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# EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm**  
**EN010143**

## **Section 55 Checklist**

**Document Reference: EN010143/APP/1.4**

Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms and Procedure)

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## Section 55

# Acceptance of Applications Checklist

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

Version: October 2019

## Section 55 Acceptance of Applications Checklist

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

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project<sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order<sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State</p>	<p>Yes.</p> <p>East Yorkshire Solar Farm (the Scheme) is a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(1) and (2) of the Planning Act 2008 (PA 2008), as it is an onshore generating station wholly within England, that does not generate energy from wind and has a generating capacity exceeding 50 Megawatts (MW).</p> <p>This is set out in the <b>Application Form [EN010143/APP/1.3]</b> and <b>Explanatory Memorandum [EN010143/APP/3.2]</b> to the <b>draft DCO [EN010143/APP/3.1]</b>. The works that form the Scheme are set out in Schedule 1 of the <b>draft DCO [EN010143/APP/3.1]</b>.</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)

	under s35 of the PA2008 for the development to be treated as development for which development consent is required?	<p>The <b>Covering Letter [EN010143/APP/1.1]</b> clearly states that this application (the Application) is for development consent under the PA 2008.</p> <p>The description of the Scheme is summarised in the <b>Guide to the Application [EN010143/APP/1.2]</b> and explained in non technical language in the <b>Non Technical Summary of the Environmental Statement (ES), ES Volume 4 [EN010143/APP/6.4]</b>. A detailed description is provided in <b>Chapter 2: The Scheme, ES Volume 1 [EN010143/APP/6.1]</b>.</p>
3	<b>Summary: Section 55(3)(a) and s55(3)(c)</b>	The Planning Inspectorate can be satisfied that the Application as submitted is an application for a DCO under the PA 2008 and that development consent is required for the development to which the Application relates.
<b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>3</sup> , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>Yes. The Applicant notified the Secretary of State under Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) regulations 2017 (EIA Regulations) on 9 September 2022 that it proposed to provide an Environmental Statement (ES) in respect of the Scheme with its application for a DCO. This was in advance of the statutory consultation in accordance with section 42 of the PA 2008.</p> <p>The Applicant also formally requested a Scoping Opinion from the Planning Inspectorate under Regulation 10 of the EIA Regulations, accompanied by the necessary information to inform the request, the EIA Scoping Report. The EIA Scoping Report is provided as <b>Appendix 1-1, ES Volume 2 [EN010143/APP/6.2]</b>. The Planning Inspectorate's Scoping Opinion, dated 20 October 2022, is also provided in <b>Appendix 1-2, ES Volume 2 [EN010143/APP/6.2]</b>. The Scoping Opinion acknowledges the Applicant's notice at paragraph 1.1.2. Notice of the Applicant's proposal to provide an Environmental Statement was given prior to carrying out consultation in accordance with section 42 of the PA 2008.</p> <p>A copy of the Regulation 8(1)(b) and Regulation 10 letter is provided in <b>Appendix C of the Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>

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

5	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?	No such representations have been received by the Applicant. It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation pursuant to section 55(4)(b) of the PA 2008 and the Planning Inspectorate's Advice Note Fourteen (February 2021). In the pre-application stages, the Applicant has engaged with relevant local authorities on an informal and formal basis and is not aware of any issues that the relevant local authorities have had with regard to the adequacy of the consultation undertaken by the Applicant.
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#### 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>Yes.</p> <p>The statutory consultation period for the Scheme was held between 9 May 2023 and 20 June 2023 during which the Applicant consulted with all applicable parties, including all the relevant parties prescribed under Section 42(1)(a) of the PA 2008.</p> <p>The Applicant wrote to the prescribed consultees under section 42(1)(a) on 3 May 2023 setting out the background to the Scheme; the Applicant's intention to submit a DCO application; the fact that the Applicant had identified them as a consultee under section 42(1)(a) of the PA 2008; the documents being provided as part of the consultation; and explained how to respond to the consultation. A copy of the section 48 notice was also provided in accordance with Regulation 13 of the EIA Regulations. A sample copy of this letter and the enclosed section 48 notice is provided in <b>Appendix L1-6</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>. This letter was delivered by Royal Mail delivery and further details are provided in Chapter 3 of the <b>Consultation Report [EN010143/APP/5.1]</b>.</p> <p>The list of the Prescribed Consultees consulted during the statutory consultation is set out in <b>Appendix H</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p> <p>The list was compiled using Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and included consultation bodies identified under Regulation 11 by the Planning Inspectorate on 20 October 2022 as part of the</p>
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<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

