part of the 2022 Statutory Consultation is provided at Appendix C-3 of the Consultation Report (Doc. 6.2).</p> <p>The sample letter dated 19 October 2022 confirmed that consultation commenced on 25 October 2022 and closed on 29 November 2022, providing more than the required minimum time for receipt of responses.</p> <p>Paragraph 6.4.1 of the Consultation Report (Doc. 6.1), states that sample letters for Statutory Consultation between 12 June to 17 July 2023 is provided at Appendix C6 Sample Letters Sent to Section 42 Consultees for 2023 Statutory Consultation (Doc. 6.2). Upon review of this Appendix, the Inspectorate notes that a sample letter for 2022 Statutory Consultation is provided.</p> <p>Section 6.4 of the Consultation Report outlines the activities of Statutory Consultation undertaken between 12 June to 17 July 2023, and states that the sample letters confirm commencement of consultation beginning 12 June 2023 and closing on 17 July 2023, providing more than the required minimum time for receipt</p>

		<p>of responses.</p> <p>The Inspectorate can confirm, receipt of the Applicants section 46 notice, which confirms the above notification for 2023 Statutory Consultation as referenced in Appendix C-7: Section 46 Notification and Acknowledgment for 2023 Statutory Consultation of the Consultation Report (Doc. 6.2).</p> <p>Furthermore, Box 5 above of this section 55 checklist, confirms that the relevant Local Authorities were satisfied with the Applicants Adequacy of Consultation under section 42 of the PA2008.</p> <p>In light of this the Inspectorate is satisfied that on balance the letters were sent and the Applicant did notify s42 consultees of the deadline for receipt of consultation responses; and provided more than the required minimum time for receipt of responses.</p>
<p>Section 46: Duty to notify the Planning Inspectorate of proposed application</p>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes</p> <p>The Applicant gave notice under s46 on 24 October 2022, which was before the beginning of s42 consultation undertaken between 25 October to 29 November 2022.</p> <p>A copy of the s46 notification letter is provided at Appendix C-4: Section 46 Notification and Acknowledgment for 2022 Statutory Consultation of the Consultation Report (Doc. 6.2) and a copy of s46 notification acknowledgement letter dated 24 October 2022 from the Planning Inspectorate is provided at Appendix C-4 of the Consultation Report (Doc. 6.2).</p> <p>The Applicant gave notice under s46 on 8 June 2023, which was before the beginning of s42 consultation, undertaken between 12 June to 17 July 2023.</p> <p>A copy of the s46 notification letter is provided at Appendix C-7: Section 46 Notification and Acknowledgment for 2023 Statutory Consultation of the</p>

		Consultation Report (Doc. 6.2) and a copy of s46 notification acknowledgement letter dated 12 June 2023 from the Planning Inspectorate is provided at Appendix C-7 of the Consultation Report (Doc. 6.2) .
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes A copy of the <i>final</i> SoCC dated May 2023 is provided at Appendix B-12: Published Statement of Community Consultation 3 of the Consultation Report (Doc. 6.2) .
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?	Yes The Applicant sent the draft SoCC for 2023 Statutory Consultation to Ashford Borough Council ('B Authority) and Kent County Council ('C Authority') for consultation between 20 January and 17 February 2023 and subsequently Folkestone and Hythe District Council ('B Authority') between 24 January and 21 February 2024 for consultation. A deadline for responses, provided the required minimum time for responses on the draft SoCC.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes In line with consultation undertaken on the draft SoCC between 20 January and 21 February 2023, with the relevant Local Authorities, the Applicant has provided Appendix B-11: Regard had to Host Authorities' Responses to Statement of Community Consultation 3 (Doc. 6.2) . Appendix B-11 provides a summary of the consultation responses from Ashford Borough Council, Folkestone & Hythe District Council and Kent County Council in respect of the draft SoCC and demonstrates how the Applicant had regard to their content. Examples of changes from the draft SoCC to the final SoCC include: <ul style="list-style-type: none"> • The applicant increased the consultation period in the SoCC to five weeks to

