

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

28 March 2014

Dear Sirs

Planning Act 2008 – Application for the proposed Dogger Bank (Teesside A and B) Offshore Wind Farm Development Consent Order by Forewind Limited

Application reference: EN01 0051

We are pleased to enclose an application for an Order granting development consent (the Application) pursuant to section 37 of the Planning Act 2008 (the 2008 Act) on behalf of Forewind Limited (Forewind).

1 Subject of Application

- 1.1 This Application by Forewind is for development consent to construct and operate two offshore wind turbine electricity generating stations in the Dogger Bank Offshore Wind Farm Zone, along with associated infrastructure (the Project). Each proposed generating station, known as Dogger Bank Teesside A and Dogger Bank Teesside B, would comprise up to 200 wind turbine generators (a maximum of 400 in total) with an installed capacity of up to 1.2 gigawatts (GW) (a total potential of up to 2.4GW for both generating stations).
- 1.2 Development consent is required to the extent that the development is, or forms part of, a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(3) of the 2008 Act. As each proposed generating station is expected to have an installed capacity of up to 1.2GW they each form an NSIP in their own right for the purposes of 2008 Act. It is for this reason that determination of the Project falls within the remit of the Secretary of State.

2 Documentation enclosed and application fee

2.1 We enclose three hard copies of:

- 2.1.1 completed and signed application form and draft Section 55 checklist (document reference numbers prefixed "1.");
- 2.1.2 plans and drawings (document reference numbers prefixed "2.");
- 2.1.3 draft Order and explanatory memorandum (document reference numbers prefixed "3.");
- 2.1.4 compulsory acquisition documents (document reference numbers prefixed "4.");
- 2.1.5 supporting application documentation (document reference numbers prefixed "5.");
- 2.1.6 the Environmental Statement (ES) (document reference numbers prefixed "6.");
- 2.1.7 other statutory documentation (document reference numbers prefixed "7."); and
- 2.1.8 other non-statutory documentation (document reference numbers prefixed "8.).

2.2 We also enclose 6 DVDs containing the documentation at 2.1.1 to 2.1.8 above.

2.3 A fee comprising the sum of £4,500 has been submitted by electronic transfer to the account of the Planning Inspectorate on 13 March 2014 in accordance with the Infrastructure Planning (Fees) Regulations 2010.

3 Application formalities

3.1 The Application is made in the form required by section 37(3)(b) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:

- 3.1.1 the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- 3.1.2 the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009; and
- 3.1.3 the published Communities and Local Government Guidance (January 2013) and the Planning Inspectorate's Advice Note 16 on the preparation of application documentation.

- 3.2 In advance of this submission, a shapefile of the Order limits was submitted to the Planning Inspectorate on 14 March 2014. Due to the nature of the proposed development (offshore wind farm with onshore infrastructure) the shape file was submitted in two files in two formats:
- 3.2.1 Offshore works (upto Mean High Water Mark) in WGS84 UTM31N; and
 - 3.2.2 Onshore works (from Mean High Water Mark) in British National Grid format.
- 3.3 In advance of this submission, a draft electronic application index submitted to the Planning Inspectorate on 14 March 2014. Following a review of that electronic application index by the Planning Inspectorate and finalisation of the supporting application documents, a final electronic application index was submitted to the Planning Inspectorate on 26 March 2014.
- 3.4 A draft section 55 checklist is provided at Annex 2 to this letter, to signpost the documents necessary for acceptance.

4 Description of Project

- 4.1 The Application seeks consent for the development outlined in paragraph 1.1 above and described in full in Schedule 1 to the draft Order (Application reference 3.1) and in Chapter 5 of the Environmental Statement (Application reference 6.5). The Project includes the following:
- 4.1.1 the NSIPs as defined in sections 14 and 15 of the 2008 Act comprising up to 400 wind turbine generators with an installed capacity of up to 2.4GW for two generating stations. In addition, the NSIPs include up to two offshore converter platforms, up to eight offshore collector platforms and up to ten meteorological masts, along with accommodation or helicopter platforms and inter-array cabling;
 - 4.1.2 offshore associated development including high voltage direct current (HVDC) export cables;
 - 4.1.3 onshore associated development including HVDC export cables laid underground from the landfall located between Redcar and Marske-by-the-Sea to the proposed converter stations located within the Wilton site, high voltage alternating current (HVAC) cables from the converter stations to the neighbouring National Grid substation at Lackenby. All onshore works are located with Redcar & Cleveland Borough Council; and

4.1.4 all associated temporary work to facilitate the construction, operation and maintenance of the Project.

