



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: October 2019

Aquind Interconnector Section 55 Acceptance of Application 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
		14 November 2019	12 December 2019	12 December 2019
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 ss14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in	<p>Yes</p> <p>On 30 July 2018 the Secretary of State issued a direction under s35 of PA2008 that “the proposed development, together with any development associated with it, is to be treated as development for which development consent is required”.</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.4) which states that the application is for development for which development consent is required.</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)

	ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft Development Consent Order (DCO) (Doc 3.1) includes development for which development consent is required.
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , 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?	Yes On 29 October 2018 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 27 February 2019. A copy of the notification letter is provided at Appendix 1.4E of the Consultation Report (Doc 5.1) .
5	Have any Adequacy of Consultation Representations ⁴ 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?	There are 24 host and neighbouring authorities, of which 16 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR). The following host and neighbouring authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 or that their authority had no comments/ objections to make. These local authorities were: <ul style="list-style-type: none"> • East Hampshire District Council ('B' authority)

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)

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

- Eastleigh Borough Council ('A' authority)
- Fareham Borough Council ('A' authority)
- Gosport Borough Council ('A' authority)
- Hampshire County Council ('A' & 'C' authority)
- Havant Borough Council ('B' authority)
- Surrey County Council ('D' authority)
- Test Valley Borough Council ('A' authority)
- Waverly Borough Council ('A' authority)
- Wiltshire Council ('D' authority)

The following host and neighbouring authorities stated in their AoCR that either the Applicant had not complied with its duties under s42, s47 and s48 of the PA2008 or that their authority had comments/ objections to make.

These local authorities were:

- Bournemouth, Christchurch and Poole Council ('D' authority)
- New Forest National Park Authority ('D' authority)
- Portsmouth City Council ('C' authority)
- South Downs National Park Authority ('B' authority)
- Southampton City Council ('D' authority)
- Winchester City Council ('B' authority)

Bournemouth, Christchurch and Poole Council, New Forest National Park Authority and Southampton City Council note that they were not consulted about the application. See Box 8 for further details.

Portsmouth City Council states within its AoCR:

“Aquind has clearly failed to comply with Chapter 2 of Part 5 PA 2008 on preapplication procedure, specifically in relation to consulting the Council (and other local authorities) and the local community under ss.42 and 47 PA 2008 respectively.”

The Council has further expressed concerns about:

- the Applicant seeking a Rochdale Envelope approach with regards the Converter Station and ORS facility.
- The width of margins and alternatives for the cabling route.
- Difficulty of understanding the basis for the selection of the preferred landfall location.

The scope of the flexibility sought in the DCO is a matter for the Examination. It is noted that only one landfall location was consulted upon, but the Inspectorate is satisfied that information on the proposed landfall was in the public domain at the time of consultation.

The Council is also concerned that the proposed DCO boundary was not shared with them at an earlier stage of the pre-application process. We note that the scheme was subject to consultation and amendment during the pre-application process and that **paragraph 11.1.1.5** of the **Consultation Report (Doc 5.1)** suggests that the onshore cabling route was revised in consultation with the Council. The Council observes that the draft DCO was not shared with them prior to submission, however there is no statutory duty to do so.

We note the Council's concerns regarding engagement over compulsory acquisition. However, the Applicant asserts in **paragraph 11.2.1.13** of the **Consultation Report (Doc 5.1)** that they have carried out diligent inquiry and consulted all land rights parties as required by s42.

The appropriateness or otherwise of the inclusion of data cables as associated development, and the potential impacts of the proposal on flood defences, are capable of being raised at Examination.

Winchester City Council states within its AoCR:

“Overall, Winchester City Council considers that the applicant has complied with its duties under Sections 42, & 48 of the Planning Act 2008 (as amended). Regarding Section 47, the council has concerns over the extent of the engagement with the local community which it feels could have been more inclusive.”

The Council's concerns regarding the Denmeat and Hambledon areas are noted, and there is applicable discussion in **paragraph 8.4.1.4** of the **Consultation Report (Doc 5.1)**. We note the Council's concerns regarding a perceived lack of consultation with

local businesses, and observation that it is felt that the consultation could have been more inclusive. The Council were consulted on the Statement of Community Consultation and the Applicant appears to have consulted in accordance with the commitments set out within the SoCC.