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

		<p>Scoping Opinion. Regard was also had to the Planning Inspectorate's Advice Note Three: EIA Notification and Consultation in identifying the consultation bodies.</p> <p>The Applicant carried out a further targeted engagement with a targeted group of prescribed consultees under section 42(1)(a) of the PA 2008 which was held from 1 September to 2 October 2023. Further details of this engagement are provided in <b>Chapter 6 of the Consultation Report [EN010143/APP/5.1]</b> and <b>Appendix O of the Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<p>Yes.</p> <p>The Marine Management Organisation (MMO) must be consulted if the Scheme sits below the mean high-water springs mark or in any tidal river to the extent of the tidal influence. The Applicant wrote to the MMO under s42(1)(aa), due to an inland waterway which has a tidal influence, the River Ouse, which is crossed by the Order limits. The Applicant wrote to the MMO on 3 May 2023 setting out the background to the Scheme; the Applicant's intention to submit a DCO application; the fact that the Applicant had identified them as a consultee under section 42(1)(aa) of the PA 2008; the documents being provided as part of the consultation; and explained how to respond to the consultation. A copy of the section 48 notice was also provided in accordance with Regulation 13 of the EIA Regulations. A copy of this letter and the enclosed section 48 notice is provided in <b>Appendix 2 of the Consultation Report Appendices [EN010143/APP/5.2]</b>. This letter was delivered by Royal Mail delivery and further details are provided in <b>Chapter 3 of the Consultation Report [EN010143/APP/5.1]</b>.</p> <p>The MMO was also consulted during the targeted consultation on the Scheme which was held from 1 September to 2 October 2023. Further details of this engagement are provided in <b>Chapter 6 of the Consultation Report [EN010143/APP/5.1]</b> and <b>Appendix O of the Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p>Yes, the Applicant wrote to the consultees under section 42(1)(b) of the PA 2008 on 3 May 2023 setting out the background to the Scheme; the Applicant's intention to submit a DCO application; the fact that the Applicant had identified them as a consultee under section 42(1)(b) of the PA 2008; the documents being provided as part of the consultation; and explained how to respond to the consultation. A copy of the section 48 notice was also provided in accordance with Regulation</p>

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

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

		<p>13 of the EIA Regulations. A sample copy of this letter and the enclosed section 48 notice is provided in <b>Appendix I3</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>. This letter was delivered by Royal Mail delivery and further details are provided in <b>Chapter 3 of the Consultation Report [EN010143/APP/5.1]</b>.</p> <p>The full list of S42(1)(b) consultees consulted during the statutory consultation is provided in <b>Appendix H</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p> <p>Two section 42(1)(b) local authorities, East Riding of Yorkshire Council and North Yorkshire Council, were consulted during the targeted statutory consultation on the Scheme which was held from 1 September to 2 October 2023. Further details of this engagement are provided in <b>Chapter 6 of the Consultation Report [EN010143/APP/5.1]</b> and <b>Appendix O</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p> <p>As the development site is not within a County Council administrative area, due to there being two unitary host authorities, there are no “C” or “D” authorities.</p>
9	Section 42(1)I the Greater London Authority (if in Greater London area)?	This is not applicable. The Scheme is not located within Greater London and therefore the Greater London Authority is not a relevant consultee.
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p>Yes.</p> <p>For the purposes of the statutory consultation, the Applicant consulted with all relevant parties as defined under s44 of the PA 2008 which included:</p> <ul style="list-style-type: none"> <li>• Category 1 persons as per (s44(1) – comprising owners, lessees, tenants (whatever the tenancy period) or occupiers of the land;</li> <li>• Category 2 persons as per s44(2) – comprising persons that are interested in the land or have the power to sell and convey, or to release, the land; and</li> <li>• Category 3 persons as per s44(4) – comprising those parties that the Applicant considered would or might be able to make a relevant claim as a result of the Order being made and fully implemented. This included those with relevant interests to make a claim under Part 1 of the LCA 1973, s10 of the CPA 1965 and section 152(3) of the PA 2008.</li> </ul>