4.2 Forewind is the applicant for the Project, however from the point of consent the development of Dogger Bank Teesside A&B will be taken forward by two special purpose companies. These are known as 'Dogger Bank Project 2 Bizco Limited' (in relation to Dogger Bank Teesside A) and 'Dogger Bank Project 3 Bizco Limited' (in relation to Dogger Bank Teesside B) with further detail provided in the Explanatory Memorandum (Application reference 3.2).

5 Consent Flexibility

5.1 The draft Order provides flexibility in relation to the generating stations and their associated development. Forewind has given careful consideration to the guidance in the National Policy Statements and the Planning Inspectorate's advice note 9 'Rochdale envelope', together with pre-application discussions with the Planning Inspectorate. In the opinion of Forewind, the inclusion of the proposed degree of flexibility is fundamental to whether or not the Project will be able to proceed.

5.2 The environmental impact assessment (EIA) of the Project has been careful to take account of the flexibility which is sought on the Order. This matter has been addressed in the Environmental Statement and in all cases the worst case parameters referred to in the draft Order have been adopted in the assessment.

5.3 Further explanation of Forewind's approach to the Rochdale envelope is contained in the Explanatory Memorandum (Application reference 3.2).

6 Marine Licence

6.1 Included within the draft Order at Schedule 7 are four deemed marine licences as provided for in section 149A of the 2008 Act.

6.2 Plans are submitted to show the potential interactions between the Marine Licences and the Work No.s in the draft Order (Application reference 2.5).

7 Habitats Regulations

7.1 The Application documents include a Habitats Regulations Assessment Report (Application reference 5.2), as required by Regulation 5(2)(g) of the APFP Regulations. In preparing this report Forewind has been mindful of the Planning Inspectorate's advice note 10 'Habitats Regulations Assessment' and has submitted screening and integrity matrices in line with this advice.

8 Compulsory Acquisition

- 8.1 Forewind is seeking authority within the draft Order to acquire land and interests compulsorily, and other related powers to support the delivery of the Project, details of which can be found in the Statement of Reasons (Application reference 4.2) and the Book of Reference (Application reference 4.3). Adequacy of funding for compensation is dealt with in the Funding Statement (Application reference 4.1).
- 8.2 No applications under sections 127 or 132 of the 2008 Act are anticipated. Details of the extent proposed works affect land held by a statutory undertaker or special category land can be found in the Statement of Reasons (Application reference 4.2).

9 Other Consents

- 9.1 Details of other consents and licences not forming part of the draft Order, which Forewind or others will be seeking in relation to the Project, are set out in the 'Consents and licences required under other legislation' document (Application reference 5.4).

10 Pre-Application Consultation

- 10.1 Forewind has had careful regard to the pre-application consultation requirements of the 2008 Act, guidance on pre-application consultation issued by the Department of Communities and Local Government and the Planning Inspectorate, and pre-application discussions with the Planning Inspectorate, as required by sections 50 and 55(4) of the 2008 Act.
- 10.2 As required by section 37(3)(c), the Application is accompanied by the Consultation Report (Application reference 5.1), which provides details of Forewind's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the development of the application and Project. Details of the notices issued under section 48 of the 2008 Act are provided in the 'Newspaper Notices' document (Application reference 1.3).
- 10.3 The draft Order, and the deemed marine licences, have been the subject of consultation with the Planning Inspectorate, the Crown Estate, the Marine Management Organisation, Redcar & Cleveland Borough Council, Trinity House, Natural England, Joint Nature Conservation Committee, Environment Agency, Civil Aviation Authority, Ministry of Defence, Highways Agency, The United Kingdom Hydrographic Society, Centre for Environment Fisheries and Aquaculture Science, Network Rail and Northumbria Water. A consultation draft DCO was also made available to all

consultees upon request throughout the second statutory consultation period. Where possible or appropriate Forewind has sought to take on board any comments in the documents submitted.

