



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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		10 February 2023	10 March 2023	06 March 2023
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in Sections (s)14 to 30 does the Proposed Development fall)? If the development does not fall within the categories in s14 to 30, has a direction been	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 3.1) includes development falling within the categories in s14 of the PA2008. The development is for the construction of a Harbour Facility and satisfies section 14(1)(j) and 24(2) and (3)(b) of the PA2008.</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.2) which states that the application is for an NSIP.</p>		

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

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

	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 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 19 August 2021 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 19 January 2022. A copy of the notification letter is provided at Appendix J.1 of the Consultation Report Appendices (Doc 6.2) .
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?	Yes There are five host and neighbouring authorities, of which 5 responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 13 February 2023. All 5 responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or

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

		<p>that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council (B authority) • West Lindsey District Council (A authority) • East Lindsey District Council (A authority) • North Lincolnshire Council (A authority) • Hull City Council <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website: https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/immingham-eastern-ro-ro-terminal/?ipcsection=docs&stage=2&filter1=Adequacy+of+Consultation+Representation</p>
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Section 42: Duty to consult

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

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>The Applicant has provided a list of persons consulted under s42(1)(a) on 17 January 2022 (the original statutory consultation) and 26 October 2022 (the supplementary statutory consultation) in Table 4 of the Consultation Report (Doc 6.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees for the original statutory consultation is provided at Appendix E.1 of the Consultation Report Appendices (Doc 6.2).</p>
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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 for the supplementary statutory consultation is provided at Appendix F.1 of the Consultation Report Appendices (Doc 6.2).</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 were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none">• Northern Gas Networks Limited• Wales and West Utilities Limited• Squire Energy Limited• Mua Electricity Limited• Optimal Power Networks Limited• National Grid Electricity System Operator Limited <p>The Applicant's Consultation Report (Doc 6.1) does not explain why the bodies identified above have not been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.1).</p> <p>Section 51 advice has been issued to the Applicant in respect of the above matter: https://infrastructure.planninginspectorate.gov.uk/document/TR030007-000408</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 of the Consultation Report (Doc 6.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 17 January 2022 (the original statutory consultation) and 26 October 2022 (the supplementary statutory consultation).</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> • North East Lincolnshire Council <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> • West Lindsey District Council • East Lindsey District Council • North Lincolnshire Council • Lincolnshire County Council <p>A sample of the letter sent to s42(1)(b) relevant authorities for the original statutory consultation is provided at Appendix E.1 and, for the supplementary statutory consultation, at Appendix F.1 of the Consultation Report Appendices (Doc 6.2).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a

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

10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 2.37 of the Consultation Report (Doc 6.1) states that all persons identified under s42(1)(d) were consulted when undertaking both the original statutory consultation and the supplementary statutory consultation.</p> <p>However paragraph 2.216 of the Consultation Report (Doc 6.1) explains that in mid-November 2022 a party with an interest in land was identified as not having been consulted.</p> <p>Paragraphs 2.54 to 2.57 of the Consultation Report (Doc 6.1) summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the Draft DCO (Doc 3.1).</p> <p>The persons consulted under s42(1)(d) for the original statutory consultation are listed at Table 5 of the Consultation Report (Doc 6.1). The persons consulted under s42(1)(d) for the supplementary statutory consultation are listed at Table 6 of the Consultation Report (Doc 6.1)</p> <p>A sample of the letter for the original statutory consultation is provided at Appendix E.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>A sample of the letter for the supplementary statutory consultation is provided at Appendix F.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>A copy of the letter for the land interest identified after the start of the supplementary statutory consultation is provided at Appendix G.2 of the Consultation Report Appendices (Doc 6.2).</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	Yes

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>day after receipt of the consultation documents?</p>	<p>A sample of the letter sent to s42 consultees for the original statutory consultation is provided at Appendix E.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>The sample letter dated 17 January 2022 confirmed that consultation commenced on 19 January 2022 and closed on 23 February 2022, providing more than the required minimum time for receipt of responses.</p> <p>A sample of the letter sent to s42 consultees for the supplementary statutory consultation is provided at Appendix F.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>The sample letter dated 26 October 2022 confirmed that consultation commenced on 28 October 2022 and closed on 27 November 2022, providing more than the required minimum time for receipt of responses.</p> <p>A sample of the letter sent to a land interest who was identified after the start of the supplementary statutory consultation is provided at Appendix G.2 of the Consultation Report Appendices (Doc 6.2).</p> <p>The letter dated 17 November 2022 extended the time to respond to 15 December 2022, providing 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 18 January 2022, which was before the beginning of the original s42 consultation.</p> <p>A copy of the s46 notification letter the s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix I.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>The Applicant gave notice under s46 on 27 October 2022, which was before the beginning of the supplementary s42 consultation.</p>