		<p>ensure consultees would have sufficient time to review changes to project material.</p> <ul style="list-style-type: none"> • The applicant changed the consultation events to be face to face and across four villages where previous events were held. • The Applicant added the statement "Further briefing packs will be provided to elected members in advance of the 2023 Statutory Consultation.", to the SoCC. • The Applicant added a statement to the 2023 SoCC that outlined feedback received during the 2022 Statutory Consultation. <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing their Final SoCC dated May 2023.</p>
16	<p>Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes</p> <p>The final SoCC dated May 2023 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"> • Ashford Borough Council Offices, Civic Centre, Tannery Lane, Ashford TN23 1PL (Monday to Friday: 9am to 4pm; Saturday and Sunday: closed) • Folkestone and Hythe Council Offices, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY (Monday to Friday: 10am to 4pm; Saturday and Sunday: closed) • Kent County Council, County Hall, Maidstone, Kent ME14 1XQ (Monday to Friday: 8am to 5pm; Saturday and Sunday: closed) – by appointment only • Ashford Library, Ashford Gateway Plus, Church Road, Ashford, Kent, TN23 1AS • New Romney Library, 82 High Street, New Romney, TN28 8AU • Lyminge Library, Station Road, Lyminge, Folkestone, Kent CT18 8HS

		<ul style="list-style-type: none"> • Hythe Library, 1 Stade Street, Hythe, Kent CT21 6BQ <p>A notice stating when and where the final SoCC dated May 2023 could be inspected was published in:</p> <ul style="list-style-type: none"> • Folkstone and Hythe Express 24 May 2023; and • Kentish Express 25May 2023 <p>The published SoCC notice, provided at Appendix B-13: Section 47 notices for Statement of Community Consultation 3 of the Consultation Report (Doc. 6.2) states where and when the final SoCC dated May 2023 was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix B-13 of the Consultation Report (Doc. 6.2).</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Section 8 of the final SoCC dated May 2023 at Appendix B-12: Published Statement of Community Consultation 3 of the Consultation Report (Doc. 6.2) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Table 4: SoCC 3, within Appendix H: Compliance with Legislation, Guidance and Statement of Community Consultation of the Consultation Report (Doc. 6.2) provide evidence that the commitments within the final SoCC dated May 2023 have been carried out.</p>

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

Section 48: Duty to publicise the proposed application

19 Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?

Yes

Section 5.6 of the **Consultation Report (Doc. 6.1)**, outlines the Applicants duties under section 48 pursuant to Statutory Consultation undertaken between 25 October to 29 November 2022, where **paragraph 5.6.1** of the **Consultation Report** states:

“The Applicant publicised the proposed application pursuant to section 48 of the PA 2008, in parallel with the section 42 and section 47 consultation.”

Table 9: Details of the newspaper publication of section 48 Notice, within the **Consultation Report (Doc. 6.1)** provides an outline on the dates the section 48 notices was published in the relevant newspapers.

A copy of the s48 notice is provided at **Appendix E-3: Site Notices for 2022 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

Clippings of the published notices is provided at **Appendix E-1: Section 48 Newspaper Notices for 2022 Statutory Consultation** of the **Consultation Report (Doc. 6.2)**.

Section 6.6 of the **Consultation Report (Doc. 6.1)**, outlines the Applicants duties under section 48 pursuant to Statutory Consultation undertaken between 12 June to 17 July 2023, where **paragraph 6.6.1** of the **Consultation Report** states:

“As part of the 2023 Statutory Consultation, the Applicant publicised the proposed application pursuant to section 48 of the PA 2008, in parallel with the section 42 and section 47 consultation.” **Table 13: Details of the newspaper publication of section 48 Notice**, within the **Consultation Report (Doc. 6.1)** provides an outline on the dates the section 48 notices was published in the relevant newspapers.

