

Hornsea Project Three  
Offshore Wind Farm



## Hornsea Project Three Offshore Wind Farm

Draft Section 55 Check List  
PINS Document Reference: A1.3  
Planning Inspectorate Advice Note 6: Preparation and  
submission of application documents

Date: May 2018

Hornsea 3  
Offshore Wind Farm

Orsted

## Application Form

## Draft Section 55 Check List

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Report Number: A1.3

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This report is also downloadable from the Hornsea Project Three offshore wind farm website at:  
[www.hornseaproject3.co.uk](http://www.hornseaproject3.co.uk)

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Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2018.

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# **The Planning Act 2008**

## **Section 55 Acceptance of Applications\***

(Appendix 3 of advice note six: Preparation and submission of application documents)

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
  
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
  
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
  - (a) that it is an application for an order granting development consent,
  - (b) deleted
  - (c) that development consent is required for any of the development to which the application relates,
  - (d) deleted
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
  
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
  - (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
  
- (5) In subsection (4) –

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
  - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
  - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -
  - (a) notify that view to the applicant, and
  - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

\* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

**NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.**

## Section 55 Acceptance of Applications

### Section 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
<b>s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>				
2	<p>Is the development a nationally significant infrastructure project<sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order<sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates ie which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in</p>	<p><b>Yes</b></p> <p>The applicant states that the proposed development is or forms part of an NSIP: “Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As Hornsea Three is expected to have a capacity of greater than 100 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.” (paragraph 1.3 of the Covering letter (Doc A1.1)).</p> <p>Section 4 of the Application Form (Doc A1.4) provides further detail: “Hornsea Project</p>		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

<sup>2</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

<sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	ss14-30, 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?	Three Offshore Wind Farm is a proposed offshore wind farm located in the Southern North Sea. This project will consist of an offshore generating station(s) with a capacity of greater than 100MW and therefore is a Nationally Significant Infrastructure Project (NSIP) as defined by Section 15(3) of the Planning Act 2008. As such, there is a requirement to submit an application for Development Consent to the Planning Inspectorate (PINS) to be decided by the Secretary of State for Business, Energy and Industrial Strategy.” Further details can be found in the Project Description (A6.1.3).
<b>3</b>	<b>Summary – s55(3)(a) and s55(3)(c)</b>	Based on the evidence set out in Doc A1.1 and Doc A1.4 above, the proposed development is one for which a Development Consent Order (DCO) is required because of its nature, scale and location.
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
<b>4</b>	In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p><b>Yes</b></p> <p>The applicant issued a Scoping Report to the Secretary of State on 26 October 2016 and requested a Scoping Opinion in accordance with Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.</p> <p>A Scoping Opinion for Hornsea Project Three offshore wind farm was adopted by the Secretary of State on 6 December 2016.</p> <p>See Doc Ref A6.4.5.5 Scoping Report and Secretary of State’s Scoping Opinion.</p> <p>Section 42 consultation was undertaken from 26 July 2017 in different phases (Consultation Report (Doc A5.1), Chapter 8.3.1).</p>

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

5	Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	
<b>s42: Duty to Consult</b>		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed <sup>6</sup> ?	<b>Yes</b> The applicant has listed, in random order, persons prescribed, the MMO, local authorities and affected persons consulted within Annex 3 of the Consultation Report (Doc A5.1).
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<b>Yes</b> The applicant has included, in their list of parties consulted in Annex 3 of the Consultation Report (Doc A5.1) the Marine Management Organisation.
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<b>Yes</b> The applicant has included, in their list of parties consulted in Annex 3 of the Consultation Report (Doc A5.1) the relevant local authorities.
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable

<sup>5</sup> S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of “local authority” in s43(3): 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 where such an authority shares a boundary with a “C” authority