		A copy of the s46 notification letter and a copy of the s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix I.2 of the Consultation Report Appendices (Doc 6.2) .
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	Yes A copy of the final SoCC is provided at Appendix A.5 of the Consultation Report Appendices (Doc 6.2) .
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	Yes The Applicant sent the draft SoCC to North East Lincolnshire ('B Authority') on 18 November 2021 and set a deadline of 19 December 2021 for responses; providing more than the required minimum time for responses to be received.
15	Has the Applicant had regard to any responses received when preparing the SoCC?	Yes Appendix A.3 of the Consultation Report Appendices (Doc 6.2) provides the consultation response from North East Lincolnshire Council in respect of the draft SoCC and Appendix A.4 of the Consultation Report Appendices (Doc 6.2) demonstrates how the Applicant had regard to the content. Examples of changes from the draft SoCC to the final SoCC include: <ul style="list-style-type: none"> • Parish and Town Councils are named in section 2.16; • The consultation zone was enlarged. The Planning Inspectorate is satisfied that the Applicant 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	Yes

	<p>behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>The final SoCC was made available at the following location, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> • Made available online via the dedicated project website, with printed copies available on request, due to COVID-19. <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Scunthorpe Telegraph, 6 January 2022 • Grimsby Telegraph, 6 January 2022 <p>The published SoCC notice, provided at Appendix B.1 of the Consultation Report Appendices (Doc 6.2) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix B.2 of the Consultation Report Appendices (Doc 6.2).</p>
17	<p>Does the SoCC set out whether the development is EIA development⁹; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p>Yes</p> <p>Paragraph 2.8 of the final SoCC at Appendix A.5 of the Consultation Report Appendices (Doc 6.2) sets out that the development is EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	<p>Has the Applicant carried out the consultation in accordance with the SoCC?</p>	<p>Yes</p> <p>Appendix A.8 of the Consultation Report Appendices (Doc 6.2) sets out how the community consultation was carried out in line with the final SoCC.</p> <p>Appendices E.6 to E.10, F.6 to F.8, F.10 to F.11 and H.1 to H.6 of the Consultation Report Appendices (Doc 6.2) provide evidence that the commitments within the final SoCC have been carried out.</p>

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

Section 48: Duty to publicise the proposed application

19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes</p> <p>In relation to the original statutory consultation, paragraph 2.117 of the Consultation Report (Doc 6.1) states:</p> <p><i>“In accordance with section 48(1) of the 2008 Act a notice publicising the Project was published in the prescribed manner, namely in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP Regulations.”</i></p> <p>In relation to the supplementary statutory consultation, paragraph 2.193 of the Consultation Report (Doc 6.1) states:</p> <p><i>“In accordance with section 48(1) of the 2008 Act a notice publicising the Project for the purposes of the Supplementary Statutory Consultation was published in the prescribed manner, namely in accordance with Regulation 4(2) and with reference to Regulation 4(3) of the APFP Regulations.”</i></p> <p>Paragraph 2.119 of the Consultation Report (Doc 6.1) lists the newspapers and dates of s48 publicity as set out below for the original statutory consultation.</p> <p>Paragraph 2.195 of the Consultation Report (Doc 6.1) lists the newspapers and dates of s48 publicity as set out below for the supplementary statutory consultation.</p> <p>A copy of the s48 notice for the original statutory consultation is provided at Appendix C.1 of the Consultation Report Appendices (Doc 6.2).</p> <p>A copy of the s48 notice for the supplementary statutory consultation is provided at Appendix C.3 of the Consultation Report Appendices (Doc 6.2).</p> <p>Clippings of the published notices set out below are provided at Appendix C.2 and C.4 of the Consultation Report Appendices (Doc 6.2).</p>
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	Newspaper(s)	Date	
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Original statutory consultation: <ul style="list-style-type: none"> • The Grimsby Telegraph • The Scunthorpe Telegraph Supplementary statutory consultation: <ul style="list-style-type: none"> • The Grimsby Telegraph • The Scunthorpe Telegraph 	13 and 20 January 2022 13 and 20 January 2022 22 and 27 October 2022 27 October 2022
b)	once in a national newspaper;	Original statutory consultation: <ul style="list-style-type: none"> • The Guardian Supplementary statutory consultation: <ul style="list-style-type: none"> • The Guardian 	20 January 2022 27 October 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Original statutory consultation: <ul style="list-style-type: none"> • The London Gazette Supplementary statutory consultation: <ul style="list-style-type: none"> • The London Gazette 	19 January 2022 27 October 2022
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Original statutory consultation: <ul style="list-style-type: none"> • Lloyds List • Fishing News Supplementary statutory consultation: <ul style="list-style-type: none"> • Lloyds List • Fishing News 	19 January 2022 20 January 2022 27 October 2022 27 October 2022