A copy of the s48 notice is provided at **Appendix E-4 Site Notices for 2023**

		Statutory Consultation of the Consultation Report (Doc. 6.2). Clippings of the published notices set out below are provided at Appendix E-2: Section 48 Newspaper Notices for 2023 Statutory Consultation of the Consultation Report (Doc. 6.2).	
		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;	<p>Statutory Consultation undertaken between 25 October to 29 November 2022</p> <ul style="list-style-type: none"> The Kentish Express The Folkstone and Hythe Express <p>Statutory Consultation undertaken between 12 June to 17 July 2023</p> <ul style="list-style-type: none"> The Kentish Express The Folkstone and Hythe Express 	<p>20 & 27 October 2022</p> <p>19 & 26 October 2022</p> <p>8 & 15 June 2023</p> <p>7 & 14 June 2023</p>
b)	once in a national newspaper;	<p>Statutory Consultation undertaken between 25 October to 29 November 2022</p> <ul style="list-style-type: none"> The Guardian <p>Statutory Consultation undertaken between 12 June to 17 July 2023</p>	<p>20 October 2022</p>

		<ul style="list-style-type: none"> The Guardian 	7 June 2023
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p>Statutory Consultation undertaken between 25 October to 29 November 2022</p> <ul style="list-style-type: none"> London Gazette <p>Statutory Consultation undertaken between 12 June to 17 July 2023</p> <ul style="list-style-type: none"> London Gazette 	<p>20 October 2022</p> <p>8 June 2023</p>
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a	
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	<p>Yes</p> <p>The published s48 notice, supplied at Appendix E: Section 48 Newspaper Notices for 2022 and 2023 Statutory Consultations Appendices E-1 to E-4 of the Consultation Report (Doc. 6.2), contains the required information as set out below:</p>	
Information		Paragraph	
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
			1

			Secretary of State		
c)	a statement as to whether the application is EIA development	7	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2,3,4,6
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"> the nature and location of the Proposed Development The address of the website The place on the website A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 	9, 12, 23	f)	the latest date on which those documents, plans and maps will be available for inspection	12
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	16	h)	details of how to respond to the publicity	18 and 19
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date	18			

	when the notice is last published		
21	Are there any observations in respect of the s48 notice provided above?		
	No		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	Yes A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 5.6.4 and 6.7.1 of the Consultation Report (Doc. 6.1) . A sample of the s42 consultation letter is provided at Appendix C-3: Sample letters sent to section 42 consultees for 2022 Statutory Consultation and Appendix C-6: Sample letters sent to section 42 consultees for 2023 Statutory Consultation of the Consultation Report (Doc. 6.2) , which confirms a copy of the s48 notice was enclosed.	
s49: Duty to take account of responses to consultation and publicity			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	Yes Statutory Consultation undertaken between 25 October to 29 November 2022 Tables 12 of the Consultation Report (Doc. 6.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application. More information can be found in appendices F-5: Regard had to section 42 consultee responses, Appendix F-6: Regard had to section 47 and 48 responses. Statutory Consultation undertaken between 12 June to 17 July 2023 Tables 16 of the Consultation Report (Doc. 6.1) sets out how the Applicant had	

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

		<p>regard to the consultation responses received; including whether or not responses led to changes to the application. More information can be found in appendices Appendix G-4: Regard had to section 42 consultee responses, Appendix G-5: Regard had to Section 47 and 48 Responses.</p> <p>Consultee Responses</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Paragraph 4.2.3 of the Consultation Report (Doc. 6.1) states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>More information is detailed in Appendix H: Compliance with Legislation, Guidance and Statement of Community Consultation (Doc. 6.2)</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and	Yes

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

	<p>does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Paragraph 1.2.3 of the Application form cover letter and Section 4 of the Application Form (Doc. 1.3) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc. 1.3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc. 5.3) has been provided.</p>									
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc. 6.1) and Consultation Report Appendices (Doc. 6.2).</p>									
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required</td> <td> ES Volume 1 Non Technical Summary (Doc 5.1) ES Volume 2 Main Report </td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required	ES Volume 1 Non Technical Summary (Doc 5.1) ES Volume 2 Main Report	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>Draft Development Consent Order (Doc. 3.1).</td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc. 3.1).
Information	Document										
a) Where applicable, the Environmental Statement required	ES Volume 1 Non Technical Summary (Doc 5.1) ES Volume 2 Main Report										
Information	Document										
b) The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc. 3.1).										