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

		<p>The process of identifying Section 42(1)(d) consultees is set out in in <b>section 3.4</b> of the <b>Consultation Report [EN010143/APP/5.1]</b>.</p> <p>Yes, the Applicant wrote to the consultees under section 42(1)(d) of the PA 2008 on 3 May 2023 setting out the background to the Scheme; the Applicant's intention to submit a DCO application; the fact that the Applicant had identified them as a consultee under section 42(1)(d) of the PA 2008; the documents being provided as part of the consultation; and explained how to respond to the consultation. A sample copy of this letter is provided in <b>Appendix I4</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p> <p>The Applicant enclosed with the letter a consultation brochure, feedback form and plans showing the location of the Scheme. This letter was delivered by Royal Mail delivery and further details are provided in <b>Chapter 3</b> of the <b>Consultation Report [EN010143/APP/5.1]</b>.</p> <p>A full list of consultees identified in accordance with Section 42(1)(d) of the PA 2008 is set out in the <b>Book of Reference [EN010143/APP/4.3]</b>.</p> <p>Consultees identified under section 42(1)(d) where their interest in land had the potential to be affected by the changes to the Order limits were consulted during the targeted statutory consultation on the Scheme which was held from 1 September to 2 October 2023. Further details of this engagement are provided in <b>Chapter 6</b> of the <b>Consultation Report [EN010143/APP/5.1]</b> and <b>Appendix O</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
<b>Section 45: Timetable for s42 consultation</b>		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>The Applicant wrote formally to all consultees identified under section 42 of the PA 2008 on 3 May 2023 ahead of statutory consultation starting to notify them of the consultation. The consultation period ran from the 9 May 2023 to 20 June 2023. The Applicant notified section 42 consultees that its deadline for receipt of consultation responses was 20 June 2023. The deadline was more than 28 days after the day after receipt of the consultation documents by s42 consultees. Samples of the letters sent to Section 42 consultees are provided at <b>Appendix I</b> of the <b>Consultation Report [EN010143/APP/5.2]</b>. Each of the letters issued to the section 42 consultees clearly stated a deadline for the receipt of consultation responses.</p> <p>Following the statutory consultation, the Applicant made some minor changes to the Order limits having regard to feedback from the consultation, and in light of further work on the Scheme's access design. The Applicant consulted with selected prescribed consultees and local authorities under Section 42(1)(a), (aa) and (b); and parties under Section 42(1)(d) (where their interest in land had the potential to be affected by the changes to the Order limits) of the PA 2008 to notify them of the changes and invited comments between 1 September to 2 October 2023. This period</p>



exceeded the 28 day period that starts after the day after receipt of the documents.

**Section 46: Duty to notify the Planning Inspectorate of proposed application**

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>Yes.</p> <p>The Applicant gave notice to the Planning Inspectorate in accordance with section 46 of the PA 2008 on 3 May 2023, which was on or before the date it was sent to s42 consultees and before the beginning of the section 42 consultation which commenced on the 9 May 2023 and ran until the 20 June 2023. A copy of the section 46 notification letter with section 42 sample letter enclosures is provided at <b>Appendix J</b> of the <b>Consultation Report Appendices [EN010143/APP/5.1]</b> and a copy of section 46 notification acknowledgement letter from the Planning Inspectorate received on 5 May 2023 is provided at <b>Appendix J2</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
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**Section 47: Duty to consult local community**