11 Other matters

- 11.1 Under Regulation 5(2)(l) of the APFP Regulations, an application is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents (Application references: 2.8.1, 2.8.2, 2.9.1 and 2.9.2) with the assessments provided within the Environmental Statement rather than as stand-alone documents.
- 11.2 Regulation 5(3) of the APFP Regulations requires any plans, drawings or sections to be no larger than A0, drawn to an identified scale (no smaller than 1:2,500) and, in the case of plans, to show the direction North. The plans submitted with the Application comply with these requirements, save for the offshore plans which are provided at a smaller scale. The offshore works plans are 1:80,000 at A1 size, but insets are also provided to show more detail at key areas, for example the landfall area is shown at 1:10,000 at A1 size. This was agreed with the Planning Inspectorate as a pragmatic approach given that the offshore element of the development covers a very large area of sea.
- 11.3 The Order limits and grid coordinates referred to in the draft Order have been provided in separate plans (Application reference 2.2). However, it should be noted that for the purposes of re-creating the Order limits the more detailed electronic information contained within the shape files and deposited with the Planning Inspectorate should be used instead.
- 11.4 We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact Forewinds Teesside consents manager, Andrew Guyton (e-mail: andrew.guyton@forewind.co.uk, tel. 0118 955 6160).

Yours faithfully

A handwritten signature in black ink, appearing to read "Lee Clarke".

Lee Clarke
On behalf of Forewind
Forewind General Manager and Project Director

Dogger Bank Teesside A & B Application Documents Contents Page

Application reference	Document Title
Application form	
1.1	Covering letter (including application document list and draft s.55 checklist)
1.2	Application form
1.3	Newspaper notices
1.4	Dogger Bank Teesside Scoping Report
1.5	Dogger Bank Teesside Scoping Opinion
Plans and drawings	
2.1.1	Location Plan Offshore
2.1.2	Location Plan Onshore
2.2.1	Order limits and grid co-ordinates plan Offshore
2.2.2	Order limits and grid co-ordinates plan Onshore
2.3.1	Offshore land plan
2.3.2	Onshore land plan (with key plan)
2.4.1	Offshore works plan (with key plan)
2.4.2	Onshore works plan (with key plan)
2.4.4	Creyke Beck and Teesside A and B Extent of works plan
2.4.5	Work No. 1A Grid Coordinates Plan
2.4.6	Work No. 1B Grid Coordinates Plan
2.5.1	Indicative extent of Marine Licences - spatial
2.5.2	Indicative extent of Marine Licences - cross-section
2.6	Access to works plan (with key plan)
2.7	Streets and public rights of way plan (with key plan)
2.8.1	Offshore nature conservation sites
2.8.2	Onshore nature conservation sites (with key plan)
2.9.1	Offshore sites or features of the historic environment
2.9.2	Onshore sites or features of the historic environment (with key plan)
2.11	Special category land plan
2.12	Tree Preservation Order Plan (with key plan)
Development Consent Order	
3.1	Draft Development Consent Order
3.2	Explanatory Memorandum
Compulsory acquisition	
4.1	Funding Statement
4.2	Statement of Reasons
4.3	Book of Reference

Application reference	Document Title	
Reports		
5.1	Consultation Report	
5.2	Habitats Regulations Assessment Report	
5.3	Consents and licences required under other legislation	
Application reference	ES Chapter	Document Title
Environmental Statement		
6.1	1	Introduction
6.2	2	Project Need
6.3	3	Legislation and Policy
6.4	4	Environmental Impact Assessment Process
6.5	5	Project Description
6.6	6	Assessment of Alternatives
6.7	7	Consultation
6.8	8	Designated Sites
6.9	9	Marine Physical Processes
6.10	10	Marine Water and Sediment Quality
6.11	11	Marine and Coastal Ornithology
6.12	12	Marine and Intertidal Ecology
6.13	13	Fish and Shellfish Ecology
6.14	14	Marine Mammals
6.15	15	Commercial Fisheries
6.16	16	Shipping and Navigation
6.17	17	Other Marine Users
6.18	18	Marine and Coastal Archaeology
6.19	19	Military Activity and Civil Aviation
6.20	20	Seascape and Visual Character
6.21	21	Landscape and Visual Impact Assessment
6.22	22	Socio-economics
6.23	23	Tourism and Recreation
6.24	24	Geology, Water Resources and Land Quality
6.25	25	Terrestrial Ecology
6.26	26	Land Use and Agriculture
6.27	27	Terrestrial Archaeology
6.28	28	Traffic and Access
6.29	29	Noise and Vibration
6.30	30	Air Quality
6.31	31	Inter-relationships
6.32	32	Transboundary Effects
6.33	33	Cumulative Impact Assessment
6.34	34	Conclusions
6.35	35	Summary of Monitoring and Mitigation

