



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

Immingham Green Energy Terminal Section 55 Acceptance of Applications Checklist

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

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

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		21 September 2023	19 October 2023	19 October 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)?	<p>Yes</p> <p>The Proposed Development set out in Schedule 1 of the Draft DCO (Doc 2.1) includes development falling within the categories in s14 of the PA2008. The development is for the alteration of a Harbour Facility and satisfies section 14(1)(j) of the PA2008; including subsection 24(2) and subsection 24(3)(c).</p> <p>This is consistent with the summary provided in section 4 of the Application Form (Doc 1.1) which states that the application is for an NSIP.</p> <p>The landside works outlined in section 4 of the Application Form (Doc 1.1) comprise Associated Development. These works are extensive but the Planning</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)

	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?	Inspectorate considers that they meet the Guidance tests inclusion as part of the NSIP.
3	Summary: Section 55(3)(a) and s55(3)(c)	The Planning Inspectorate is satisfied that the Draft DCO (Doc 2.1) 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 23 May 2023 the Applicant notified the Planning Inspectorate in accordance with regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of the second Statutory Consultation on 24 May 2023. A copy of the letter can be found at Appendix L.1 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?	Yes There are five host and neighbouring authorities, all of which responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 22 September 2023.

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>All five authorities confirmed in their AoCR that either the Applicant had complied with its 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"> • North East Lincolnshire Council (Host, 'B' Authority) • West Lindsey District Council (Neighbouring, 'A' Authority) • East Lindsey District Council (A Authority) • North Lincolnshire Council (A Authority) • Lincolnshire County Council (A Authority) <p>Kingston Upon Hull Council also submitted an Adequacy of Consultation Request response. No comments or objections were raised.</p> <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-green-energy-terminal/</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 24 May 2023 at Appendix F of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at Appendix K.1 of the Consultation Report (Doc 5.1).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Yes</p>

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

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

8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Paragraph 4.1.29 of the Consultation Report (Doc 5.1) lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 9 January 2023 for the first Statutory Consultation. Paragraph 5.1.7 of the Consultation Report (Doc 5.1) confirms that the same Local Authorities were consulted in respect of the second Statutory Consultation on 24 May 2023.</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"> • North Lincolnshire Council • West Lindsey District Council • East Lindsey District Authority • Lincolnshire County Council <p>As well as consulting the above bodies, the Applicant also consulted with other Local Authorities in the vicinity of the development:</p> <ul style="list-style-type: none"> • South Yorkshire Combined Authority • West Yorkshire Combined Authority • East Riding of Yorkshire Council • Kingston-Upon-Hull Council <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at Appendix K.1 of the Consultation Report (Doc 5.1).</p>

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

9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	n/a
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>Paragraph 5.1.37 of the Consultation Report (Doc 5.1) states that all persons identified under s42(1)(d) were consulted on 24 May 2023.</p> <p>Paragraphs 5.1.16 to 5.1.42 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 2.1) for the Statutory Consultation. The full methodology undertaken by the Applicant is provided in section 7 of the Statement of Reasons (Doc 3.2).</p> <p>The persons consulted under s42(1)(d) are listed at Appendix F.3 of the Consultation Report (Doc 5.1).</p> <p>A sample of the letter is provided at Appendix K.1 of the Consultation Report (Doc 5.1).</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 K.1 of the Consultation Report (Doc 5.1).</p> <p>The sample letter dated 24 May 2023 confirmed that consultation commenced on 24 May 2023 and closed on 30 June 2023, providing more than the required minimum time (28 days) for receipt of responses.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		

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.

12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes</p> <p>The Applicant gave notice under s46 on 23 May 2023, which was before the beginning of the s42 consultation.</p> <p>A copy of the s46 notification letter is provided at Appendix L.1 of the Consultation Report (Doc 5.1) and a copy of s46 notification acknowledgement letter from the Planning Inspectorate is provided at Appendix L.2 of the Consultation Report (Doc 5.1).</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 B4 of the Consultation Report (Doc 5.1).</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to North East Lincolnshire Council ('B Authority') on 3 April 2023 and set a deadline of 5 May 2023 for responses; providing more than the required minimum time for responses to be received.</p> <p>The neighbouring Local Authorities North Lincolnshire Council, Lincolnshire County Council, West Lindsey District Council, East Lindsey District Council, East Riding of Yorkshire Council and Hull City Council were also consulted on the draft SoCC.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Appendix B.3 of the Consultation Report (Doc 5.1) provides a summary of the consultation responses from East Lindsey District Council and West Lindsey District Council in respect of the draft SoCC.</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 on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes</p> <p>The final SoCC for the Statutory Consultation 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"> • Immingham Civic Centre • NELC Offices <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> • Fishing News, 22 June 2023 • London Gazette, 15 June 2023 • Grimsby Telegraph, 14 June 2023, 21 June 2023 • Lloyd's List, 14 June 2023 • The Times, 20 June 2023 <p>The published SoCC notice, provided at Appendix D of the Consultation Report (Doc 5.1) states where and when the final SoCC was available to inspect.</p> <p>Clippings of the published advertisements are provided at Appendix D.4 of the Consultation Report (Doc 5.1).</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 2.10 of the final SoCC at Appendix B.4 of the Consultation Report (Doc 5.1) 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>