13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>In accordance with section 47(1) of the PA 2008, the Applicant published a SoCC in respect of the Scheme on the Applicant's website on 8 May 2023 setting out how it proposed to consult with people living in the vicinity of the Scheme. A copy of the published SoCC is provided in <b>Appendix G</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>. The SoCC was produced in close collaboration with the local authorities relevant to the Scheme.</p>
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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>Yes.</p> <p>In accordance with section 47(2) of the PA 2008 and Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), the Applicant undertook consultation with a number of local authorities on the proposed methods for consulting people living in the vicinity of the Scheme as set out in the SoCC. This took place through two rounds of consultation. The first informal round of consultation ran from 11 November 2022 and 9 December 2022. The SoCC was then updated based on these comments ahead of a formal consultation period on the updated draft SoCC, which ran for 32 days from 9 February 2023 to 13 March 2023. The local authorities consulted in both rounds were:</p> <ul style="list-style-type: none"> <li>a. East Riding of Yorkshire Council;</li> <li>b. North Yorkshire County Council; and</li> <li>c. Selby District Council</li> </ul>
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		<p>As part of local government reorganisation in North Yorkshire, Selby District Council and North Yorkshire County Council ceased to exist after 31 March 2023 and a new unitary authority, called North Yorkshire Council, came into operation on 1 April 2023.</p> <p>Further detail on the SoCC is provided in Section 3.3 of the <b>Consultation Report [EN010143/APP/5.1]</b>. Copies of the Councils' full responses can be found in <b>Appendix F</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>The Applicant has had regard to all responses from local authorities consulted on the draft SoCC. <b>Appendix F</b> of the <b>Consultation Report [EN010143/APP/5.2]</b> provides the comments received from the local authorities and section 3.3 of the <b>Consultation Report [EN010143/APP/5.1]</b> sets out how the Applicant has had regard to them.</p> <p>A copy of the draft SoCC is provided in <b>Appendix D</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>. A copy of the published SoCC is provided at <b>Appendix G</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>In accordance with the requirements of section 47(6) of the PA 2008, the Applicant published a section 47 notice in The Hull Daily Mail on 27 April 2023. A copy of the final SoCC notice as published is provided within <b>Appendix L7</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b></p> <p>The SoCC was also made publicly available on the Applicant's website on 8 May 2023.</p> <p>Printed copies of the SoCC were lodged and available at the document inspection locations outlined in Section 3.1 of the <b>Consultation Report [EN010143/APP/5.1]</b></p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes.</p> <p>Paragraphs 2.1.1 to 2.1.12 of the SoCC at <b>Appendix G</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b> set out that the development is EIA development, under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>Section 3.5 of the final SoCC at <b>Appendix G</b> of the <b>Consultation Report Appendices</b></p>

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

		<b>[EN010143/APP/5.2]</b> set out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.	
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>The <b>Consultation Report [EN010143/APP/5.1]</b> at Section 3.3 sets out how the Applicant has complied with the commitments of the SoCC, in accordance with section 47(7) of the PA 2008. Paragraph 3.3.46 of the Consultation Report sets out that the SoCC was available in the deposit locations during the statutory period which ran between 9 May 2023 and 20 June 2023.</p>	
<b>Section 48: Duty to publicise the proposed application</b>			
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes.</p> <p>Section 3.8 of the <b>Consultation Report [EN010143/APP/5.1]</b> sets out that in accordance with Section 48(1) of the PA 2008 a notice publicising the Application was published in the prescribed manner, namely in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP Regulations.</p> <p>Table 3-7 of Section 3.8 of the <b>Consultation Report [EN010143/APP/5.1]</b> explains how the Applicant has complied with section 48 of the PA 2008. Copies of all section 48 newspaper notices are provided at <b>Appendix L</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b></p>	
		<b>Newspaper(s)</b>	<b>Date</b>
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<p>Table 3-8 of the <b>Consultation Report [EN010143/APP/5.1]</b> provides details of the local newspapers that the notice was published in for two successive weeks. The local newspaper used was the Hull Daily Mail.</p> <p><b>Appendix L5 and L7</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b> provide copies of the newspaper notices published under section 48 in the Hull Daily Mail.</p>	4 May 2023 and 11 May 2023
b)	once in a national newspaper;	<p>Table 3-8 of the <b>Consultation Report [EN010143/APP/5.1]</b> provides details of the National newspapers that the notice was published in. These were the Times and the Guardian.</p> <p><b>Appendix L2 and L3</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b> provide copies of the newspaper notices published under section 48 in the Times and the Guardian.</p>	4 May 2023

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c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Table 3-8 of the <b>Consultation Report [EN010143/APP/5.1]</b> provides details of the publication of the section 48 notice in the London Gazette.  <b>Appendix L4 of the Consultation Report Appendices [EN010143/APP/5.2]</b> provides a copy of the newspaper notice published in the London Gazette.  No land in Scotland is affected by the Scheme and so no notice was placed in the Edinburgh Gazette.	4 May 2023
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal	Not applicable – the Scheme does not relate to offshore development.	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes.  The published s48 notice, is contained in <b>Appendix L</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b> and contains the required information as set out below and confirmed in Table 3-7 of the <b>Consultation Report [EN010143/APP/5.1]</b> .	

