



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

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

Version: August 2022

Morgan and Morecambe Offshore Wind Farms Transmission Assets Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination. CM	Date received	28-day due date	Date of decision
		21 October 2024	18 November 2024	18 November 2024
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act	<p>Yes</p> <p>Section 4 of the Application Form (Doc A3) states:</p> <p><i>This application is submitted by Morgan Offshore Wind Limited, a joint venture of bp Alternative Energy Investments Ltd (bp) and Energie Baden-Wurttemberg AG (EnBW) (Morgan OWL), and Morecambe Offshore Windfarm Ltd, a joint venture</i></p>		

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

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

	<p>2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p><i>between Zero-E Offshore Wind S.L.U. (Spain) (a Cobra group company, part of the VINCI group of companies) (Cobra) and Flotation Energy Ltd (Morecambe OWL) (together, the Applicants), as part of their joint application to the Secretary of State for a DCO for the construction, operation and decommissioning of the Morgan and Morecambe Offshore Wind Farms: Transmission Assets (the Transmission Assets). Following a request from the Applicants, on 4 October 2022 the Secretary of State issued a direction under section 35 of the Planning Act 2008 that the Transmission Assets should be treated as development for which development consent is required. As such, a DCO is required to authorise the Transmission Assets in accordance with Section 31 of the Planning Act 2008. Marine licences are required before carrying out any licensable marine activity under the Marine and Coastal Access Act 2009.</i></p> <p>A copy of the s35 Direction is provided (Direction by the Secretary of State under section 35 of the Planning Act 2008 (Doc J24)). It confirms the Secretary of State's decision that the Proposed Development, and any associated matters, should be treated as development for which development consent is required under the PA2008.</p>
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</p>	<p>The Planning Inspectorate is satisfied that the Draft DCO (Doc C1) includes development for which development consent is required.</p>
<p>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>		
4	<p>In accordance with the EIA Regulations³, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which</p>	<p>Yes</p> <p>On 25 October 2022 the Applicants notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of their intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 12 October 2023.</p>

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

	<p>the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>A copy of the notification letter is provided at Appendix E.14.1 of the Consultation Report (Doc E1).</p>
5	<p>Have any Adequacy of Consultation Representations⁴ been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 23 host and neighbouring authorities, of which 14 responded to the Planning Inspectorate’s invitation to make an Adequacy of Consultation Representation (AoCR) dated 22 October 2024.</p> <p>11 responding authorities confirmed in their AoCR that either the Applicants had complied with their duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> • Blackpool Council (B and D authority) • South Ribble Borough Council (B authority) • Preston City Council (B authority) • Chorley Council (A authority) • Wyre Borough Council (A authority) • Calderdale Metropolitan District Council (D authority) • Bolton Metropolitan Borough Council (D authority) • Blackburn with Darwen Borough Council (D authority) • St Helens Council (D authority) • Bury Metropolitan District Council (D authority) • Sefton Council (D authority)*

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

		<p>Two responding authorities stated in their AoCR that the Applicants had not met their duty to consult under s42 and s47. These local authorities were;</p> <ul style="list-style-type: none"> • Fylde Borough Council (B authority) • Lancashire County Council (A and C authority) <p>One responding authority stated they were not impacted by the development but did not state that their authority had no comments/ objections to make. This local authority was;</p> <ul style="list-style-type: none"> • Bradford Metropolitan District Council (D authority) <p>* Sefton Council – AoCR marked “Don’t know” for s42, s47 & s48 duty to consult. Other comments suggest that the council is aware of the project due to “emails or other references” “over a number of months”.</p> <p>Fylde Borough Council</p> <p>The Council raised concerns over the Applicants’ s42 consultation. The Council states in its AoCR response it had been contacted by landowners (s42(1)(d) consultees) stating they have not been consulted on the land acquisition. Chapters 4.2 and 4.3 of the Consultation Report (Doc E1) sets out how the Applicants have conducted their s42(1)(d) consultation and how they used an iterative process to identify landowners, including newly identified landowners. The Inspectorate is therefore satisfied the Applicants have complied with s42(1)(d) of the PA2008.</p> <p>Fylde Borough Council and Lancashire County Council</p>
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		<p>The Councils raised concerns over the level of detail provided for consultees to make meaningful comments during the s47 consultation. After reviewing the information provided to consultees, including the Preliminary Environmental Information Report, the Inspectorate is satisfied there was sufficient information provided to the consultees for them to provide meaningful comments on the proposed Development.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:</p> <p>https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020032</p> <p>The Planning Inspectorate has considered all submitted representations, in relation to concerns bearing directly on adequacy of consultation. The Planning Inspectorate is satisfied that the Applicants have complied with their statutory obligations. To the extent that other matters have been raised in responses, the Planning Inspectorate is satisfied that these matters do not bear on an Acceptance decision and therefore do not affect the conclusion that the Applicants have complied with their statutory obligations. Where appropriate, other issues will be addressed during the Examination.</p>
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 ⁵ ?	<p>Yes</p> <p>The Applicants have provided a list of persons consulted under s42(1)(a) on 12 October 2023 at Appendix E1.9.1 of the Consultation Report (Doc E1.9).</p>