10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes</b></p> <p>The applicant has included, in their list of parties consulted in Annex 3 of the Consultation Report (Doc A5.1) the relevant s44 consultees. See Annex 3 Consultee List of the Consultation Report (Doc A5.1).</p>
<b>s45: Timetable for s42 Consultation</b>		
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><b>Yes</b></p> <p>Section 42 Consultation was undertaken during the second phase of consultation (see Doc A5.1 Consultation Report, chapter 8):</p> <p><u>Phase 2.A:</u> The Applicant undertook consultation on the Preliminary Environmental Information (PEI) in July 2017. All consultees identified under section 42 were formally notified of the commencement of statutory consultation by letter on 25 July 2017. Section 42 consultees were also notified by email on 27 July 2017. The deadline for responding to the section 42 consultation was 20 September 2017 (56 days in total).</p> <p>The consultation ran in parallel to consultation under sections 47 and 48 of the 2008 Act.</p> <p><u>Phase 2.B (also referred to as 'Further Consultation')</u>: The Applicant undertook further statutory consultation under section 42 of the 2008 Act, on a number of additional locations identified in response to feedback from the first round of statutory consultation (Phase 2.A) and ongoing design development beyond the previous consultation boundary in November 2017 (see Doc A5.1 Consultation Report, section 8.4). The applicant notified the section 42 consultees in writing of the consultation and the deadline for responses on the 20, 21 and 22 November 2017. The consultation commenced on 25 November and closed on the 22 December 2017 (28 days in total).</p> <p>The consultation ran in parallel to consultation under section 47 and 48 of the 2008</p>

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

		<p>Act.</p> <p><u>Phase 2.C (also referred to as 'Focussed Consultation')</u>: The Applicant undertook a third round of focussed statutory consultation under section 42 of the 2008 Act only, on several minor amendments onshore following responses to Phase 2.B. The Applicant notified the section 42 consultees in writing of the consultation and the deadline for responses on 27 February 2018. The consultation period commenced on 1 March 2018 and concluded on 30 March 2018 (30 days in total).</p> <p>The list of consultees consulted under Phase 2.C is provided in Annex 3 to the Consultation Report (A5.1).</p> <p>See Doc A5.1.6 Consultation Report Annex 6 Section 42 Notification.</p>
<p><b>s46: Duty to notify Secretary of State of proposed application</b></p>		
<p>12</p>	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><b>Yes</b></p> <p>For each round of statutory consultation under section 42 of the 2008 Act, the Applicant notified the Secretary of State under section 46 of the 2008 Act of the proposed application and its intention to commence consultation under section 42 of the 2008 Act.</p> <p>Phase 2.A: The Applicant notified the Secretary of State under section 46 of the 2008 Act on 26 July 2017 that it was intending to commence consultation under section 42 of the 2008 Act on the PEI commencing on 27 July 2017 and closing on 20 September 2017.</p> <p>Phase 2.B <u>(also referred to as 'Further Consultation')</u>: The Applicant notified the Secretary of State under section 46 of the 2008 Act on 15 November 2017 that it was intending to undertake further statutory consultation commencing on 25 November 2017 closing on 22 December 2017.</p> <p>Phase 2.C <u>(also referred to as 'Focussed Consultation')</u>: The Applicant notified the</p>

		<p>Secretary of State under section 46 of the 2008 Act on 26 February 2018 that it was intending to undertake focussed statutory consultation commencing on 1 March 2018 closing on 30 March 2018.</p> <p>See Doc A5.1.8 Consultation Annex 8 Section 46.</p>
<b>s47: Duty to consult local community</b>		
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><b>Yes</b></p> <p>A copy of the final SoCC is provided in Annex 10 (Doc 5.1.10) of the Consultation Report (Doc A5.1).</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><b>Yes</b></p> <p>The Applicant consulted with B and C Authorities on the contents of the SoCC in July 2016. The draft SoCC was sent to the local authorities on 20 July 2016 by email and in hard copy format on 26 July 2016 and responses were requested by 9 September 2016 (45 days in total).</p> <p>See section 5.5 of the Consultation Report (Doc A5.1).</p>
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p>Comments on the draft SoCC were received from the following Local Authorities:</p> <ul style="list-style-type: none"> <li>• North Norfolk District Council;</li> <li>• Broadland District Council;</li> <li>• South Norfolk District Council;</li> <li>• Norwich City Council; and</li> <li>• Norfolk County Council.</li> </ul> <p>A summary of the responses is provided in the Consultation Report (Doc A5.1) section 5.5.</p>