South Downs National Park Authority (SDNPA) states within its AoCR:

“The SDNPA has no reason to consider that the proposed development has not been publicised in accordance with s48 of the Planning Act 2008. However:

We can see no mention of the South Downs Society (also known as the Friends of the South Downs) in any of the documentation...”

Within the ‘Hard to Reach’ section of the Consultation Report we can see no mention of the Gypsy and Traveller community that live in close proximity to the Convertor Station site.

They have been considered in terms of noise assessments, but we cannot see any evidence they have been actively engaged”.

The Authority has expressed concerns regarding the South Downs Society. We note the response reported in **Appendix 5.1.J** of the **Consultation Report (Doc 5.1)** that the South Downs Society would receive a formal invitation to comment, and the statement in **paragraph 14.5.1.5** of the **Consultation Report (Doc 5.1)** that invitations for comment were sent to the groups identified by local authorities.

We note the Authority’s concerns regarding engagement with the Gypsy and Traveller community. The Authority were consulted on the Statement of Community Consultation and the Applicant appears to have consulted in accordance with the commitments set out within the SoCC.

These AoCRs have been carefully considered and are available to view on the project page (<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>) of the National Infrastructure Planning website.

Whilst noting the concerns raised relating to the availability of documents and detailed information during the pre-application stage, the Inspectorate is of the view that the Applicant has complied with its obligations under s42, s47 and s48.

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

The Applicant has provided a list of persons consulted under s42(1)(a) on 27 February 2019 at **Appendix 1.4B (Doc 5.1.4B)** of the **Consultation Report (Doc 5.1)**.

A sample of the letter sent to s42(1)(a) consultees is provided at **Appendix 1.4G (Doc 5.1.4G)** of the **Consultation Report (Doc 5.1)**. It is dated 18 February 2019

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:

- Fulcrum Electricity Assets Limited
- UK Power Distribution Limited

The Applicant's **Consultation Report (Doc 5.1)** 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.

None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are they are not listed in the **Book of Reference (Doc 4.3)**.

We note that **Appendix 1.4B (Doc 5.1.4B)** of the **Consultation Report (Doc 5.1)** separately sets out the Applicant's consultees under s42 and the Applicant's identified prescribed consultees by their interpretation of the APFP Regulations. There are discrepancies in the consultees identified. Utility Assets Limited, Vattenfall Networks Limited and Trinity House are identified as prescribed consultees but do not appear as

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

		<p>s42 consultees.</p> <p>From reviewing the application documentation, on 2 October 2018 the Applicant met with Trinity House as part of their ongoing engagement with key stakeholders regarding the offshore aspects, giving an introduction to the project and discussion of potential impacts to shipping and navigation (Paragraph 9.3.7.1 of Consultation Report (Doc 5.1)).</p> <p>It appears that Trinity House were consulted on the PEIR (paragraph 11.9.15 of Consultation Report (Doc 5.1)).</p> <p>Trinity House were also consulted regarding the draft Deemed Marine Licence on 1 July 2019 (section 16.3.5 of Consultation Report (Doc 5.1)) and provided its written feedback to the Applicant on 30 July 2019.</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter:</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Yes
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Table 11.1 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 18 February 2019 (date of the letter sent to s42(1)(b) consultees is provided at Appendix 1.4G (Doc 5.1.4G) of the Consultation Report (Doc 5.1)).</p> <p>The host 'B' authorities were consulted:</p> <ul style="list-style-type: none"> • East Hampshire District Council • Winchester City Council • Havant Borough Council • South Downs National Park Authority ('A', 'B' & 'D' Authority)

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

- Portsmouth City Council ('B' & 'D' authority)

The host 'C' authority was consulted:

- Hampshire County Council ('A' & 'C' authority)

The boundary 'A' authorities were consulted:

- Basingstoke and Deane Borough Council
- Test Valley Borough Council
- Hart District Council
- Waverley Borough Council
- Eastleigh Borough Council
- Gosport Borough Council
- Fareham Borough Council
- Chichester District Council
- West Berkshire Council
- Wokingham Borough Council (The Inspectorate identified as a 'D' authority)

The boundary 'D' authorities were consulted:

- Bracknell Forest Council
- Southampton City Council
- Wiltshire Council
- Dorset County Council (Dorset County Council was abolished on 31 March 2019)
- West Sussex County Council
- Surrey County Council
- Wokingham Borough Council

A sample of the letter sent to s42(1)(b) consultees is provided at **Appendix 1.4G (Doc 5.1.4G)** of the **Consultation Report (Doc 5.1)**.