Application reference	ES Chapter	Document Title
6.36	NTS	Non-Technical Summary
6.4.1	4	Appendix A Forewind Cumulative Impact Assessment Strategy - Offshore
6.5.1	5	Appendix A NPL Underwater Noise Technical Report
6.5.2	5	Appendix B Foundation Characterisation Study
6.5.3	5	Appendix C Health Impact Review
6.6.1	6	Appendix A Statement for Planning
6.6.2	6	Appendix B Offshore Project Boundary Selection Report
6.6.3	6	Appendix C Onshore study area characterisation
6.6.4	6	Appendix D Coastal Cable Corridor Assessment
6.6.5	6	Appendix E Onshore Converter station sites identification and characterisation
6.6.6	6	Appendix F Identification of preferred converter station site: Lackenby Connection
6.6.7	6	Appendix G Onshore site selection: Part 3
6.8.1	8	Appendix A Screening of all UK sites in study area
6.8.2	8	Appendix B Screening of OSPAR List of Threatened Species and Habitats
6.9.1	9	Appendix A Assessment of Effects Technical Report
6.11.1	11	Appendix A Ornithology Technical Report
6.11.2	11	Appendix B Extent of Displacement and Mortality Implications
6.11.3	11	Appendix C Designated Sites Screened In
6.12.1	12	Appendix A Tranche B and Export Cable Corridor Benthic Survey Report
6.12.2	12	Appendix B Tranche A Benthic survey report
6.12.3	12	Appendix C Intertidal Benthic survey report
6.12.4	12	Appendix D Tranche B Habitat mapping report
6.12.5	12	Appendix E Value Ecological Receptor tables
6.12.6	12	Appendix F Disposal site characterisation document
6.13.1	13	Appendix A Fish and Shellfish Ecology Technical report
6.13.2	13	Appendix B Tranche B Fish and Shellfish Characterisation Survey
6.13.3	13	Appendix C Nearshore Fish and Shellfish Surveys
6.13.4	13	Appendix D Tranche A Fish and Shellfish Characterisation Survey
6.13.5	13	Appendix E Pelagic Fish Survey report
6.13.6	13	Appendix F Sandeel Survey report
6.13.7	13	Appendix G Habitats disturbance calculations report
6.14.1	14	Appendix A Dogger Bank Seal Telemetry
6.14.2	14	Appendix B DMP Stats Dogger Bank Analysis Report
6.14.3	14	Appendix C Dogger Bank Creyke Beck Telemetry Report
6.14.4	14	Appendix D Harbour Porpoise Population Viability Analysis
6.15.1	15	Appendix A Commercial Fisheries Technical Report
6.16.1	16	Appendix A Navigational Risk Assessment
6.18.1	18	Appendix A Archaeology and Cultural History Report
6.18.2	18	Appendix B Archaeological Written Scheme of Investigation
6.20.1	20	Appendix A Seascape Visual Impact Assessment
6.21.1	21	Appendix A Landscape and Visual Impact Assessment
6.24.1	24	Appendix A Land Quality Phase 1 Desk Study

Application reference	ES Chapter	Document Title
6.24.2	24	Appendix B Flood Risk Assessment
6.24.3	24	Appendix C Site Waste Management Plan
6.24.4	24	Appendix D Walkover Photos
6.24.5	24	Appendix E Water Framework Directive Compliance Assessment
6.25.1	25	Appendix A Ecological Impact Assessment: Technical Report
6.27.1	27	Appendix A Onshore Cultural Heritage Impact Assessment
6.28.1	28	Appendix A Transport Assessment
6.29.1	29	Appendix A Surrogate baseline noise levels (2012) at location P1
6.30.1	30	Appendix A Construction Phase Dust Assessment
6.30.2	30	Appendix B Air Quality Modelling
Other Statutory Documents (Reg. 6)		
7.1		Safety Zone Statement
7.2		Cable details and grid connection statement
7.3		Statutory Nuisance Statement
Other Non-Statutory Documents		
8.1		Planning and Design Statement
8.2		Outline Code of Construction Practice
8.3		Outline Decommissioning Statement
8.4		Health and Safety Statement