		Copies of the responses received and a summary of how Ørsted had regard to comments received is included in Annex 10.2 of the Consultation Report (Doc A5.1.10).
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p>The SoCC was publicised in full in several local newspapers between 3 October 2016 and 11 October 2016 in accordance with section 47(6) of the 2008 Act. Copies of the SoCC as it appeared in each of these publications are included in Annex 10 to the Consultation Report (Doc A5.1.10).</p> <p>The SoCC was made available for inspection by the public on the Hornsea Three website (<a href="http://www.hornseaproject3.co.uk">www.hornseaproject3.co.uk</a>) from 30 September 2016 and in hard copy at the Community Access Points including the relevant District and County Council offices listed in Annex 10 to the Consultation Report (Doc A5.1.10).</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p><b>Yes</b></p> <p>The SoCC states that Hornsea Three is an EIA development in Section 7 (Environmental Information), and sets out how the Applicant intends to publicise and consult on the PEIR in Section 8 (Public Consultation).</p> <p>See Doc A5.1.10 Consultation Report Annex 10 Statement of Community Consultation. See Doc A5.1.5 EIA Regulation 6 Notification.</p>
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p>The Applicant undertook consultation under section 47 of the 2008 Act in accordance with the SoCC. See Consultation Report (Doc A5.1) section 5.9, Statement of Compliance with SoCC for a summary of the actions undertaken by the Applicant to meet the obligations outlined in the SoCC.</p> <p>See Doc A5.1.10 Consultation Report Annex 10 Statement of Community Consultation.</p>

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

**s48: Duty to publicise the proposed application**

19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p>The Applicant publicised the application in the prescribed manner set out in the APFP Regulations 2009 twice in accordance with section 48 of the 2008 Act. Consultation under section 48 of the Act ran in parallel with consultation on the PEIR under Phase 2.A (see response to Q12) and further statutory consultation under Phase 2.B.</p> <p>Dated newspaper cuttings are supplied in Doc A1.5 Newspaper Notices in addition to the names and dates in the Consultation Report (Doc A5.1).</p>						
		<table border="1"> <thead> <tr> <th data-bbox="934 563 1585 635"><i>Newspaper(s)</i></th> <th data-bbox="1585 563 2119 635"><i>Date</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="934 635 1585 986"> <p>List of local newspapers under section 48 of the 2008 Act for statutory consultation on the PEIR (Phase 2.A):</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press;</li> <li>• Norwich Evening News;</li> <li>• North Norfolk News; and</li> <li>• Diss, Wymondham &amp; Attleborough Mercury.</li> </ul> </td> <td data-bbox="1585 635 2119 986"> <p>29 July 2017 &amp; 5 August 2017                      29 July 2017 &amp; 5 August 2017                      3 August 2017 &amp; 10 August 2017                      3 August 2017 &amp; 10 August 2017</p> </td> </tr> <tr> <td data-bbox="934 986 1585 1329"> <p>List of local newspapers under section 48 of the 2008 Act for further statutory consultation (Phase 2.B):</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press;</li> <li>• Norwich Evening News;</li> <li>• North Norfolk News; and</li> <li>• Diss, Wymondham &amp; Attleborough Mercury.</li> </ul> </td> <td data-bbox="1585 986 2119 1329"> <p>17 Nov 2017 &amp; 24 Nov 2017                      17 Nov 2017 &amp; 24 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017</p> </td> </tr> </tbody> </table>	<i>Newspaper(s)</i>	<i>Date</i>	<p>List of local newspapers under section 48 of the 2008 Act for statutory consultation on the PEIR (Phase 2.A):</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press;</li> <li>• Norwich Evening News;</li> <li>• North Norfolk News; and</li> <li>• Diss, Wymondham &amp; Attleborough Mercury.</li> </ul>	<p>29 July 2017 &amp; 5 August 2017                      29 July 2017 &amp; 5 August 2017                      3 August 2017 &amp; 10 August 2017                      3 August 2017 &amp; 10 August 2017</p>	<p>List of local newspapers under section 48 of the 2008 Act for further statutory consultation (Phase 2.B):</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press;</li> <li>• Norwich Evening News;</li> <li>• North Norfolk News; and</li> <li>• Diss, Wymondham &amp; Attleborough Mercury.</li> </ul>	<p>17 Nov 2017 &amp; 24 Nov 2017                      17 Nov 2017 &amp; 24 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017</p>
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<p>List of local newspapers under section 48 of the 2008 Act for further statutory consultation (Phase 2.B):</p> <ul style="list-style-type: none"> <li>• Eastern Daily Press;</li> <li>• Norwich Evening News;</li> <li>• North Norfolk News; and</li> <li>• Diss, Wymondham &amp; Attleborough Mercury.</li> </ul>	<p>17 Nov 2017 &amp; 24 Nov 2017                      17 Nov 2017 &amp; 24 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017                      16 Nov 2017 &amp; 23 Nov 2017</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;							