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

	under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Chapters 1 to 18 (Doc. 5.2) ES Volume 3 Figures for Chapters 1 to 14 (Doc. 5.3) ES Volume 4 Appendices for Chapters 1 to 17 (Doc. 5.4)			
	Is this of a satisfactory standard?	<i>Yes (with minor discrepancies as noted in Box 30)</i>		Is this of a satisfactory standard?	<i>Yes (with minor discrepancies as noted in Box 30)</i>
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc. 3.3)	d)	Where applicable, a Book of Reference	Book of Reference (Doc. 4.1) Schedule of Negotiations and Powers Sought (Doc. 4.4)
	Is this of a satisfactory standard?	<i>Yes</i>		Is this of a satisfactory standard?	<i>Yes (with minor discrepancies as noted in Box 30)</i>
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment at ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc. 5.4).	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	Statutory Nuisance Statement (Doc. 7.2) This includes consideration of mitigation in section 5 for the following: Section 5.2 Air Emissions Section 5.3 light emissions

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

			Applicant proposes to mitigate or limit them	Section 5.4 noise and vibration emissions
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc. 4.2) Funding Statement (Doc. 4.3).	i) A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and	Land Plans (Doc. 2.1)

			replacement land	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	Works Plans (Doc. 2.3)	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation
	Is this of a satisfactory standard?	<i>Yes (with minor discrepancies as noted in Box 30)</i>	Is this of a satisfactory standard?	Yes
l)	Where applicable, a plan with accompanying	(i) ES Volume 3, Chapter 9 Figures 9.1 and 9.2 (Doc. 5.3) – this include locations of	m)	Where applicable, a plan with accompanying information identifying
				Streets, Rights of Way and Access Plans (Doc. 2.5).
				ES Volume 3, Chapter 7 Figures 7.1 to 7.11 (Doc. 5.3) identifies statutory and non-statutory features of the

<p>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>(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>statutory designated sites and local wildlife sites; ES Volume 3, Chapter 2 Figures 2.1, 2.2 and 2.3 – this includes the locations of National Landscapes</p> <p>(ii) ES Volume 3, Chapter 9 Figures 9.3, 9.6, 9.8 and 9.9 (Doc. 5.3) include a location of ancient woodland, habitat prior to development, habitats of principle importance and important hedgerow plans.</p> <p>(iii) ES Volume 3, Chapter 9 Figures 9.4, 9.5 and 9.7 (Doc. 5.3) include a river basin management plan of waterbodies and location of Stodmarsh and pathways, East Stour River proximity plan and waterbody location plan</p> <p>An information for habitats regulations assessment assesses (Doc. 7.19) effects to designated sites</p> <p>ES Chapter 9 Biodiversity (Doc. 5.2) assesses effects on habitats</p>	<p>any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>historic environment</p> <p>ES Volume 2, Chapter 7 assesses the effects on statutory and non-statutory features of the historic environment</p>
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		and species and non-designated sites ES Chapter 8 (Doc. 5.2) assesses effects on national landscapes		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (Doc. 2.2)	o)	<p>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</p> <p>Traffic Regulation Measures Plans (Doc. 2.4)</p> <p>Streets, Rights of Way and Access Plans Sheets 1 to 10 (Doc. 2.5)</p> <p>Illustrative Project Drawings – Not for Approval (Doc. 2.6)</p> <p>Illustrative Landscape Drawings – Not for Approval (Doc. 2.7)</p> <p>Vegetation Removal Plan (Doc. 2.8)</p> <p>Appendix B: Conceptual Surface Water Drainage Strategy Drawings (Doc. 7.14)</p> <p>Environmental Statement Volume 3 Figures Chapter 3 Figure 3.2 Proposed Access Network Sheets 1 to 5 (Doc. 5.3)</p> <p>Environmental Statement Volume 3 Figures Chapter 3 Figure 3.3 Illustrative Water Crossing</p>