		<p>New Forest National Park Authority has not been consulted. New Forest are a “D” authority. The Inspectorate, by way of a letter to the applicant dated 28 November 2019, requested copies of correspondence relating to consultation under s42(1)(b), and particularly that relating to New Forest National Park Authority. This request was made under Regulation 5(5) of the The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p> <p>We received correspondence from New Forest National Park Authority on 3 December 2019, confirming that they have since had sight of a copy of the s42 consultation materials and are of the view that the proposals will not impact on the New Forest National Park.</p> <p>Southampton City Council report in their AoCR that they have not been consulted. Southampton are a “D” authority. We note from their AoCR that they report since having received a copy of the consultation letter that the Applicant asserts was sent to them, dated February 2019.</p> <p>Bournemouth, Christchurch and Poole Council report in their AoCR that they have not been consulted. It should be noted that both Bournemouth, Christchurch and Poole Council & Dorset Council did not exist at the time S42 consultation commenced. Dorset County Council were consulted in February 2019.</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 11.1.1.4 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 25 February 2019.</p> <p>Paragraphs 11.2.1.11 to 11.2.1.22 of the Consultation Report (Doc 5.1) 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).</p> <p>The Applicant’s Book of Reference (Doc 4.3) lists the persons consulted under s42(1)(d). The persons consulted under s42(1)(d) are listed at Appendix 1.4C (Doc</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. 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>5.1.4C) of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(d) consultees is provided at Appendix 1.4G (Doc 5.1.4G) of the Consultation Report (Doc 5.1).</p>
<p>Section 45: Timetable for s42 consultation</p>		
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 is provided at Appendix 1.4G (Doc 5.1.4G) of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 18 February 2019 confirmed that consultation commenced on 27 February 2019 and closed on 29 April 2019, providing 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 25 February 2019, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix 1.4D (Doc 5.1.4D) of the Consultation Report (Doc 5.1).</p>
<p>Section 47: Duty to consult local community</p>		
13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes</p> <p>A copy of the final SoCC is provided at Appendix 1.4O (Doc 5.1.4O) of the Consultation Report (Doc 5.1).</p>
14	<p>Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the</p>	<p>Yes</p> <p>Paragraph 12.1.3.1 of the Consultation Report (Doc 5.1) states that on 10 December 2018, the Applicant sent the draft SoCC to Portsmouth City Council, Havant Borough Council, East Hampshire District Council and Hampshire County Council.</p>

	consultation documents?	<p>Appendix 1.4M (Doc 5.1.4M) of the Consultation Report (Doc 5.1) shows that the draft SoCC was also sent to Winchester City Council (in addition to the Local Authorities listed above).</p> <p>South Downs National Park Authority are also a host authority. Paragraph 12.1.2.2 of the Consultation Report (Doc 5.1) confirms that South Downs National Park Authority were consulted on the draft SoCC for a period of 28 days. We note that they have confirmed in their Adequacy of Consultation Representation that they were consulted on the SoCC, and that they consider that the Applicant has complied with their duties under s47.</p> <p>Table 3.1 of the Consultation Report (Doc 5.1) states that the statutory review period for SoCC ran between 12 December 2018 - 19 January 2019, providing at least the required minimum of 28 days for responses.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Table 12-1 and Appendix 1.4J (Doc 5.1.4J) of the Consultation Report (Doc 5.1) provide a summary of the consultation responses from local authorities in respect of the draft SoCC and demonstrates how the Applicant had regard to their content.</p> <p>Examples of changes from the draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> • formal consultation period was extended from 6 to 8 weeks • the Primary Consultation Zone was extended around the converter station location • Applicant amended paragraph 7.2.5 in relation to hard-to-reach groups • Applicant amended paragraph 7.4.2 to define topics for comments to be made on • Applicant reinstated references to the non-technical summary • Applicant added paragraph 7.6 to clarify its approach to data protection • Applicant added paragraph 6.1.9 to highlight the change to a DCO application and to explain the process <p>Appendix 1.4N (Doc 5.1.4N) of the Consultation Report (Doc 5.1) contains copies of the responses of the Local Planning Authorities to the formal consultation on the draft</p>