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

18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Appendix B.5 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>Appendices B.3, D and K of the Consultation Report (Doc 5.1) 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 APFP Regulations which may encompass changes made by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020?	<p>Yes</p> <p>Paragraph 5.1.49 of the Consultation Report (Doc 5.1) states:</p> <p><i>“As set out from 4.1.97, ABP again publicised the second Statutory Consultation in accordance with the section 48(1) of the 2008 Act, with a combined section 47 and 48 notice.”</i></p> <p>Paragraph 5.1.49 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 for the second Statutory Consultation is provided at Appendix D.1 of the Consultation Report (Doc 5.1).</p> <p>Clippings of the published notices set out below are provided at Appendix D.2 of the Consultation Report (Doc 5.1):</p>	
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;	<ul style="list-style-type: none"> • Grimsby Telegraph • Lincolnite 	<p>14 June 2023, 21 June 2023</p> <p>14 June 2023, 21 June 2023</p>
b)	once in a national newspaper;	<ul style="list-style-type: none"> • The Times 	20 June 2023

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 	15 June 2023		
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 	14 June 2023 22 June 2023		
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?	<p>Yes</p> <p>The published s48 notice, supplied at Appendix D.2 of the Consultation Report (Doc 5.1) contains the required information as set out below:</p>			
Information		Paragraph	Information	Paragraph	
a)	the name and address of the Applicant.	Page 1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	Page 1
c)	a statement as to whether the application is EIA development	Page 2	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	Pages 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 	Page 3	f)	the latest date on which those documents, plans and maps will be available for inspection	Page 3

	<ul style="list-style-type: none"> 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. 			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Page 3	h)	details of how to respond to the publicity
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	Page 4		
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 5.1.54 of the Consultation Report (Doc 5.1).</p> <p>A sample of the s42 consultation letter provided at Appendix K.1 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				

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>Paragraphs 5.1.96 to 5.1.123 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 in 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>Paragraphs 2.1.34 and 3.1.5 to 3.1.7 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)	<p>The Applicant has 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 Applicant how in this regard, available here: https://infrastructure.planninginspectorate.gov.uk/document/TR030008-000381</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)		

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

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • 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 1.1) explains why the development falls within the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application Form (Doc 1.1) provides a brief non-technical description of the site and section 6 provides the location of the Proposed Development.</p> <p>A Location Plan (Doc 4.1) has been provided.</p>
27	<p>Is it accompanied by a Consultation Report?</p>	<p>Yes</p> <p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.2).</p>
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?¹²</p>	<p>Yes</p>
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</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>

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) Volume 1, Non-Technical Summary (Doc 6.1) ES Volume 2, Chapters 1 to 26 (Doc 6.2) ES Volume 3, Figures (Doc 6.3) ES Volume 4, Appendices (Doc 6.4) ES Appendix 1.A – Scoping Report (Doc 6.4) ES Appendix 1.B – Scoping Opinion (Doc 6.4) ES Appendix 1.C - Matters Addressed in Scoping Opinion (Doc 6.4)	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Doc 2.1)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		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 provisions in the draft DCO	Explanatory Memorandum (Doc 2.2)	d)	Where applicable, a Book of Reference	Book of Reference (Doc 3.1)
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard?	Yes