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

		<p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix E1.9.2.3 of the Consultation Report (Doc E1.9).</p> <p>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 do not appear to have been consulted by the Applicants under s42:</p> <ul style="list-style-type: none"> • Lea Parish Council • CNG Services Limited • Mua Gas Limited • Stark Works • National Gas • Advanced Electricity Networks Limited • Aidien Limited • Aurora Utilities Limited • Independent Distribution Connection Specialists Limited • Stark Infra-Electricity Limited <p>The Applicants' Consultation Report (Doc E1) does not explain why the bodies identified above do not appear to have been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicants as having an interest in the Order lands and are not listed in the Book of Reference (Doc D3).</p> <p>Section 51 advice has been issued to the Applicants in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/EN020032-000654</p>
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7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Yes
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Table 4.10 of the Consultation Report (Doc E1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 12 October 2023.</p> <p>The host ‘B’ authorities were consulted:</p> <ul style="list-style-type: none"> • Blackpool Council • Fylde Borough Council • Preston City Council • South Ribble Borough Council <p>The host ‘C’ authority was consulted:</p> <ul style="list-style-type: none"> • Lancashire County Council <p>The boundary ‘A’ authorities were consulted:</p> <ul style="list-style-type: none"> • Chorley Council • Lancashire County Council • Ribble Valley Borough Council • West Lancashire Borough Council • Wyre Borough Council <p>The boundary ‘D’ authorities were consulted:</p>

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

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

		<ul style="list-style-type: none"> • Blackburn with Darwen Borough Council • Blackpool Council • Bolton Metropolitan Borough Council • Bradford Metropolitan Borough Council • Calderdale Metropolitan Borough Council • Cumberland Council • Knowsley Metropolitan Borough Council • North Yorkshire County Council • Rochdale Metropolitan Borough Council • Sefton Council • St Helens Council • Westmorland and Furness Council • Wigan Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix E1.9.1 of the Consultation Report (Doc E1.9).</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 4.2.4.1 of the Consultation Report (Doc E1) states that all persons identified under s42(1)(d) were consulted on 12 October 2023.</p>

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

		<p>Paragraphs 4.2.4.2 to 4.2.4.4 of the Consultation Report (Doc E1) summarise how the Applicants made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc C1). The full methodology undertaken by the Applicants is provided in Appendix E1.10.1 of the Consultation Report (Doc E1).</p> <p>A sample of the letter is provided at Appendix E1.10.2.1 of the Consultation Report (Doc E1).</p>
Section 45: Timetable for s42 consultation		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes</p> <p>A sample of the letter sent to s42 consultees is provided at Appendix E1.9.2.3 of the Consultation Report (Doc E1).</p> <p>The sample letter dated 12 October 2023 confirmed that consultation commenced on 12 October 2023 and closed on 23 November 2023, providing more than the required minimum time for receipt of responses.</p>
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 Applicants gave notice under s46 on 11 October 2023, which was before the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix E1.12.1 of the Consultation Report (Doc E1) and a copy of the s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix E1.12.3 of the Consultation Report (Doc E1).</p>
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>A copy of the final SoCC is provided at Appendix E1.6 of the Consultation Report (Doc E1).</p>
14	<p>Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?</p> <p>CO</p>	<p>Yes</p> <p>The Applicants sent the draft SoCC to Fylde Borough Council ('B' Authority), Preston City Council ('B' Authority), South Ribble Borough Council ('B' Authority) Blackpool Council ('B' and 'D' Authority), Lancashire County Council ('A' and 'C' Authority) and West Lancashire County Council ('A' Authority) on 24 July 2023 and set a deadline of 21 August 2023 for responses; providing the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Table 4.1 of the Consultation Report (Doc E1) provides a summary of the consultation responses from Fylde Borough Council, South Ribble Borough Council, Blackpool Council, Lancashire County Council, West Lancashire Borough Council in respect of the draft SoCC and demonstrates how the Applicants 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"> • The Applicants published a brochure, feedback form and PEIR during their statutory consultation on the Transmissions Assets Website (Fylde Borough Council) • The Applicants considered the suggestions for deposit locations in Blackpool, however, selected locations in closer proximity to the Project in Fylde (Blackpool Council) • The Applicants provided the most up to date information available during each round of the consultation (West Lancashire Borough Council)