	Newspaper Notices (Doc A1.5)	
once in a national newspaper;	<p>National newspaper under section 48 of the 2008 Act for statutory consultation on the PEIR (Phase 2.A):</p> <ul style="list-style-type: none"> <li>• The Guardian</li> </ul> <p>National newspaper under Section 48 for further statutory consultation (Phase 2.B):</p> <ul style="list-style-type: none"> <li>• The Guardian</li> </ul> <p>Newspaper Notices (Doc A1.5)</p>	<p>31 July 2017</p> <p>17 November 2017</p>
once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p>Statutory consultation on the PEIR (Phase 2.A):</p> <ul style="list-style-type: none"> <li>• The London Gazette</li> </ul> <p>Further statutory consultation (Phase 2.B):</p> <ul style="list-style-type: none"> <li>• The London Gazette</li> </ul> <p>Newspaper Notices (Doc A1.5)</p>	<p>31 July 2017</p> <p>16 November 2017</p>
where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<p>Statutory consultation on the PEIR (Phase 2.A):</p> <ul style="list-style-type: none"> <li>• Lloyd’s List; and</li> <li>• Fishing News.</li> </ul> <p>Further statutory consultation (Phase 2.B):</p>	<p>1 August 2017</p> <p>3 August 2017</p>

			<ul style="list-style-type: none"> <li>Lloyd's List; and</li> <li>Fishing News.</li> </ul>	16 November 2017 16 November 2017	
		Newspaper Notices (Doc A1.5)			
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes</b> See dated newspaper cuttings in Doc A1.5 Newspaper Notices.			
	<b>Information</b>	<b>Paragraph</b>		<b>Information</b>	<b>Paragraph</b>
a)	The name and address of the applicant.	1 (Doc A1.5)	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	1 (Doc A1.5)
c)	a statement as to whether the application is EIA development	4 (Doc A1.5)	d)	a summary of the main proposals, specifying the location or route of the proposed development	6 (Doc A1.5)
e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	7 (Doc A1.5)	f)	the latest date on which those documents, plans and maps will be available for inspection	7 (Doc A1.5)
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	9 (Doc A1.5)	h)	details of how to respond to the publicity	10 (Doc A1.5)
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	11 (Doc A1.5)			

	published		
21	Are there any observations in respect of the s48 notice provided above?		
	<i>If there are any concerns in particularly about the s48 notice, they will be noted here.</i>		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ?	<b>Yes</b>	<p>A hard copy of the section 48 notice, as publicised in the prescribed manner, was included in the consultation materials sent to all section 42 consultees in accordance with the EIA Regulations.</p> <p>See Doc A5.1 Consultation Report, Doc A5.1.5 Consultation Report Annex 5 EIA Regulation 24 Notice and Doc A5.1.9 Consultation Report Annex 9 Section 48</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<b>Yes</b>	<p>Sections 7.2.4 and 7.3.4 in the Consultation Report (Doc. A5.1) provides a summary of the responses received under section 47 of the 2008 Act during Phase 1.A and Phase 1.B. A full summary of responses received under Phase 1 is provided in Annex 13 to the Consultation Report (Doc A5.1.13).</p> <p>Chapter 9 of the Consultation Report (Doc A5.1) summarises the responses received during Phase 2 under sections 42, 47 and 48 of the Act 2008 and how these have been considered by the Applicant in the final DCO application for Hornsea Three. For each PEIR chapter the Applicant has given an overview of consultees and key issues raised, and then summarised any changes made.</p> <p>A full summary of all responses is provided in Annex 15 to the Consultation Report (Doc. A5.1.15). This has been prepared following guidance set out in PINS Advice</p>