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

e)	A copy of any Flood Risk Assessment	Environmental Statement Appendices Appendix 18.1: Flood Risk Assessment (Doc 6.4)	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Statutory Nuisances Statement (Doc 7.5) – this addresses air emissions (Section 4.5), artificial light (Section 4.6), noise (Section 4.7) and other statutory nuisances under the Public Health Act 1936 (Section 4.8).
	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 3.2) Funding Statement (Doc 3.3)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and	Land Plans (Doc 4.5)

			other private rights; and (iv) any special category land and replacement land	
	Is this of a satisfactory standard?	SoR Yes (with minor discrepancies as noted in Box 30) Funding Statement 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 in the draft DCO	Works Plans (Doc 4.2)	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	Street Works and Accesses Plan (Doc 4.6) Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan (Doc 4.7) Traffic Regulation Measures Plan (Doc 4.8)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)	Is this of a satisfactory standard?	Traffic Regulation Measures Plan (Doc 4.8) Yes (with minor discrepancies as noted in Box 30)

<p>l) 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,</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) Statutory and Non-statutory Nature Conservation Plans (Doc 4.10)</p> <p>ES Figure 9.2 – Internationally and nationally designated conservation sites (Doc 6.3)</p> <p>Environmental Statement</p> <p>ES Figure 13.6 – Designations (Doc 6.3)</p> <p>ES Appendix 8.B Preliminary Ecological Appraisal Report, Figure 2 – Designated Sites (Doc 6.4)</p> <p>The assessment of effects on such sites are provided in:</p> <p>Shadow Habitats Regulations Assessment (HRA) (Doc 7.6);</p> <p>Without Prejudice Report to inform HRA Derogation (Doc 7.3);</p> <p>ES Chapter 8: Nature Conservation (Terrestrial Ecology) (Doc 6.2);</p>	<p>m)</p>	<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>All other plans Yes</p> <p>ES Figure 14.1 – Location of Designated Assets (Doc 6.3)</p> <p>ES Figure 14.2 – Non-Designated Heritage Assets (Doc 6.3)</p> <p>ES Figure 15.2 – Palaeogeographic features of archaeological potential (Doc 6.3)</p> <p>ES Figure 15.4 – Seabed features of archaeological potential (Doc 6.3)</p> <p>The assessment of effects is provided in:</p> <p>ES Chapter 14: Historic Environment (Terrestrial) (Doc 6.2);</p> <p>ES Chapter 15: Historic Environment (Marine) (Doc 6.2);</p> <p>and</p> <p>ES Appendices 14.C to 14.H (Doc 6.4).</p>
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	<p>ES Chapter 9: Nature Conservation (Marine Ecology) (Doc 6.2);</p> <p>ES Chapter 10: Ornithology (Doc 6.2); and</p> <p>ES Chapter 13: Landscape and Visual Impact (Doc 6.3).</p> <p>No sites of geological importance were present within the study area as set out in ES Chapter 21: Ground Conditions and Land Quality (Doc 6.2).</p> <p>(ii) ES Appendix 8.B Preliminary Ecological Appraisal Report, Figure 3 – Phase 1 Habitat Map (Doc 6.4)</p> <p>The assessment of effects on habitats are provided in:</p> <p>ES Chapter 8: Nature Conservation (Terrestrial Ecology) (Doc 6.2);</p> <p>ES Chapter 9: Nature Conservation (Marine Ecology) (Doc 6.2);</p> <p>ES Chapter 10: Ornithology (Doc 6.2);</p>			
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	<p>ES Appendices 8.B to 8.D (Doc 6.4); and</p> <p>ES Appendices 9.A and 9.B (Doc 6.4).</p> <p>(iii) ES Figure 17.1 – Water Framework Directive (WFD) water bodies (Doc 6.3)</p> <p>ES Figure 18.2 – Environment Agency Flood Map for Planning (Doc 6.3)</p> <p>ES Figure 18.4 – WFD water bodies within the Zone of Influence (Doc 6.3)</p> <p>The assessment of effects on waterbodies are provided in:</p> <p>ES Chapter 17: Marine Water and Sediment Quality (Doc 6.2);</p> <p>ES Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage (Doc 6.2); and</p> <p>ES Appendix 17.A – WFD Compliance Assessment (Doc 6.4)</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	Land Plans (Doc 4.5)	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	Location Plan (Doc 4.1) Illustrative Layouts (Doc 4.3) Illustrative Sections and Elevations (Doc 4.4) Plan of Potentially Affected Hedgerows and Trees Subject to Preservation Orders (Doc 4.9)
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Are they of a satisfactory standard?	Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	The Project is for the alteration of harbour facilities. Under Regulation 6(3) the application is required to be accompanied by a statement setting out why the making of the order is desirable in the interests of – <ul style="list-style-type: none"> (a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner. 	q)	Any other documents considered necessary to support the application	Introduction to the Application (Doc 1.2) Application Guide (Doc 1.3) Application Cover Letter (Doc 1.4) Application Index (Doc 1.5) Outline Construction Environmental Management Plan (Doc 6.5) Outline Decommissioning Environmental Management Plan (Doc 6.6)