The Planning Act 2008

Section 55 Acceptance of Applications*

(Appendix 2 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 Directorate) 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 Checklist¹

Section 55(2) Acceptance of Applications			
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	
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (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 order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in 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?</p>		<p>Yes</p> <p>In the Application Form (Doc 1.2) Box 4 it states: <i>'This Application is for development consent under the Planning Act 2008 to construct and operate two offshore wind turbine electricity generating stations in the Dogger Bank Zone with an installed capacity of up to 2.4GW, along with associated infrastructure...As each of the proposed wind farms is expected to have an installed capacity of up to 1.2 GW (up to 2.4GW in total), they both qualify as an NSIP pursuant to section 14(1)(a) and 15(3) of the Planning Act 2008. Therefore the Applicant is obliged to submit an application to the Secretary of State for development consent under section 37 of the 2008 Act.'</i></p> <p>In addition, the Draft Development Consent Order (Doc 3.1) Schedule 1, Part 1 describes the development as 'A nationally significant infrastructure Project as defined in sections 14 and 15 of the 2008 Act located in the Dogger Bank Zone' and the Explanatory Memorandum (Doc 3.2) section 9.1 states</p>	

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

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

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

	<i>'pursuant to s14(1)(a) and s15(3) of the Planning Act 2008, the construction or extension of an offshore electricity generating station which is in waters in or adjacent to England and whose capacity is expected to be more than 100 megawatts is an NSIP for the purposes of the Planning Act 2008'.</i>
Summary – s55(3)(a) and s55(3)(c)	The requirements of s55(3)(a) are met. S53(3)(c) is met as the development is an NSIP by virtue of meeting the criteria set out in s14(1)(a) and s15(3).
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation 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 ⁴ ?	<p>Yes</p> <p>Before carrying out s42 consultation the applicant notified the Secretary of State in writing that it proposed to provide an environmental statement (ES) in respect of that development. On 30 March 2012 the applicant notified the Planning Inspectorate under EIA Regulation 6(1)(b) confirming that an ES would be provided in respect of the development. A copy of this notification is provided in Appendix B.1 of the Consultation Report (Doc 5.1).</p> <p>On 15 May 2012 the applicant notified the Planning Inspectorate under s46 of the Planning Act 2008 of its intention to undertake consultation on Dogger Bank Teesside. A copy of the notification is provided in Appendix B.10 of the Consultation Report.</p> <p>On 21 May 2012 the applicant requested a Scoping Opinion under EIA Regulation 8(1). The first phase of statutory s42 consultation began on 24 May 2012. EIA Scoping was then undertaken in parallel with the first phase of statutory consultation under s42. Section 1.2 of Scoping Opinion the states: 'In a letter dated 30 March 2012 addressed to the SoS, the Applicant formally notified the SoS under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development.'</p>
2.2 Have any adequacy of consultation representations ⁵ 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,	<p><Process managed by Planning Inspectorate></p> <p>S43(1) ("B") Authorities: Redcar & Cleveland Borough Council.</p>

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ 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

s47 and s48?	<p>S43(2) ("A") Authorities (bounding the s43(1) Authority): Scarborough Borough Council, Hambleton District Council, Hartlepool Borough Council, Middlesbrough Council, Stockton-on-Tees Borough Council, North Yorkshire County Council and North York Moors National Park Authority.</p> <p>The Consultation Report confirms that the applicant has undertaken appropriate measures so as to comply with its duties under s42, 47 and 48. Further, the Consultation Report was sent to Local Authorities for comment at the same time as the application was submitted to the Planning Inspectorate.</p>
s42: Duty to Consult	
2.3 Did the applicant consult the following about the proposed application:	
s42(1)(a) persons prescribed ⁶ ?	<p>Yes</p> <p><u>Phase 1 and 2</u> Consultation Report, Chapter 3.3 describes the applicant's process in identifying those who must be consulted under s42 of the Planning Act 2008. Consultation Report, Appendix B.3 – Lists those persons prescribed that the applicant has consulted under the Act. Appendix B.3 lists the s42 consultees that were consulted during the Phase 1 and Phase 2 of statutory consultation. It identifies, and provides reason for any discrepancies. It is noted that post Phase 2 consultation/prior to application submission parties with interests in the land has changed. When new interests were identified, consultation letter was sent out.</p> <p>The applicant considers that:</p> <ul style="list-style-type: none"> - It has consulted the relevant prescribed consultees at Phase 1. - It has consulted the relevant prescribed consultees at Phase 2. - Suitable justification for discrepancies has been provided in Consultation Report, Chapter 3.3 and Appendix B.3. - Interested parties can continue to participate in the examination following notification of acceptance and these interested parties will not be prejudiced.