20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations, which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	Yes Both the published s48 notices, supplied at Appendix C.1 and C.3 of the Consultation Report Appendices (Doc 6.2) , contain 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	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	1 and 2
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include: <ul style="list-style-type: none"> The nature and location of the Proposed Development The address of the website The place on the website A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. 	10 and 11	f)	the latest date on which those documents, plans and maps will be available for inspection	10

g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	11	h) details of how to respond to the publicity	12
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	13		
21	Are there any observations in respect of the s48 notice provided above?			
	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 5.27 of the Consultation Report (Doc 6.1).</p> <p>A sample of the s42 consultation letters provided at Appendix E.1, F.1, G.1 and G.2 of the Consultation Report Appendices (Doc 6.2) confirm 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 1.23 of the Consultation Report (Doc 6.1) and Appendices L.1 and L.2 of the Consultation Report Appendices (Doc 6.2) set 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</p>		

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

		not led to a change in the application, it is sufficiently clear that regard was had to it.
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 ?	Paragraph 2.7 – 2.9 of the Consultation Report (Doc 6.1) states that the Applicant has taken into consideration all relevant statutory and other guidance. Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008. In respect of the minor consultation discrepancies identified, s51 advice has been provided to the Applicant in this regard, available here: https://infrastructure.planninginspectorate.gov.uk/document/TR030007-000408
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? 	Yes Section 4 of the Application Form (Doc 1.2) explains why the development falls within the remit of the Planning Inspectorate. Section 5 of the Application Form (Doc 1.2) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development. A Location Plan (Doc 2.1) has been provided.

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

27	Is it accompanied by a Consultation Report?	Yes The application is accompanied by a Consultation Report (Doc 6.1) and Consultation Report Appendices (Doc 6.2) .			
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:			
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: Volume 3 Appendix 6.1: Scoping Opinion (Doc 8.4.6 (a))	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 3.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)
c)	An Explanatory Memorandum explaining the purpose and effect of	Explanatory Memorandum (EM) to Draft DCO (Doc 3.2)	d)	Where applicable, a Book of Reference	Book of Reference (Doc 4.1)

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

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

	provisions in the draft DCO			
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? Yes
e)	A copy of any Flood Risk Assessment	Environmental Statement: Vol. 3 Appendix 11.1 Flood Risk Assessment (Doc 8.4.11(a))	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 5.2)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Doc 4.2) Funding Statement (Doc 4.3)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers Land Plans including Crown Land (Doc 2.2)

			<p>of 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>	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
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>(ii) the limits within which the development and works may be</p>	Works Plans (Doc 2.3)	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>General Arrangement Plans Including Rights of Way and Access Plans (Doc 2.5)</p>