		<p>SoCC.</p> <p>Appendix 1.4J (Doc 5.1.4J) of the Consultation Report (Doc 5.1) contains details of the response of the South Downs National Park Authority, who are also a host authority.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	<p>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>	<p>Yes</p> <p>The final SoCC was made available at the following locations, which are reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Beddow Library • Waterlooville Library • Horndean Library • Portsmouth City Council • Havant Borough Council • Winchester City Council • Hampshire County Council • Central Library (Portsmouth) • Cosham Library <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Portsmouth News (on 27 February 2019) • Hampshire Chronicle (on 28 February 2019) • Horndean Post (on 27 February 2019) <p>The published SoCC notice, provided at Appendix 1.4A (Doc 5.1.4A) of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p>

		Clippings of the published advertisements are provided at Appendix 1.4A (Doc 5.1.4A) of the Consultation Report (Doc 5.1) .
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>A copy of the final SoCC is provided at Appendix 1.40 (Doc 5.1.40) of the Consultation Report (Doc 5.1). Chapter 4 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>Chapter 12 of the Consultation Report (Doc 5.1) set outs how the community consultation was carried out in line with the final SoCC.</p> <p>Paragraph 14.3.2.16 of the Consultation Report (Doc 5.1) sets out how the Applicant has complied with the commitments set out in the final SoCC.</p> <p>Section 14.2 of the Consultation Report (Doc 5.1) provides evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> • Portsmouth City Council state in their Adequacy of Consultation Response that they are of the opinion that the consultation was insufficient. Amongst other issues raised, points of concern include: the Applicant's option appraisal, the lack of documentation and evidence, the quality of engagement, and the justification for the inclusion of the optical regeneration station buildings. • South Downs National Park expressed concerns on consultation with the Gypsy and Traveller community and with the South Downs Society. • Winchester City Council has concerns over the extent of the engagement with the local community, which it feels could have been more inclusive

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 APFP Regulations?	<p>Yes</p> <p>Paragraph 13.3.1.1 of the Consultation Report (Doc 5.1) states:</p> <p><i>“In accordance with Section 48(2) and Regulation 4(3) of the APFP Regulations, the published notice included a stated deadline for responses to the consultation not less than 28 days following the date when the Section 48 notice was last published.”</i></p> <p>Table 13-1 of the Consultation Report (Doc 5.1) displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at Appendix 1.4A (Doc 5.1.4A) of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix 1.4A (Doc 5.1.4A) of the Consultation Report (Doc 5.1):</p>
----	---	---

Newspaper(s)

a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> • Portsmouth News • Horndean Post • Hampshire Chronicle 	<p>27 February 2019 & 6 March 2019</p> <p>27 February 2019 & 6 March 2019</p> <p>28 February 2019 & 6 March 2019</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Guardian 	27 February 2019
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • London Gazette 	28 February 2019
d)	where the proposed application relates to offshore development –	<ul style="list-style-type: none"> • Lloyds List 	27 February 2019

	(i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> Fishing News 	28 February 2019
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The published s48 notice, supplied at Appendix 1.4A (Doc 5.1.4A) of the Consultation Report (Doc 5.1) , contains the required information as set out below:	
	Information	Paragraph	Information
a)	the name and address of the Applicant.	1	a) the name and address of the Applicant.
c)	a statement as to whether the application is EIA development	3	c) a statement as to whether the application is EIA development
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 at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice	5	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 at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge
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	9	
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 ?	<p>Yes</p> <p>A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in paragraph 1.3.2.13 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix 1.4G (Doc 5.1.4G) of the Consultation Report (Doc 5.1) confirms a copy of the s48 notice was enclosed.</p>
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?	<p>Yes</p> <p>Paragraph 1.3.2.21 of the Consultation Report (Doc 5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</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>Yes</p> <p>Paragraph 4.6.1.2 of the Consultation Report (Doc 5.1) states that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	Whilst some discrepancies have been identified with the consultation carried out, the Inspectorate is satisfied that the Applicant has complied with Chapter 2 of Part 5 (pre-

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

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

application procedure) of the PA2008 and in respect of the discrepancies identified, s51 advice has been provided to the Applicant how to remedy these.