		The Planning Inspectorate is satisfied that the Applicants had regard to the responses received when preparing the SoCC.
16	Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Freckleton Library, Preston Old Road, Freckleton, PR4 1PB • Kirkham Library, Station Road, Kirkham, PR4 2HD • St Annes Library, 254 Clifton Road South, Lytham St Annes, FY8 1NR • Lytham Library, Dicconson Terrace, Lytham St Annes, FY8 5JY • Ansdell Library, 59 Commonsides Andsell, Lytham St Annes, FY8 4DJ • Penwortham Town Council and Community Centre, Kingsfold Drive, Penwortham, Preston, PR1 9EQ • Henry Bloom Noble Library, 8 Duke Street, Isle of Man, IM1 2AY <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Blackpool Gazette, 5 October 2023 • Lytham St Annes Express, 5 October 2023 • Lancashire Evening Post, 5 October 2023 • Isle of Man Courier, 6 October 2023 <p>The published SoCC notice, provided at Appendix E1.6.3 of the Consultation Report (Doc E1) states where and when the final SoCC was available to inspect. Clippings of the published advertisements are provided at Appendix E1.6.3 of the Consultation Report (Doc E1).</p>

17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Section 5.2 of the final SoCC at Appendix E1.6. of the Consultation Report (Doc E1) sets out that the development is EIA development and sets out how the Applicants intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Paragraphs 4.1.13.1 to 4.1.13.4 of the Consultation Report (Doc E1) set out how the community consultation was carried out in line with the final SoCC.</p> <p>Table 4.9 of the Consultation Report (Doc E1) sets out how the Applicants have complied with the commitments set out in the final SoCC.</p> <p>Appendices E.8, to E.13 of the Consultation Report (Doc E1) provide evidence that the commitments within the final SoCC have been carried out.</p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p>Yes</p> <p>Paragraph 4.5.3.1 of the Consultation Report (Doc E1) states:</p> <p><i>“The section 48 notice, which is included in Annex E1.13.1 (document reference E1.13), provided the Applicants’ details, Project description, an overview of what the application would cover and consultation period dates. It specified where consultation materials were available to view and how people could respond to the notice or make representations in respect of the Transmission Assets.”</i></p> <p>Paragraph 4.5.3.3 of the Consultation Report (Doc E1) displays the newspapers and dates of s48 publicity as set out below.</p>

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

		<p>A copy of the s48 notice is provided at Appendix E1.13.1.1 of the Consultation Report (Doc E1).</p> <p>Clippings of the published notices set out below are provided at Appendix E1.13.1.3 to E1.13.1.16 of the Consultation Report (Doc E1):</p>												
		<table border="1"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 70%;">Newspaper(s)</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td> <p>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> <ul style="list-style-type: none"> • Fleetwood Weekly News • Blackpool Gazette • Lancashire Evening Post • Lytham St Annes Express • Isle of Man Courier </td> <td> <p>11 October 2023 18 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>13 October 2023 20 October 2023</p> </td> </tr> <tr> <td>b)</td> <td> <p>once in a national newspaper;</p> <ul style="list-style-type: none"> • The Guardian </td> <td> <p>19 October 2023</p> </td> </tr> <tr> <td>c)</td> <td> <p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <ul style="list-style-type: none"> • London Gazette </td> <td> <p>19 October 2023</p> </td> </tr> </tbody> </table>		Newspaper(s)	Date	a)	<p>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> <ul style="list-style-type: none"> • Fleetwood Weekly News • Blackpool Gazette • Lancashire Evening Post • Lytham St Annes Express • Isle of Man Courier 	<p>11 October 2023 18 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>12 October 2023 19 October 2023</p> <p>13 October 2023 20 October 2023</p>	b)	<p>once in a national newspaper;</p> <ul style="list-style-type: none"> • The Guardian 	<p>19 October 2023</p>	c)	<p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <ul style="list-style-type: none"> • London Gazette 	<p>19 October 2023</p>
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c)	<p>once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p> <ul style="list-style-type: none"> • London Gazette 	<p>19 October 2023</p>												

d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<ul style="list-style-type: none"> • Lloyds List • Fishing News 	19 October 2023 19 October 2023
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	Yes The published s48 notice, supplied at Appendix E1.13.1.1 of the Consultation Report (Doc E1) , contains the required information as set out below:	