		This statement is set out in Appendix F of Planning Statement (Doc 7.1) .		Outline Construction Traffic Management Plan (Doc 6.7) Outline Woodland Compensation Strategy (Doc 6.8) Outline Landscape and Ecology Management Plan (Doc 6.9) Planning Statement (Doc 7.1) Schedule of Mitigation and Monitoring (Doc 7.2) Consents and Agreements Position Statement (Doc 7.4) Utilities Statement (Doc 7.7) Equality Impact Assessment (Doc 7.8)
	Are they of a satisfactory standard?	Yes	Are they of a satisfactory standard?	Consents and Agreements Position Statement (Doc 7.4) and Outline Woodland Compensation Strategy (Doc 6.8) Yes (with minor discrepancies as noted in Box 30) All other documents Yes
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	Draft Development Consent Order (Doc 2.1) Condition 8 of the Deemed Marine Licence (Schedule 3) refers to the ‘outline construction environmental management plan contained in appendix 2.E of the environmental statement’. However, the Environmental Statement does not have an Appendix 2.E. The OCEMP is provided as Doc 6.5. This discrepancy should be corrected.			

Requirement 18 of the dDCO (Schedule 2) refers to the 'outline decommissioning environmental management plan contained in appendix 2.F of the environmental statement. However, the ES does not have an Appendix 2.F. The ODEMP is provided as Doc 6.6. This discrepancy should be corrected.

Statement of Reasons (Doc 3.2)

The SoR does not include a table setting out the need for compulsory acquisition powers (CA) on a plot by plot basis. The need for CA is set out in Section 3 by reference to Work Nos. However, there is no plan showing both the Work Nos and the Plot Nos. This makes it difficult to easily ascertain the justification for CA for each plot. The justification for CA should be set out on a plot-by-plot basis, preferably in table form.

Land Plans (Doc 4.1)

Paragraph 3.41.1 of the Statement of Reasons (SoR) states that Plot 4/27 is shown hatched blue. Land Plan Sheet 4 shows it coloured purple. Please review this discrepancy.

Works Plans (Doc 4.2)

Sheets 1, 2 and 3 include arrows annotated 'A', 'B' and 'C'. These appear to relate to the Outline Construction Environmental Management Plan, rather than Work Nos 1a, 1b and 1c as defined in Schedule 1 of the dDCO. The purpose of the annotated arrows should be explained on the Works Plan.

The extent of Work No 1b (dredged berthing pocket) should be shown on the Works Plans.

Traffic Regulation Measures Plan (Doc 4.8)

The Plan of Potentially Affected Hedgerows and Trees Subject to Preservation Orders Key Plan is attached to the end of the Traffic Regulation Measures Plan. It should be removed.

Environmental Statement (Doc 6.2, 6.3, 6.4)

There should be a contents table for the Environmental Statement (ES), including the names of all chapters, figures and appendices.

The file name for each chapter, figure and appendix should include the name of the ES topic area, the drawing title or appendix title as appropriate.

Outline Woodland Compensation Strategy (Doc 6.8)

This Strategy relies on the provision of off-site replacement woodland. While the Applicant indicates that the land proposed for this purpose is in its ownership, evidence that it has sufficient control over the land to implement the proposed scheme should be provided.

Consents and Agreement Position Statement (Doc 7.4)

This statement identifies the need for Environmental Permits (EP) for groundwater and flood activities and the installation of the hydrogen production facility. The EP would also be used to secure certain air quality, climate change and noise mitigation measures. No applications for EPs have been made and the Statement suggests that the dDCO may be amended to disapply the need for the flood risk activity EP.

The Statement also says that European Protected Species Management licence would be, potentially, required for bats and a Natural England licence for water voles. No applications have been made.

The Applicant is advised to progress these matters as soon as possible and expect to provide updates early in the examination period.

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

<https://infrastructure.planninginspectorate.gov.uk/document/TR030008-000381>

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 in the Shadow Habitats Regulations Assessment (Doc 7.6) and the Without Prejudice Report to inform Habitats Regulation Assessment Derogation (Doc 7.3).</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	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 Application Form (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. 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/TR030008-000381
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 15 September 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>Ted Blackmore</i>	19 October 2023
Acceptance Inspector	<i>Simon Warder</i>	19 October 2023