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

	<ul style="list-style-type: none"> - It would be unreasonable for the Planning Inspectorate to take the view that the applicant has failed to comply with the pre-application procedure.
s42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>Each local authority within s43 were consulted as part of the Phase 1 and Phase 2 statutory s42 consultations. This is documented in Consultation Report Section 3.3 and Appendix B.3. The list of Local Authorities consulted during Phase 1 and Phase 2 remained consistent. Consultation is therefore in compliance with s42(1)(b). Relevant local authorities identified in accordance with s43:</p> <p>The 'B' Authorities</p> <ul style="list-style-type: none"> - Redcar and Cleveland Borough Council <p>The 'A' Authorities</p> <ul style="list-style-type: none"> - Hartlepool Borough Council - Middlesbrough Borough Council - Hambleton Borough Council - Scarborough Borough Council - Stockton-on-Tees Borough Council - North Yorkshire County Council - North York Moors National Park Authority <p>As Redcar and Cleveland Borough Council is a unitary authority, there are no 'C' or 'D' authorities applicable.</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
s42(1)(d) each person in one or more of s44 categories ⁸ ?	Yes

⁷ 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 authority shares a boundary with a "C" authority

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: 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>Consultation Report, Chapter 3.3 describes the applicant's process in identifying those who must be consulted under s42 of the Planning Act 2008.</p> <p>The process undertaken by Forewind to identify s42(1)(d) is detailed in Consultation Report sections 3.3.12 – 3.3.26. Consultation Report Section 3.3.18 notes <i>the list of Section 42(1)(d) consultees changed over the course of the pre application period in line with refinements and changes to the proposals, several of which were as a result of landowner consultation. Any changes in landownership or land interests were recorded and any additional interests were consulted where appropriate.</i></p>
s45: Timetable for s42 Consultation	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><u>Yes - Phase 1 s42 Consultation</u></p> <p>Letters sent to s42 consultees (onshore) and owners with offshore interests (Consultation Report, Appendix B7, B11a and B11b) (dated Tuesday 22 May 2012) state: <i>'Responses must be received by Forewind by Friday, 22 June 2012 to ensure their consideration.'</i></p> <p>The letter dated Tuesday 22 May 2012 provides for 30 days for receipt of consultation responses, the consultation period beginning on Thursday 24 May 2012. Consultation Report Section 3.4.13 states: <i>'Consultation documents were available online and in libraries from 24 May 2012. For those unable to access the documents from the DVD or from the Forewind website, the letter indicated that consultees should contact Forewind to request the documents in another format.'</i></p> <p><u>Yes – Phase 2 s42 Consultation</u></p> <p>A letter dated Tuesday 29 October 2013 (Consultation Report Appendix C2) states: <i>'Responses must be received by Forewind by 5pm on 20 December 2013.'</i> The letter dated Tuesday 29 October 2013 provides for 47 days for receipt of consultation responses, the consultation period beginning on Monday 4 November 2013.</p> <p>Consultation Report Section 3.4.27 states: <i>'Consultation documents were available online and in libraries from 4 November 2013. For those unable to access the documents from the DVD or from the Forewind website, the letter</i></p>