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	9	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	5, 7 and 8
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> • the nature and location of the Proposed Development • The address of the website • The place on the website 	8, 12, 13 and 14	f)	the latest date on which those documents, plans and maps will be available for inspection	14

	<ul style="list-style-type: none"> A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	14	h)	details of how to respond to the publicity	18
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	20			
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 4.6.1.3 of the Consultation Report (Doc E1).</p> <p>A sample of the s42 consultation letter provided at Appendix E1.9.2.2 of the Consultation Report (Doc E1) confirms a copy of the s48 notice was enclosed.</p>			
s49: Duty to take account of responses to consultation and publicity					

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

23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes</p> <p>Section 4.7 and Appendix E1.16 of the Consultation Report (Doc E1) sets out how the Applicants 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>Paragraph 2.2.1.4 of the Consultation Report (Doc E1) states that the Applicants have taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicants have identified and had regard to the relevant statutory guidance.</p>
25	Summary: Section 55(3)(e)	<p>The Applicants have complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</p> <p>In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicants in this regard, available here: https://infrastructure.planninginspectorate.gov.uk/document/EN020032-000654</p>
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:	<p>Yes</p> <p>Section 4 of the Application Form (Doc A3) explains why the development falls within the remit of the Planning Inspectorate.</p>

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

	<ul style="list-style-type: none"> • 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>Section 5 of the Application Form (Doc A3) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>Location Plans (Docs B1, B2 and B3) have been provided.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc E1) and Consultation Report Appendices (Doc E1.1 to E1.16).</p> <p>On 8 November 2024, the Planning Inspectorate asked the Applicants to signpost where in the Consultation Report the responses to the targeted consultation, undertaken 23 February to 24 March 2024, could be found. The Applicants responded the same day to advise that any responses, where received, were included within Table E1.16.31 of the Consultation Report Appendices (Doc E1.16 Part 2) but that the table had been mislabelled.</p>
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:

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

Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement (ES) Non-Technical Summary (Doc F1.1) ES Vol 1 Introduction (Docs F1.1 – F1.6, includes annexes e.g. F1.1.1) ES Vol 2 Offshore (Docs F2.1 – F2.10, includes annexes e.g. F2.1.1) ES Vol 3 Onshore (Docs F3.1 – F3.12, includes annexes e.g. F3.1.1) ES Vol 4 Project wide (Docs F4.1 – F4.4, includes annexes e.g. F4.1.1)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order including Draft Deemed Marine Licences (Doc C1)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and in s51 advice)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Doc C3)	d)	Where applicable, a Book of Reference	Book of Reference (Doc D3)

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

	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)		Is this of a satisfactory standard?	Yes
e)	A copy of any Flood Risk Assessment	Environmental Statement, Volume 3, Annex 2 2.3: Flood Risk Assessment (Doc F3.2.3 (in 2 parts))	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	Statutory nuisance statement (Doc J29)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)		Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reason (Doc D2) Funding Statement (Doc D1)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of	Land Plan - Onshore (Doc B10) Indicative Extent of Marine Licences and Grid Coordinates (Doc B4) Offshore Order Limits Plan (Doc B5) Onshore and Intertidal Order Limits Plan (Doc B6) Crown Land – Onshore and Offshore (Doc B19)

			<p>Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	<p>Special Category Land – Onshore (Doc B20)</p> <p>i) Yes</p> <p>ii) Yes</p> <p>iii) Yes</p> <p>iv) Yes</p>
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p>	<p>Works Plans – Onshore and Offshore (Doc B7 – Part 1 & 2)</p> <p>Works Plans – Onshore and Intertidal (Doc B8 – Part 1 & 2)</p> <p>Works Plans – Offshore (Doc B9)</p> <p>i) Yes</p> <p>ii) Yes</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p>Access to Works Plan (Doc B11)</p> <p>Street Works Plan (Doc B12 – Part 1 & 2)</p> <p>Public Rights of Way Plan (Doc B13)</p>