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 does it include: <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>Yes.</p> <p>Section 4 of the Application Form (Doc 1.4) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.4) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Site Location Plan (Doc 2.1) 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 5.1) and appendices.</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)?	<p>Yes</p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</p>

Information		Document			
a)	Where applicable, the Environmental Statement	Environmental Statement (Doc 6.1)	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

	required under the EIA Regulations ¹³ and any scoping or screening opinions or directions			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc 3.2)	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?
e)	A copy of any Flood Risk Assessment	Flood Risk Assessment (Environmental Statement – Volume 3 – Appendix 20.4, Doc ref 6.3.20.1)	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
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 4.1) Funding Statement (Doc 4.2)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development;
				Land Plans (Doc 2.2)

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

				(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 replacement land	
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes, (with minor discrepancies as noted in Box 30)
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the 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	Works Plans (Doc 2.4)		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	Access and Rights of Way Plans (Doc 2.5)

in the draft DCO			
Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
<p>l) Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>(i) Designated Marine Conservation Zones (MCZ) (ES Vol 3, Appendix 8.5 Marine Conservation Zone Assessment (Doc ref 6.3.85))</p> <p>Marine Ornithology - SPA and Ramsar Sites (ES Vol 2 Figure 11.1 (Doc ref 6.2.11.1))</p> <p>Marine Ornithology - SSSI Sites (ES Vol 2 Figure 11.2, (Doc ref 6.2.11.2))</p> <p>Statutory Designated Sites (ES Vol 2 Figure 16.1 (Doc ref 6.2.16.1))</p> <p>Non-statutory Designated Sites (ES Vol 2 Figure 16.2 (Doc ref 6.2.16.2))</p> <p>Habitats Sites in UK Marine Area (HRA Vol 2 Figures 4.1 – 4.8 (Doc refs 6.8.2.4.1 – 8)</p> <p>Features of landscape importance (ES Vol 2 Figures 15.2 - 4 (Doc refs 6.2.15.2 - 4)</p> <p>(ii) Habitats (ES Vol 2 Figure</p>	<p>m) Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Historic Environment Features Map (ES Vol 2 Figure (Doc ref 6.2.21.1))</p> <p>Assessment of the effects on these sites have been provided within ES Chapter 21 – Heritage and Archaeology (Doc ref 6.1.21)</p>

	<p>16.3 (Doc ref 6.2.16.3)</p> <p>Non-statutory Designated Sites and Priority Habitats (ES Vol 2 Figures 16.2 & 16.4 (Doc refs 6.2.16.2 & 6.3.16.4)</p> <p>Ancient Woodland (ES Vol 2 Figures 15.6 – 8 (Doc refs 6.2.15.6 - 6.2.15.8))</p> <p>Habitats Identified During the Benthic Baseline Survey (ES Vol 2 Figure 8.7 (Doc ref 6.2.8.7))</p> <p>(iii) Waterbodies in a river basin management plan (ES Vol 3 Appendices 7.1 & 20.2 (Doc refs 6.3.7.1 & 6.3.20.2))</p> <p>Assessment of effects on designated sites and habitats are provided in the following ES Chapters:</p> <ul style="list-style-type: none"> • Chapter 8 (Doc ref 6.1.8) – Intertidal and Benthic Habitats • Chapter 9 (Doc ref 6.1.9) – Fish and Shellfish • Chapter 10 (Doc ref 6.1.10) – Marine Mammals and Basking Sharks • Chapter 11 (Doc ref 6.1.11) 		
--	---	--	--