				<p>Locations (Doc. 5.3)</p> <p>Environmental Statement Volume 3 Figures Chapter 3 Figure 3.4 Illustrative Bridge Locations and Existing Crossing Structures (Doc. 5.3)</p> <p>Environmental Statement Volume 4: Appendices Chapter 10: Water Environment Appendix 10.4: Aldington Flood Storage Area Risk Assessment Annex A: Overlap of Order Limits and AFSA standoff (8m) (Doc. 5.4)</p> <p>Environmental Statement Volume 4: Appendices Chapter 10: Water Environment Appendix 10.5: Schedule of Watercourse Crossings Annex C: Location of Watercourse Crossings Plans (Doc. 5.4)</p> <p>Environmental Statement Volume 4: Appendices Chapter 13: Traffic and Access Appendix 13.7: Access Drawings (Doc. 5.4)</p>	
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	<i>Yes (with minor discrepancies as noted in Box 30)</i>
p)	Any of the documents prescribed by	Grid Connection Statement (Doc. 7.3)	q)	Any other documents considered necessary to	Cover Letter (Doc. 1.1)

<p>Regulation 6 of the APFP Regulations:</p>			<p>support the application</p>	<p>Section 55 Checklist (Doc. 1.2) Application Form (Doc. 1.3) Electronic Application Index (Doc. 1.4) Guide to the Application (Doc. 1.5) Glossary (Doc. 1.6) Draft DCO Validation Report (Doc. 3.2) Schedule of Other Consents and Licences (Doc. 3.4) Biodiversity Net Gain Assessment (Doc. 7.1) Design Approach Document (Doc. 7.4) Design Principles (Doc. 7.5) Planning Statement and Appendices (Doc. 7.6) Mitigation Schedule (Doc. 7.7) Outline Construction Environmental Management Plan (Doc. 7.8) Outline Construction Traffic Management Plan (Doc. 7.9) Outline Landscape and Ecological Management Plan (Doc. 7.10) Outline Operational Management Plan</p>
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				<p>(Doc. 7.11)</p> <p>Outline Decommissioning Environmental Management Plan (Doc. 7.12)</p> <p>Outline Decommissioning Traffic Management Plan (Doc. 7.13)</p> <p>Outline Operational Surface Water Drainage Strategy (Doc. 7.14)</p> <p>Outline Rights of Way and Access Strategy (Doc. 7.15)</p> <p>Outline Battery Safety Management Plan (Doc. 7.16)</p> <p>Archaeological Management Strategy (Doc. 7.17)</p> <p>Equalities Statement (Doc. 7.18)</p>	
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
	<p>Draft Development Consent Order (Doc. 3.1)</p> <p>There is a minor typo on page 4 within the Preamble within the first line “<i>An application has been made to the Secretary of Slate under section 37 of the Planning Act 2008(a) (“the 2008 Act”) [...]”</i>.</p> <p>Adjust relevant definitions to ensure consistency</p> <p>Consider the use of Limits of Deviation for some parts of the development.</p> <p>Consider the use of side agreements with protected parties.</p>				

Please also see the s51 advice issued alongside this s55 checklist.

Nuisance – Explanatory Memorandum (Doc. 3.3)

Further Clarity is requested in Article 7 within the Explanatory Memorandum (**Doc. 3.3**) for each Nuisance, including with reference to mitigations proposed in the Environmental Statement and the controls provided elsewhere in the draft Development Consent Order.

Please also see the s51 advice issued alongside this s55 checklist.