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

Note 14: Compiling the Consultation Report.

**Guidance about pre-application procedure**

24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Yes</b></p> <p>The Applicant has regard to the DCLG guidance both in terms of the consultation process undertaken and preparation of the Consultation Report (Doc A5.1).</p> <p>Annex 2 of the Consultation Report is the Consultation Compliance Checklist (Doc A5.1.2), which lists actions taken against all applicable guidance and regulation.</p>
<b>25</b>	<b>Summary - s55(3)(e)</b>	
<p><b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b></p>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p>Boxes 4 and 5 of the Application Form (Doc A1.3) include a brief statement which explains why the Application falls within the remit of the Secretary of State and a brief non-technical description of the Project Proposal. Box 6 clearly identifies the location and route of the application site.</p> <p>Within the Project Description (Doc A6.1.3), section 3.3 and Figure 3.1 summarises the location and boundary of Hornsea Three.</p>
27	Is it accompanied by a consultation report?	A Consultation Report (Doc A5.1) is included in the application.

<sup>12</sup> The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

		<p>Annexes to the Consultation Report are listed below:</p> <ul style="list-style-type: none"> <li>A5.1.1 Evidence Plan</li> <li>A5.1.2 Consultation Compliance Checklist</li> <li>A5.1.3 Consultee List</li> <li>A5.1.4 Regulation 6 Notification</li> <li>A5.1.5 EIA Regulation 24 Notice</li> <li>A5.1.6 Section 42 Notification</li> <li>A5.1.7 Section 44</li> <li>A5.1.8 Section 46</li> <li>A5.1.9 Section 48</li> <li>A5.1.10 Statement of Community Consultation</li> <li>A5.1.11 Section 47 Phase 1.A Consultation Materials</li> <li>A5.1.12 Section 47 Phase 1.B Consultation Materials</li> <li>A5.1.13 Section 47 Phase 1 Responses</li> <li>A5.1.14 Section 47 Phase 2 Consultation Materials</li> <li>A5.1.15 Phase 2 Responses</li> <li>A5.1.16 Newsletters</li> </ul>
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	<p><b>Yes</b></p> <p>Key plans showing the relationship between different sheets are provided for all plans with three or more sheets.</p>

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<b>Yes</b>			
<b>Information</b>		<b>Document</b>	<b>Information</b>		<b>Document</b>
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<b>Doc Ref :</b> A6 Environmental Statement A6.00 Non-Technical Summary A6.1 Introductory Chapters A6.2 Offshore Environmental Chapters A6.3 Onshore Environmental Chapters A6.4 Introductory Annexes A6.5 Offshore Environmental Statement Annexes A6.6 Onshore Environmental Statement Annexes	b)	The draft proposed order	<b>Doc Ref</b> A3.1 Draft Development Consent Order including Draft Deemed Marine Licences

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

		A6.7 Additional Application Information A6.8 Other documents			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	<b>Doc Ref</b> A3.2 Explanatory Memorandum	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	<b>Doc Ref</b> A4.3 Book of Reference
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any flood risk assessment	<b>Doc Ref</b> A6.6.2.1 Flood Risk Assessment	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	<b>Doc Ref</b> A7.3 Statutory Nuisance Statement
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	<b>Doc Ref</b> A4.2 Statement of Reasons A4.1 Funding Statement	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	<b>Doc Ref</b> A2.3 Land Plan - Onshore A2.11.2 Special Category Land - Onshore