	<ul style="list-style-type: none"> – Marine Ornithology • Chapter 15 (Doc ref 6.1.15) <ul style="list-style-type: none"> – Landscape and Visual Amenity • Chapter 16 (Doc ref 6.1.16) <ul style="list-style-type: none"> – Onshore Ecology • Habitats Regulations Assessment Report (Doc ref 6.8.1) <p>As assessment of the impacts on water bodies is included in the Onshore Water Framework Assessment (ES Vol 3 Appendix 20.2 (Doc ref 6.3.20.2)) and the Marine Water Framework Directive Assessment (ES Vol 3 Appendix 7.1 (Doc ref 6.3.7.1))</p>			
	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 2.3)	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>Site Location Plan (Doc 2.1)</p> <p>Converter Station and Telecommunications Buildings Parameter Plans (Doc 2.6)</p> <p>Indicative Converter Station Area Layout Plans (Doc 2.7)</p> <p>Indicative Converter Station Elevations (Doc 2.8)</p> <p>Indicative Telecommunications Buildings Elevations and Floor Plans (Doc 2.9)</p>

p)			q)	Indicative Optical Regeneration Station(s) Elevations and Floor Plans (2.10) Optical Regeneration Stations Parameter Plan (2.11)	
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes , (with minor discrepancies as noted in Box 30)
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	N/A		Any other documents considered necessary to support the application	As listed at box 23 of the Application Form (Doc 1.4)
	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>Converter Station and Telecommunication Buildings Parameter Plans (Doc 2.6) It is noted that these plans appear to be at a scale of 1:1250 but are marked as being at a scale of 1:12500</p> <p>Book of Reference (Doc 4.3) The Book of Reference (Doc 4.3) does not cross-refer to the relevant articles contained in the development consent order in accordance with Annex D Paragraph 10 of Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land.</p> <p>Land Plans (2.2) Sheets 6 and 10 of the land plans do not show the direction of North.</p>				
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	Yes A Habitat Regulations Assessment (HRA) Report has been provided (Doc 6.8.1) along with associated figures (Doc refs 6.8.2.4.1 – 8 and 6.8.2.8.1) and appendices (Doc refs 6.8.3.1 – 4). 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.			

	implications for the site if required by Regulation 48(1)? ¹⁴	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.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	No hard copies requested.
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 Application Cover Letter (Doc 1.1) explains how the Applicant has had regard to statutory guidance on the form of the application. The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.

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 of £7,106.00 was received on 22 October 2019; before the application was made.
----	---	--

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

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

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

Role	Electronic signature	Date
Case Manager	<i>Robert Ranger</i>	12 December 2019
Acceptance Inspector	<i>David Wallis</i>	12 December 2019

Appendix Two

Ten-E Regulation checklist

Definitions

<i>DECC Manual</i>	<i>DECC (May 2014) 'The Ten-E Regulation EU 347/2013: Manual of Procedures: The Permitting process for Projects of Common Interest in the UK'</i>
<i>NCA</i>	<i>The National Competent Authority. In England, this is the Secretary of State for Energy and Climate Change. However, for NSIPs, tasks relating to the facilitation and co-ordination of the permit granting process have been delegated to the Planning Inspectorate.</i>
<i>PCI</i>	<i>Project of Common Interest</i>
<i>TEN-E Regulation</i>	<i>Regulation (EU) No 347/2013 of the European Parliament and the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009</i>

Pre-Application – Permit Granting Process

Ten-E Regulation	Planning Inspectorate Comments
<p>1 The project promoter shall draw up an Implementation Plan for the PCI.</p> <p><i>(Article 5(1))</i></p>	<p>A copy of the Project Implementation Plan was attached at Appendix 1 of the Applicant’s notification under Article 10(1)(a) of the TEN-E Regulation, dated 17 September 2018.</p>
<p>2 For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the NCA of the Member States concerned in written form, and shall include a reasonably detailed outline of the project. No later than three months following the receipt of the notification, the NCA shall, including on behalf of other authorities concerned, acknowledge or, if it considers the project as not mature enough to enter into the permit granting process, reject the notification in written form.</p> <p><i>(Article 10(1)(a))</i></p>	<p>The Applicant formally notified the Planning Inspectorate on 17 September 2018 under Article 10(1)(a) of its intention to submit an application for the necessary permits to construct the Aquind Interconnector.</p> <p>The Planning Inspectorate wrote to the Applicant on 14 December 2018 confirming that they had reviewed the notification and considered the project sufficiently mature to be able to submit an application for the consents required within two years.</p>
<p>3 Upon the acknowledgement of the notification pursuant to</p>	<p>The Planning Inspectorate wrote to the Applicant on 14 December 2018 at Annex A with regard to Article 10(4)(a) and (b) of the regulations. As the competent authority, the</p>