Information		Paragraph	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 Secretary of State	1
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	3-4
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the	7-9  A telephone number is provided at Paragraph 19	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	8

g)	documents, plans and maps		h)		
	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	9		details of how to respond to the publicity	14-16
	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		13	
21	Are there any observations in respect of the s48 notice provided above?				
	As explained in section 3.8 of the <b>Consultation Report [EN010143/APP/5.1]</b> , prior to publication of the first notice in the local and national newspapers it was identified that the address for the Scheme website was not consistent with the address listed in other consultation material. The Applicant ensured that the link featured in the section 48 notice took consultees to the same web pages so anyone accessing via this link was not disadvantaged. The Applicant therefore complied with the requirement to include in the notice the address of the website where the documents, plans and maps may be inspected.				
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> ?	<p>Yes.</p> <p>The Applicant issued a copy of the Section 48 notice to EIA consultation bodies as required by Regulation 13 of the EIA Regulations as defined in Regulation 3 of the EIA Regulations. This took place at the same time as the posting of statutory consultation materials, as the section 42(1)(a), section 42(1)(aa) and section 42(1)(b) letters posted on the 3 May 2023 contained a copy of the Section 48 notice. These letters are provided in <b>Appendix I1, I2 and I3</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>. The published section 48 notice, is contained in <b>Appendix L</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>			
<b>s49: Duty to take account of responses to consultation and publicity</b>					
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Chapter 4 of the <b>Consultation Report [EN010143/APP/5.1]</b> provides an overview of the responses received from consultees consulted under section 42, section 47 and section 48 of the PA 2008 and sets out the methodology the Applicant has used to analyse them. <b>Appendix P</b> of the <b>Consultation Report Appendices [EN010143/APP/5.2]</b> provides tables evidencing regard had to the statutory consultation responses in accordance with section 49 of the PA 2008. The Applicant did not receive any feedback that could be identified as being specifically</p>			

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

		<p>submitted as a result of the publicity required by section 48 of PA 2008.</p> <p>Chapter 5 of the <b>Consultation Report [EN010143/APP/5.1]</b> sets out the engagement had with consultees following the statutory consultation. Chapter 7 of the <b>Consultation Report [EN010143/APP/5.1]</b> provides an overview of the responses received from consultees during the targeted consultation which took place between 1 September and 2 October 2023.</p> <p><b>Appendix Q</b> of the <b>Consultation Report [EN010143/APP/5.2]</b> provides tables evidencing regard had to targeted consultation responses in accordance with section 49 of the PA 2008.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<b>Appendix A</b> of the <b>Consultation Report [EN010143/APP/5.2]</b> sets out how the Applicant has had regard to statutory guidance 'PA 2008: Guidance on the pre-application process'.
25	<b>Summary: Section 55(3)(e)</b>	The Planning Inspectorate can be satisfied that the Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA 2008.
<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>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p>Yes. The Application is made in the prescribed form (<b>Application Form [EN010143/APP/1.3]</b>) as set out in Schedule 2 of the APFP Regulations.</p> <p>Section 4 of the <b>Application Form [EN010143/APP/1.3]</b> explains why the development falls within the remit of the Planning Inspectorate. Section 6 of the <b>Application Form [EN010143/APP/1.3]</b> provides a brief statement identifying the location of the application site.</p> <p>A <b>Location Plan [EN010143/APP/2.6]</b> has also been provided.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The Application is accompanied by a <b>Consultation Report [EN010143/APP/5.1]</b> and <b>Consultation Report Appendices [EN010143/APP/5.2]</b>.</p>
28	Where a plan comprises three or more separate sheets, has	Yes. Key plans have been provided for all plans containing three or more sheets. These are

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

	a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	provided for all plans provided at <b>Volume 2 Plans [EN010143/APP/2.1-2.9]</b> .
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by Regulation 5(2) of the APFP Regulations are set out in the documents and locations within the Application as listed below. The <b>Guide to the Application [EN010143/APP/1.2]</b> and the <b>Electronic Application Index [EN010143/APP/1.5]</b> list the documentation submitted with the respective Document References and APFP Regulation references.