Environmental Statement, Volume 2, Chapter 7 Cultural Heritage (Doc. 5.2)

The following discrepancies were found:

1. Table 7.10 Construction Phase Cultural Heritage Direct Effects (page 7-61) is not listed in the list of tables on Page 7-1.
2. Page 7-1, Table 7.7 is listed as Summary of Receptor Sensitivity whereas on page 7-40 it is listed as Magnitude of Impact Descriptors.
3. Page 7-1, Table 7.8 is listed as Operational Phase Cultural Heritage Indirect Effects and corresponds to Table 7.8 on Page 7-93, however it is also presented as Table 7.8 Significance of Effect Matrix on page 7-41.
4. Page 7-49, presents Table 7.7 Summary of Receptor Sensitivity, between Table 7.8 (Page 7-41) and Table 7.10 (Page 7-61).
5. Page 7-57, paragraph 7.7.4 refers to Table 7.12 but this is not included in this Chapter.

Environmental Statement, Volume 4, Appendix 8.10 ‘LVIA Visualisations’ and Appendix 8.11 LVIA Cumulative Visualisations (Doc. 5.4)

Viewpoint ref 33 is missing from the table in Section 3.0 ‘Viewpoint Locations Ordnance [sic] survey co-ordinates’ and Viewpoint ref 20 is missing from this appendix.

Environmental Statement, Volume 2, Chapter 10 Water Environment (Doc. 5.2)

Paragraph 10.1.6 refers to ‘Outline Battery Storage Management Plan (Outline BSMP)’ whereas, for the same acronym, the draft DCO

refers to 'Outline Battery Safety Management Plan'.

Volume 6, Plans Illustrative Landscape Drawings – Not for Approval (Doc. 2.7)

There appears to be inconsistency on Section 4 Quested Cottage and Habitat Area– A proposed hedgerow is shown in a bold colour whereas 'Proposed Tree and Shrub Planting' are shown in fainter colours. Table 5.3 "Summary of Alternative Layouts' (**Doc. 5.4**) refers to the primary Construction Compounds and use of an internal haulage road for Heavy Goods Vehicles (HGVs). Paragraph 5.15.2 refers to a single main construction compound, three secondary compounds, other laydown areas, a further primary construction compound in Field 25 and a further secondary construction compound in Field 19.

Illustrative Project Drawings (Doc. 2.6)

Please can the Applicant clarify what area would be enclosed by the Stock Fence in Field 29.

The Works Plan (Doc. 2.3) This shows broad areas where the construction compounds could be located within Fields 8/9, 19, 20, 23, 25 and 26. The internal haulage road is also of a colour and design that is difficult to decipher from the remainder of the works that are shown on the Works Plan. We would advise that either the colour for the internal haulage road is amended to aid clarity or that a separate plan is provided that shows both the location of the internal haulage road and the proposed construction compounds. We would also advise that clarification is provided as to the locations of the constructions compounds within the Fields given their positioning could have an impact on the environment and amenity. It is unclear which area would be enclosed by the Stock Fence in Field 29 relating to the Illustrative Project Drawings Not for Approval Sheet 3 of 5 Illustrative Layout Plan (**Doc. 2.6**)

Schedule of Negotiations (Doc. 4.4)

At Section 4 Table 3 – Statutory Undertakers states that negotiations with SU commenced in February 2024 and no response had been received by the time the Application was submitted to the Planning Inspectorate. It is unclear why this was left until immediately prior to submitting the Application.

There are some general points to be raised in S51 advice in relation to the Environmental Statement – Chapter 10 (Water Environment) and Chapter 12 (Socio-Economics).

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

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010135/documents>

31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (Doc. 7.19).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>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 ¹⁵	<p>No hard copies requested.</p>
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	<p>Yes</p> <p>Appendix H: Compliance with Legislation, Guidance and Statement of Community Consultation of the Consultation Report (Doc. 6.2) explains how the Applicant has had regard to statutory guidance on the form of the application.</p> <p>The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to</p>

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

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

	satisfactory?	the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/document/EN010135</p>
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 17 May 2024; before the application was made.

Role	Electronic signature	Date
Case Manager	<i>Spencer Barrowman</i>	9 July 2024
Acceptance Inspector	<i>Graham Sword</i>	9 July 2024

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