<p>paragraph 1(a), the NCA shall identify, in close cooperation with the other authorities concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of material and level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision. The checklist referred to in Annex VI.1(e) shall serve as a basis for this identification.</p> <p><i>(Article 10(4)(a))</i></p>	<p>Planning Inspectorate: (a) identified the scope of material and the level of detail of information to be submitted as part of the application file; and (b) drew up a detailed schedule for the permit granting process. This had been developed following consultation with the Applicant.</p>
<p>4 The NCA shall draw up, in close cooperation with the project promoter and other authorities concerned and taking into account the results of the activities carried out under point (a), a detailed schedule for the permit granting process in line with the guidelines set out in Annex VI.2.</p> <p>For projects crossing the border between two or more Member States, the competent authorities of the Member</p>	<p>Where two or more Member States are concerned, the date of the acceptance of the last notification under Article 10(1)(a) by the competent authority concerned shall serve as the date of the start of the permit granting process. As of 26 November 2019, the Government of France has not acknowledged notification under Article 10(1)(a).</p>

<p>States concerned shall prepare a joint schedule, in which they endeavour to align their timetables;</p> <p><i>(Article 10(4)(b))</i></p>	
<p>5 The project promoter shall, within an indicative period of three months of the start of the permit granting process pursuant to Article 10(1)(a), draw up and submit a concept for public participation to the NCA.</p> <p><i>(Article 9(3))</i></p>	<p>Where two or more Member States are concerned, the date of the acceptance of the last notification under Article 10(1)(a) by the competent authority concerned shall serve as the date of the start of the permit granting process. As of 26 November 2019, the Government of France has not acknowledged notification under Article 10(1)(a).</p>
<p>5.1 Annex VI.4: The concept for public participation shall at least include information about:</p> <p>a) the stakeholders concerned and addressed;</p> <p>b) the measures envisaged, including proposed general locations and dates of dedicated meetings;</p> <p>c) the timeline;</p> <p>d) the human resources allocated to the respective tasks</p>	<p>Where two or more Member States are concerned, the date of the acceptance of the last notification under Article 10(1)(a) by the competent authority concerned shall serve as the date of the start of the permit granting process. As of 26 November 2019, the Government of France has not acknowledged notification under Article 10(1)(a).</p>
<p>6 At least one public consultation shall be carried out by the project promoter, or, where required by national law, by</p>	<p>Statutory consultation has been undertaken in accordance with the Planning Act 2008, and the adequacy of this consultation is assessed in the section 55 checklist forming the main part of this document. Details of the consultation undertaken are set out within the Applicant's Consultation Report (Doc 5.1).</p>

the NCA, before submission of the final and complete application file to the NCA pursuant to Article 10(1)(a). This shall be without prejudice to any public consultation to be carried out after submission of the request for development consent according to Article 6(2) of Directive 2011/92/EU [Directive on the assessment of the effects of certain public and private projects on the environment]. The public consultation shall inform stakeholders referred to in Annex VI.3(a) about the project at an early stage and shall help to identify the most suitable location or trajectory and the relevant issues to be addressed in the application file. The minimum requirements applicable to this public consultation are specified in Annex VI.5.

The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that

The consultation carried out by the Applicant is considered to meet the requirements of Article 9(4).