	(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO			
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other	(i) Onshore: Onshore statutory and non-statutory nature conservation sites (Doc B14) ES Volume 1 (Doc 1.6, figure 4.14) and ES Volume 3 (Doc 3.12, figures for chapters 3 and 4) Assessed in ES chapters on Onshore ecology and nature conservation (Doc F3.3) and Onshore and intertidal ornithology (Doc F3.4). Offshore:	m)	Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development Onshore: Onshore historic or scheduled monument sites (Doc B16) ES Volume 1 (Doc 1.6, figure 4.14), ES Volume 3 (Doc F3.12, figures for chapter 5) Assessed in ES chapter on Historic environment (Doc F3.5) Offshore: Offshore historic or scheduled monuments plan (Doc B17) ES volume 2 (Doc F2.10, Figures for chapter 8)

<p>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>Offshore statutory and non-statutory nature conservation sites (Doc B14)</p> <p>ES Volume 2 (Doc F2.10, figures for chapters 1, 2, 3, 4, 5)</p> <p>Assessed in ES chapters on Benthic subtidal and intertidal (Doc F2.2), Fish and Shellfish (Doc F2.3), Marine mammals (Doc F2.4), Offshore ornithology (Doc F2.5).</p> <p>Onshore and offshore statutory sites are also assessed in the Habitats Regulations Assessment as detailed in Box 31, and Marine Conservation Zone assessment (Doc E4).</p> <p>(ii) As (i)</p> <p>(iii) Doc F2.2.2 Figure 1.2 Doc F3.2.1 Figure 1.1 Onshore statutory and non-statutory nature</p>		<p>Assessed in ES chapter on Marine archaeology (Doc F2.8)</p>
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		<p>conservation sites (Doc B14)</p> <p>ES volume 3 (Doc F3.12, figures for chapters 1 and 2)</p> <p>Assessed in</p> <p>Doc F3.1 (Geology and hydrogeology),</p> <p>Doc F3.2 (Hydrology and flood risk), including Doc F2.2.2 (WFD coastal waterbodies assessment),</p> <p>Doc F3.2.1 (WFD surface water and groundwater assessment).</p>			
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30 and in s51 advice)		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in s51 advice)
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land – Onshore and Offshore (Doc B19)	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water	<p>Location Plans – Onshore and Offshore (Doc B1)</p> <p>Location Plans - Onshore (Doc B2)</p> <p>Location Plans - Offshore (Doc B3)</p> <p>Outline Design Principles (Doc J3)</p>

			management, means of vehicular and pedestrian access, any car parking and landscaping CO	
	Is this of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Cable Statement (Doc J23) Safety Zone Statement (Doc J33)	q) Any other documents considered necessary to support the application CM	Application letter (Doc A1) Draft Section 55 checklist (Doc A2) Application guide (Doc A4) Stage 1 Marine Conservation Zone Assessment (Doc E4) Technical Engagement Plan (Doc E5) Technical Engagement Plan Appendices Part 1 of 3 (Doc E5.1 Part 1 of 3) Technical Engagement Plan Appendices Part 2 of 3 (Doc E5.1 Part 2 of 3) Technical Engagement Plan Appendices Part 3 of 3 (Doc E5.1 Part 3 of 3) Outline Code of Construction Practice (Doc J1)