	<i>indicated that consultees should contact Forewind to request the documents in another format.</i>
s46: Duty to notify Secretary of State of proposed application	
2.5 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><u>Yes - Phase 1 s42 Consultation</u></p> <p>The applicant supplied information to notify the Secretary of State of the proposed application before the date it was sent to the s42 consultees.</p> <p>A letter dated 15 May 2012 (Consultation Report, Appendix B.10) was sent to the Planning Inspectorate stating: <i>'In accordance with section 46 of the Planning Act 2008 as amended (the Planning Act), please be informed that Forewind is about to commence its first stage of consultation, in accordance with section 42 of the Planning Act, on Dogger Bank Teesside.</i></p> <p><i>'The consultation period will start on Thursday, 24 May 2012 and the deadline for responses is Friday, 22 June 2012. This allows at least 28 days for the consultees to respond to the consultation.</i></p> <p>A letter was sent to s42 consultees on 22 May 2012 (Consultation Report, Appendix B.7) notifying them of the start of statutory consultation.</p> <p><u>Yes – Phase 2 s42 Consultation</u></p> <p>Before the commencement of Phase 2, the applicant met the Planning Inspectorate on the 29 October 2013. At that meeting, Forewind notified the Planning Inspectorate of the forthcoming Phase 2 statutory consultation by way of issuing a copy of the letter dated 29 October 2013 which provides notice of final pre-application consultation. Consultation material (draft ES etc.) was attached to that letter by way of a DVD. Further, that letter is supported by a PowerPoint presented at the meeting (also issued by email on 29/10/2013) detailing the forthcoming consultation.</p> <p>This meeting was preceded by a series of emails issued by Forewind on 05/09/2013, 01/10/2013 and 02/10/2013 informing the Planning Inspectorate of forthcoming consultation.</p> <p>It is noted that there is no prescribed form for s46 notification but is considered that the intention of these emails, meeting, presentation and letter was to notify</p>

	<p>the Planning Inspectorate of the proposed application.</p> <p>A letter was sent to s42 consultees on 29 October 2013 (Consultation Report, Appendix C.7) notifying them of the start of statutory consultation.</p>
s47: Duty to consult local community	
2.6 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><u>Yes –Initial SoCC</u></p> <p>An initial SoCC for the Dogger Bank Teesside project was published from 10 May 2012. A copy of the initial SoCC for the Dogger Bank Teesside, SoCC consultation document and adverts are provided in Consultation Report, Appendix D.</p> <p><u>Yes - Updated SoCC</u></p> <p>An updated SoCC for the Dogger Bank Teesside A & B project which was published from 18 October 2013. A copy of the updated SoCC for the Dogger Bank Teesside A & B and SoCC consultation document and adverts are provided in Consultation Report, Appendix E.</p> <p>Commentary on the initial SoCC and updated SoCC is provided in Section 4.3 Consultation Report. Section 4.3.3 states: <i>'An initial Dogger Bank Teesside SoCC was published prior to the first phase of statutory consultation. The document described how the consultation would be carried out in two statutory phases, giving detailed information on the first phase of consultation activities. After the first phase of consultation, Forewind took the decision to split the development into two separate DCO applications. An updated SoCC was published prior to the second phase of statutory consultation, explicitly for the Dogger Bank Teesside A & B development, giving detail information on the second phase of consultation activities.'</i></p>
2.7 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	<p><u>Yes – Initial SoCC</u></p> <p>The applicant identified Redcar & Cleveland Borough Council as the host 'B' authority and consulted on the draft SoCC. Sections 4.3.5 and 4.3.6 of the Consultation Report notes: <i>'The draft initial SoCC was prepared and provided</i></p>