			<p>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?		Is this of a satisfactory standard?		
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 carried out and any limits of deviation provided for in the draft order</p>	<p><b>Doc Ref</b></p> <p>A2.4.1 Works Plan – Offshore</p> <p>A2.4.2 Works Plan – Onshore</p> <p>A2.2.1 Offshore Order Limits and Grid Coordinates Plan</p> <p>A2.2.2 Onshore Order Limits</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><b>Doc Ref</b></p> <p>A2.5 Access to Works Plan</p> <p>A2.6 Streets Plan</p> <p>A2.7 Public Rights of Way Plan</p> <p>A2.4.2 Works Plan - Onshore</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity</p>	<p><b>Doc Ref</b></p> <p>A2.9.1 Onshore Statutory and Non-Statutory Nature Conservation Sites</p> <p>A2.9.2 Offshore Statutory and Non-Statutory Nature</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p><b>Doc Ref</b></p> <p>A2.8.1 Offshore Historic Environment Plan</p> <p>A2.8.2 Onshore Historic or Scheduled Monument Sites</p>

	<p>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>Conservation Sites</p> <p>A2.10 Tree Preservation Order and Hedgerow Plan</p> <p>A5.2.1 RIAA Annex 1 - HRA Screening Report</p> <p>A6.6.2.1 Flood Risk Assessment</p> <p>A6.3.2 Hydrology and Flood Risk</p>		<p>Plan</p> <p>A6.2.9 Marine Archaeology</p> <p>A6.3.5 Historic Environment</p>	
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<p><b>Doc Ref</b></p> <p>A2.11.1 Crown Land - Onshore and Offshore</p>	o)	<p>Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping</p>	<p><b>Doc Ref</b></p> <p>A2.12.1 Indicative Extent of Marine Licences</p> <p>A2.12.2 Indicative Extent of Development Consent Order and Deemed Marine Licences – Cross Sectional</p> <p>A2.13.1 Onshore Limits of Deviation Plan</p>

	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Doc Ref</b> Regulation 6(1)(b)(i): A7.2 Cable Statement  Regulation 6(1)(b)(ii): A7.1 Safety Zone Statement	q)	Any other documents considered necessary to support the application.	<b>Doc Ref</b> A1.1 Covering Letter A1.2 Application Index A1.3 Draft Section 55 Check List A1.6 Electronic Application Index A7.4 Consents Management Plan A8.2 Outline Construction Traffic Management Plan A8.3 Planning Statement A8.4 Hierarchy of Management Plans A8.5 Outline Code of Construction Practice A8.6 Outline Ecological Management Plan A8.7 Outline Landscape

				Management Plan A8.8 In Principle Monitoring Plan A8.10 Outline Fisheries Coexistence and Liaison Plan
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided above?			
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? <sup>15</sup>	<p><b>Yes</b></p> <p>A Habitat Regulations Assessment Report is provided in Doc A5.2.1 RIAA Annex 1 – HRA Screening Report. See section 4.5.4, including table 4.3, for European (and Ramsar) sites which lie within the onshore ECR corridor or are located immediately adjacent to it.</p> <p>See also Doc A5.2 Report to Inform Appropriate Assessment.</p>		
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<p><b>Yes</b></p> <p>Two hard copies and ten soft copies on USB cards of all documents listed in Doc A1.2 Application Index have been submitted to PINS.</p>		

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p><b>Yes</b></p> <p>Regard has been given on the full application procedure as outlined in the guidance document. Please see Documents:</p> <p>A5.1 Consultation Report</p> <p>A6.1.2 Policy and Legislation</p> <p>A6.1.3 Project Description</p> <p>A2.3 Land Plan – Onshore</p> <p>A2.4.1 Works Plan – Onshore</p> <p>A2.4.2 Works Plan – Offshore</p> <p>The appropriate application form is included in Doc A1.4 Application Form.</p> <p>A list of documents submitted is included in Doc A1.2 Application Index and Doc A1.6 Electronic Application Index.</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	

Electronic Signature	Name	Date
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<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.

<b>Case Leader</b>		
<b>Acceptance Inspector</b>		