				<p>Outline Communications Plan (Doc J1.1)</p> <p>Outline Dust Management Plan (Doc J1.2)</p> <p>Outline Construction Noise and Vibration Management Plan (Doc J1.3)</p> <p>Outline Pollution Prevention Plan (Doc J1.4)</p> <p>Outline Public Rights of Way (PRoW) Management Plan (Doc J1.5)</p> <p>Outline Site Waste Management Plan (Doc J1.6)</p> <p>Outline Soil Management Plan (Doc J1.7)</p> <p>Outline Spillage and Emergency Response Plan (Doc J1.8)</p> <p>Outline Surface Water and Groundwater Management Plan (Doc J1.9)</p> <p>Outline Construction Fencing Plan (Doc J1.10)</p> <p>Outline Construction Artificial Light Emissions Management Plan (Doc J1.11)</p> <p>Outline Biosecurity Protocol (Doc J1.12)</p>
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				<p>Outline Bentonite Breakout Plan (Doc J1.13)</p> <p>Outline Contaminated Land and Groundwater Discovery Strategy (Doc J1.14)</p> <p>Outline Landscape Management Plan (Doc J2)</p> <p>Outline Design Principles (Doc J3)</p> <p>Greenhouse Gas (GHG) Reduction Strategy (Doc J4)</p> <p>Outline Construction Traffic Management Plan (Doc J5)</p> <p>Outline Ecological Management Plan (Doc J6)</p> <p>Outline Highways Access Management Plan (Doc J8)</p> <p>Outline Onshore and Intertidal Written Scheme of Investigation (Doc J9)</p> <p>Outline Operational Drainage Management Plan (Doc J10)</p> <p>Onshore Biodiversity Benefit Statement (Doc J11)</p> <p>Marine Enhancement Statement (Doc J12)</p> <p>Outline Fisheries Liaison and Coexistence Plan (Doc J13)</p>
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				<p>Outline Cable Burial Risk Assessment (Doc J14)</p> <p>Outline Offshore Cable Specification and Installation Plan (CSIP) (Doc J15)</p> <p>Measures to minimise disturbance to marine mammals and rafting birds from vessels (Doc J16)</p> <p>Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries (Doc J17)</p> <p>Outline Marine Mammal Mitigation Protocol (Doc J18)</p> <p>Outline Offshore Operations and Maintenance Plan (Doc J19)</p> <p>Offshore In Principle Monitoring Plan (Doc J20)</p> <p>Outline Vessel Traffic Management Plan (Doc J21)</p> <p>Dredging and disposal – site characterisation plan (Doc J22)</p> <p>Direction by the Secretary of State under section 35 of the Planning Act 2008 (Doc J24)</p> <p>National Policy Statement Tracker (Doc J26)</p>
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				Consents and Licences Required Under Other Legislation (Doc J27) Planning Statement (Doc J28) National Planning Policy Framework Tracker (Doc J28.1) Marine Policies Tracker (Doc J28.2) Local Planning Policy Tracker (Doc J28.3) Hierarchy of Management Plans (Doc J30) Outline Employment and Skills Plan (Doc J31)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?
				Yes (with minor discrepancies as noted in Box 30)
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	<p>Works Plans – Onshore and Offshore (Doc B7 – Part 1 & 2), Works Plans – Onshore and Intertidal (Doc B8 – Part 1 & 2), Works Plans – Offshore (Doc B9) and Land Plan – Onshore (Doc B10)</p> <p>The Works and Land Plans are noted to have a number of omissions and inconsistencies. Specific examples are given in the accompanying s51 advice. The pages on the Land Plan - Onshore are marked draft.</p> <p>Explanatory Memorandum (Doc C3) and Statement of Reasons (Doc D2)</p> <p>Both these documents are missing page numbers.</p> <p>Environmental Statement and Environmental Statement Figures</p>			

	<p>The ES and accompanying figures are noted to have a number of formatting, typographic and referencing issues. Specific examples are given in the accompanying s51 advice.</p> <p>Section 51 advice has been issued to the Applicants in respect of the above and other relevant matters: https://infrastructure.planninginspectorate.gov.uk/document/EN020032-000654</p>	
31	<p>Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)?¹⁴</p>	<p>Yes</p> <p>A Habitats Regulations Assessment (HRA) Report has been provided (Doc E2.1, E2.2, E2.3, E3).</p> <p>The HRA Report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination. This may result in additional information being required to inform the HRA Report and the competent authority. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the Examination.</p>
32	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans¹⁵</p>	<p>No hard copies requested.</p>
33	<p>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</p>	<p>Chapter 2 of the Consultation Report (Doc E1) explains how the Applicants have had regard to statutory guidance and the Planning Inspectorate's advice notes but omits to mention how the Applicants have had regard to the Planning Act 2008:</p>

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

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

	standard that the Planning Inspectorate considers satisfactory?	Application form guidance. However the Planning Inspectorate is satisfied that the Applicants have demonstrated regard to the guidance principles.
34	Summary - s55(3)(f) and s55(5A)	<p>The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.</p> <p>In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicants in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/document/EN020032-000654</p>
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	The fee was received on 9 September 2024; before the application was made.

Role	Electronic signature	Date
Case Manager	<i>Karl-Jonas Johansson</i>	18 November 2024
Acceptance Inspector	<i>David Cliff</i>	18 November 2024

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