	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)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites,</p>	<p>(i) Nature Conservation Plans (Doc 2.4) and Environmental Statement Vol 2 Figures: Nature Conservation and Marine Ecology (Doc 8.3.9)</p> <p>(ii) Nature Conservation Plans (Doc 2.4) and ES Vol 3 Appendix 6.2 Preliminary Ecological Appraisal (Doc 8.4.6(b)).</p> <p>(iii) Nature Conservation Plans (Doc 2.4)</p> <p>An assessment of effects on these features is provided in:</p> <p>(i) ES Vol 1 Chapter 9 (Doc 8.3.9) and ES Chapter 13: Air Quality (Doc 8.2.13).</p> <p>(ii) ES Vol 1 Chapter 9 (Doc 8.3.9), ES Chapter 13 Air Quality (Doc 8.2.13)</p> <p>(iii) ES Vol 1, Chapter 8 Water and Sediment</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p> <p>Figure 1 of ES Vol 3 Appendix 15.2 (Doc 8.4.15(b))</p>

	features, habitats or bodies likely to be caused by the Proposed Development	Quality and ES Appendix 8.1 (Doc 8.4.8)		
	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	Land Plans including Crown Land (Doc 2.2)	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping Engineering Sections, Drawings and Plans (Doc 2.6) Drainage Plan (Doc 2.7) Lighting Plan (Doc 2.8)
	Is this of a satisfactory standard?	Yes		Are they of a satisfactory standard? Yes, with some discrepancies concerning the Engineering Sections, Drawings and Plans

p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Planning Statement (Incorporating Harbour Statement) (5.1)	q)	Any other documents considered necessary to support the application	Guide to the DCO Application (Doc 1.4) Consents and Agreements Position Statement (Doc 9.1) Construction Environmental Management Plan (CEMP) (Doc 9.2) Woodland Enhancement Management Plan (WEMP) (Doc 9.4) MMO Results Template - Sediment Analysis – Part 2 (Doc 9.5) Schedule of Mitigation (Doc 9.7)
	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	<p>Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?</p> <p>Engineering Sections, Drawings and Plans (Doc 2.6) For sections E-E and G-G break lines have been used in relation to depicting the proposed 30 metre lighting masts.</p> <p>Draft Development Consent Order (dDCO, Document 3.1) Throughout the dDCO the party constructing and operating the proposed development is identified as “<i>the Company</i>” rather Undertaker.</p> <p>Article 25 (Powers to dredge) in connection with Work No 2 would give powers, amongst other things, to dispose of the arisings from dredging in the UK marine area pursuant to a deemed marine licence. Schedule 3 of the draft DCO includes a draft deemed marine licence, which amongst other things, sets out the co-ordinates for two disposal sites in the Humber. Although the locations for the dredging disposal sites are shown on Figure 2.2 in Volume 2 of the Environmental Statement (Doc 8.3.2) those locations have not been included in the Location Plan (Doc 2.1) or the Land Plans (Doc 2.2).</p> <p>Explanatory Memorandum (Doc 3.2)</p>				

At paragraph 5.6(b) a definition for the term “Undertaker” is provided, however, Undertaker in the context of the party constructing and operating the proposed development has not been used in the dDCO.

Paragraphs 10.15 and 10.16 explain why the applicant intends that some parts of the three local acts concerning the river Humber and Humber Estuary should be modified under Article 34 of the dDCO. Extracts from the local legislation putting the intended disapplication in context have not been included with the submitted application documentation.

ES Chapter 6: Impact Assessment Approach (Doc 8.2.1)

Section 6.7 of ES Chapter 6: Impact Assessment Approach contains a glossary which is welcomed. The list however is limited, and technical terminology associated with the Proposed Development should be provided, for example, the term ‘bankseat’ should be included.

ES Appendix 6.2: Preliminary Ecological Appraisal (Doc 8.4.06(b))

Annex C of Appendix 6.2 includes a link to the Wold Ecology Ltd Preliminary Ecological Appraisal which does not appear to work so the relevant information cannot be accessed.

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

<https://infrastructure.planninginspectorate.gov.uk/document/TR030007-000408>

31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	<p>Yes</p> <p>A Habitat Regulations Assessment (HRA) Report has been provided (Doc 9.6).</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>
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¹⁴ Regulation 5(2)(g) of the APFP Regulations

32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	Hard copies of some of the application documentation may be requested by the Examining Authority following its appointment.
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 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. In respect of the discrepancies identified in Box 30 of this checklist, to help facilitate an efficient and effective examination of the application s51 advice has been provided to the Applicant in conjunction with the decision to accept the application. That advice is published on the National Infrastructure Planning website, here: https://infrastructure.planninginspectorate.gov.uk/document/TR030007-000408
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 7 February 2023; before the application was made.

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>Lily Robbins</i>	06 March 2023
Acceptance Inspector	<i>Grahame Gould</i>	06 March 2023