Information		Document		Information		Document	
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<p>An <b>Environmental Statement [EN010143/APP/6.1]</b> and supporting <b>Appendices [EN010143/APP/6.2]</b> and <b>Figures [EN010143/APP/6.3]</b> have been submitted with the Application.</p> <p>These are accompanied by the:</p> <p><b>Non-Technical Summary [EN010143/APP/6.4]</b></p> <p>The Environmental Statement is based on the EIA Scoping Report, provided in <b>Appendix 1-1</b> and EIA Scoping Opinion, provided in <b>Appendix 1-2, ES Volume 2 [EN010143/APP/6.2]</b>. The individual topic chapters in the <b>Environmental Statement [EN010143/APP/6.1]</b> provide a tabulated summary of scoping comments relevant to that chapter and how the comments have been complied with.</p>		b)	The draft Development Consent Order (DCO)	The Application is accompanied by the <b>draft Development Consent Order [EN010143/APP/3.1]</b> in the validated statutory instrument template.	
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.			Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.	

<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



c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	An <b>Explanatory Memorandum [EN010143/APP/3.2]</b> to the <b>draft DCO [EN010143/APP/3.1]</b> has been submitted with the Application which explains the purpose and effect of the <b>draft DCO [EN010143/APP/3.1]</b>	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	A <b>Book of Reference [EN010143/APP/4.3]</b> is provided and meets the requirements of DCLG's Planning Act 2008: guidance related to procedures for the compulsory acquisition of land.
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.
e)	A copy of any Flood Risk Assessment	A <b>Flood Risk Assessment</b> is provided in accordance with Regulation 5(2)(e) of the APFP Regulations at <b>Appendix 9-3, ES Volume 2 [EN010143/APP/6.2]</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	A <b>Statutory Nuisances Statement [EN010143/APP/7.6]</b> is provided in accordance with Regulation 5(2)(f) of the APFP Regulations with the Application.
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	The Application is accompanied by a <b>Statement of Reasons [EN010143/APP/4.1]</b> and a <b>Funding Statement [EN010143/APP/4.2]</b>	i)	A Land Plan identifying:- <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</li> </ul>	The Application is accompanied by the <b>Land Plan [EN010143/APP/2.1]</b> showing the land required and affected by the Scheme. This plan is provided in accordance with Regulation 5(2)(i) of the APFP Regulations.  Plots and descriptions listed within the <b>Book of Reference [EN010143/APP/4.3]</b> are consistent with the plots shown on the Land Plan.  There is no special category land within the Order limits so no replacement land is required.

			private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are a satisfactory standard.	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	The Application is accompanied by the <b>Works Plan [EN010143/APP/2.3]</b> . The Works Plan are provided in accordance with Regulation 5(2)(j) of the APFP Regulations and shows the proposed location of the Scheme and the limits within which the works are proposed to be carried out.	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  The Application is accompanied by the <b>Streets, Rights of Way and Access Plans [EN010143/APP/2.4]</b> . These are provided in accordance with Regulation 5(2)(k) of the APFP Regulations.
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; (ii) habitats of protected species, important	The DCO is accompanied by a <b>Statutory and non-statutory site or features of nature conservation, important habitats plans [EN010143/APP/2.7]</b> and the <b>Water bodies in a river basin management plan [EN010143/APP/2.8]</b>  Supporting assessments of the effects of the Scheme on these sites and features required by this regulation are presented in <b>Chapter 8: Ecology</b> and	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on  The Application is accompanied by a <b>Statutory and non-statutory sites or features of the historic environment plan [EN010143/APP/2.9]</b>  The assessment of the Scheme's effects on these sites and features required by this regulation is presented in <b>Chapter 7: Cultural Heritage, ES Volume 1 [EN010143/APP/6.1]</b> .