<p>took place before the start of the permit granting process. The project promoter shall submit that report together with the application file to the NCA.</p> <p><i>(Article 9(4))</i></p>	
<p>6.1 Annex VI.5: In the context of the public consultation to be carried out before submission of the application file, the relevant parties shall at least:</p> <p>a) publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures, which shall be published prior to the start of the consultation; The information leaflet shall furthermore list the web addresses of the Commission's infrastructure transparency platform and of the Member State's manual of procedures;</p> <p>b) inform all stakeholders affected about the project through the website referred to in Article 9(7)</p>	<p>The Applicant established and updated a dedicated project website in accordance with Article 9(7).</p> <p>A copy of the Information Leaflet is provided at Document 5.1.1B. Details of public exhibition events are provided in Chapter 8.5 of the Consultation Report (Doc 5.1)</p>

<p>c) and other appropriate information means; invite in written form relevant affected stakeholders to dedicated meetings, during which concerns shall be discussed.</p>	
<p>7 Without prejudice to any requirements under the Aarhus and Espoo Conventions and relevant Union law, all parties involved in the permit granting process shall follow the principles for public participation set out in Annex VI.3.</p> <p><i>(Article 9(2))</i></p>	<p>The Applicant has provided details of the consultation process and how the public were engaged within the Consultation Report (Doc 5.1).</p>
<p>7.1 Annex VI.3: To increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:</p> <p>a) The stakeholders affected by a PCI, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, when potential concerns by the public can still be taken into</p>	<p>The section 55 checklist which forms the main part of this document sets out the assessment of the Applicant's engagement with the relevant stakeholders of this PCI. It is considered that the Applicant has met the principles as set out in Annex VI.3 by engaging with the relevant stakeholders at an early stage of the project process.</p>

<p>account and in an open and transparent manner. Where relevant, the NCA shall actively support the activities undertaken by the project promoter.</p> <p>b) Competent authorities shall ensure that public consultation procedures for PCIs are grouped together where possible. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation.</p> <p>c) Comments and objections shall be admissible from the beginning of the public consultation until the expiry of the deadline only.</p>	
<p>8 The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of</p>	<p>The Applicant has submitted the Consultation Report and Appendices (Doc 5.1) as part of the application for a Development Consent Order.</p>

<p>the permit granting process. The project promoter shall submit that report together with the application file to the NCA.</p> <p><i>(Article 9(4))</i></p>	
<p>9 The project promoter shall ensure the completeness and adequate quality of the application file and seek the NCA's opinion on this as early as possible during the pre-application procedure. The project promoter shall cooperate fully with the NCA to meet deadlines and comply with the detailed schedule [for the permit granting process].</p> <p><i>(Article 10(5))</i></p>	<p>The Planning Inspectorate held several meetings with the Applicant during the pre-application stage to discuss the proposed application.</p>
<p>10 Upon receipt of the draft application file, the NCA shall, if necessary, and including on behalf of other authorities concerned, make further requests regarding missing information to be submitted by the project promoter, which may only address subjects identified under point [Article 10 (4)](a). Within three</p>	<p>The Planning Inspectorate received the DCO application on 14 November 2019 and has accepted the application for Examination within the statutory 28 period as set out in section 55(2) of PA2008.</p>

<p>months of the submission of the missing information, the competent authority shall accept for examination the application in written form. Requests for additional information may only be made if they are justified by new circumstances.</p> <p><i>(Article 10(4)(c))</i></p>	
--	--

Ongoing obligations

<p>11 The project promoter, or where national law so provides, the NCA, shall establish and regularly update a website with relevant information about the PCI, which shall be linked to the Commission website and which shall meet the requirements specified in Annex VI.6. Commercially sensitive information shall be kept confidential.</p> <p><i>(Article 9(7))</i></p>	<p>The Applicant established and updated a dedicated project website in accordance with Article 9(7).</p>
<p>12 Project promoters shall also publish relevant information by other appropriate information</p>	<p>In addition to publishing all relevant information on the project website, the Applicant also provided access to information and documentation at deposit locations and exhibition events. The Consultation Report (Doc 5.) provides details of this public access.</p>

<p>means to which the public has open access.</p> <p><i>(Article 9(7))</i></p>	
<p>13 By 31 March of each year following the year of inclusion of a PCI on the Union list pursuant to Article 3, project promoters shall submit an annual report, for each project falling under the categories set out in Annex II.1 and 2, to the NCA referred to in Article 8 and either to the Agency or, for projects falling under the categories set out in Annex II.3 and 4, to the respective Group.</p> <p><i>(Article 5(4))</i></p>	<p>A copy of the relevant report has not been provided. However, we have no reason to believe that this duty has not be complied with.</p>