n)	habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development	<b>Chapter 9: Flood Risk Drainage and Water Environment, ES Volume 1 [EN010143/APP/6.1].</b>	o)	such sites, features or structures likely to be caused by the Proposed Development	
	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.		Is this of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.
	Where applicable, a plan with any accompanying information identifying any Crown land	The Application is accompanied by a <b>Crown Land Plan [EN010143/APP/2.2] as required by</b> Regulation 5 (2)(n) of the APFP Regulations.		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	The Application is accompanied by the following plans and drawings provided under Regulation 5(2)(o) of the APFP Regulations 2009 (as amended): <b>Traffic Regulation Measures Plan [EN010143/APP/2.5]</b> <b>Location Plan [EN010143/APP/2.6]</b>
p)	Is this of a satisfactory standard?	The Planning Inspectorate can conclude that it is of a satisfactory standard.	q)	Are they of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	A <b>Grid Connection Statement [EN010143/APP/7.5]</b> accompanies the Application as required by Regulation 6 (1)(a)(i) of the APFP Regulations.		Any other documents considered necessary to support the application	Yes. The Application includes the following additional documents considered necessary to support the Application: <b>Covering Letter [EN010143/APP/1.1]</b> <b>Guide to the Application [EN010143/APP/1.2]</b>

					<p><b>Electronic Index [EN010143/APP/1.5]</b></p> <p><b>Consents and Agreements Position Statement [EN010143/APP/3.3]</b></p> <p><b>Schedule of Negotiations and Powers Sought [EN010143/APP/4.4]</b></p> <p><b>Environmental Mitigation and Commitments Register [EN010143/APP/6.5]</b></p> <p><b>Statement of Need [EN010143/APP/7.1]</b></p> <p><b>Planning Statement [EN010143/APP/7.2]</b></p> <p><b>Design and Access Statement [EN010143/APP/7.3]</b></p> <p><b>Outline Design Principles Statement [EN010143/APP/7.4]</b></p> <p><b>Statutory Nuisance Statement [EN010143/APP/7.6]</b></p> <p><b>Framework Construction Environmental Management Plan [EN010143/APP/7.7]</b></p> <p><b>Framework Operational Environmental Management Plan [EN010143/APP/7.8]</b></p> <p><b>Framework Decommissioning Environmental Management Plan [EN010143/APP/7.9]</b></p> <p><b>Framework Soil Management Plan [EN010143/APP/7.10]</b></p> <p><b>Biodiversity Net Gain Assessment Report [EN010143/APP/7.11]</b></p>
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				<b>Habitats Regulations Assessment [EN010143/APP/7.12]</b>  <b>Framework Public Rights of Way Management Plan [EN010143/APP/7.13]</b>  <b>Framework Landscape and Ecological Management Plan [EN010143/APP/7.14]</b>  <b>Framework Skills, Supply Chain and Employment Plan [EN010143/APP/7.15]</b>  <b>Equality Impact Assessment [EN010143/APP/7.16]</b>	
	Are they of a satisfactory standard?	The Planning Inspectorate can conclude that this is of a satisfactory standard.		Are they of a satisfactory standard?	The Planning Inspectorate can conclude that these are of a satisfactory standard.
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
	Not Applicable.				
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>Yes.</p> <p>The Applicant has undertaken a <b>Habitats Regulation Assessment [EN010143/APP/7.12]</b> as required by Regulation 5(2)(g) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures Regulations) and the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations).</p> <p>The Habitats Regulations Assessment (HRA) identifies all relevant European sites potentially affected by the Scheme and sets out the screening undertaken for the purposes of the Habitats Regulations. Where likely significant effects could not be ruled out, those effects have been further assessed by the HRA. The HRA provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Scheme would have an adverse effect on the integrity of any European site. The Applicant's appropriate assessment, set out in the HRA, concludes that there will be no adverse effects on the integrity of European</p>			

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

		sites as a result of the Scheme.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	The Applicant has not been requested by the Planning Inspectorate to provide hard copies of any Application document.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes. The DCLG guidance 'PA 2008: Application Form Guidance' has been used to prepare the <b>Application Form [EN010143/APP/1.3]</b> , The Applicant considers that the Application has been prepared to the standards that the Secretary of State considers satisfactory.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate can conclude that the Application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<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 payment of £8,244 was made on 8 November 2023 by BACS in advance of the Application submission. It was paid in advance of submission to ensure it was received before the submission date.

Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

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

<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