documents?	<p><i>to RCBC and the MMO for comment on 9 March 2012 (representing the start of the statutory consultation on the SoCC under Section 47(2) of the Planning Act). The letter (Appendix D.3) was accompanied by the SoCC Consultation Document (Appendix D.2) which was produced to provide supporting information for the Local Authority during its formal review of the draft SoCC. Section 47(3) of the Planning Act states that deadline for the receipt by the Applicant of a local authority's response to the draft initial SoCC consultation is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents. Forewind set deadline for the receipt of responses from RCBC and the MMO of 9 April 2012 (which exceeded the 28 day statutory period).</i></p> <p><i>Consultation on the draft initial SoCC continued until 26 April 2012, being the date of confirmation from the Local Authority (RCBC) that they had no further comments to make on the SoCC. This extended period for consultation on the draft SoCC was given in order to ensure that the Local Authority was allowed a sufficient time to respond in developing the final SoCC. Therefore, Section 47(3) has been fully complied with in respect of consultation with the local authorities on the draft SoCC.'</i></p> <p><u>Yes – Updated SoCC</u></p> <p><i>The applicant identified Redcar & Cleveland Borough Council as the host 'B' authority and consulted on the draft SoCC. Sections 4.3.18 and 4.3.19 of the Consultation Report states: The draft updated SoCC was prepared and provided to RCBC and the MMO for comment on 26 July 2013 (representing the start of the statutory consultation on the updated SoCC under Section 47(2) of the Planning Act). The letter (Appendix E.3) was accompanied by the SoCC Consultation Document (Appendix E.2) which was produced to provide supporting information for the Local Authority during its formal review of the draft updated SoCC. Section 47(3) of the Planning Act states that deadline for the receipt by the Applicant of a local authority's response to the draft updated SoCC consultation is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents. Forewind set deadline for the receipt of responses from RCBC and the MMO of 31 August 2013 (which exceeded the 28 day statutory period).</i></p>
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	<p><i>Consultation on the draft updated SoCC continued until 29 August 2013, being the date of confirmation from the Local Authority (RCBC) that they had no further comments to make on the SoCC. This extended period for consultation on the draft SoCC was given in order to ensure that the Local Authority was allowed a sufficient time to respond in developing the final SoCC. Therefore, Section 47(3) has been fully complied with in respect of consultation with the local authorities on the draft SoCC.</i></p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p><u>Yes – Initial SoCC</u></p> <p>The applicant had regard to responses received from Redcar & Cleveland Borough Council as the host 'B' authority and MMO.</p> <p>Applicant regard to responses received from Redcar & Cleveland Borough Council and MMO are detailed in Consultation Report, Appendix D3a and D3b. Sections 4.3.7 and 4.3.8 of the Consultation Report states: <i>'In accordance with Section 47(5) of the Planning Act, regard was had to the responses received from the relevant Local Authority and the MMO in finalising the SoCC. All correspondence between RCBC and the MMO during consultation on the initial SoCC are presented in Appendix D.3a and Appendix D.3b, respectively.</i></p> <p><i>In summary, with the exception of a number of small amendments, no significant changes to the SoCC were required as a result of comments received from RCBC and the MMO.'</i></p> <p><u>Yes – Updated SoCC</u></p> <p>The applicant had regard to responses received from Redcar & Cleveland Borough Council as the host 'B' authority and MMO.</p> <p>In an email dated 29 August 2013 (Consultation Report, Appendix E3), Redcar & Cleveland Borough Council confirmed that <i>"they have no concerns with the document. The document is in line with the previous SOCC previously considered with the main consultation areas and locations being previously agreed..."</i></p>

	<p>Applicant regard to responses received from MMO are detailed in (Consultation Report, Appendix E3bd)</p> <p>Sections 4.3.20 and 4.3.21 of the Consultation Report states: ‘In accordance with Section 47(5) of the Planning Act, regard was had to the responses received from the relevant Local Authority and the MMO in finalising the SoCC. All correspondence between RCBC and the MMO during consultation on the updated SoCC are presented in Appendix E.3a and Appendix E.3b, respectively.</p> <p><i>In summary, with the exception of a number of small amendments, no significant changes to the SoCC were required as a result of comments received from RCBC and the MMO.’</i></p>
<p>2.9 Has the SOCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SOCC can be inspected?</p>	<p><u>Yes – Initial SoCC</u></p> <p>The initial SoCC was available at local libraries and the travelling (mobile) library, listed in the Consultation Report, Appendix D9. These were all in Redcar & Cleveland. The SoCC was made available on the applicant’s website for inspection.</p> <p>The Consultation Report, Appendix D shows that the SoCC was published in local newspapers as follows:</p> <ul style="list-style-type: none"> - Middlesbrough Evening Gazette – 10 May 2012 - Coastal View and Moor News – 19 May 2012 - The East Cleveland Herald and Post – 10 May 2012 - Fishing News – 11 May 2012 <p><u>Yes – Updated SoCC</u></p> <p>The updated SoCC was available at local libraries and the travelling (mobile) library, listed in the Consultation Report, Appendix E9. These were all in Redcar & Cleveland. The SoCC was made available on the applicant’s website for inspection.</p> <p>The Consultation Report, Appendix E shows that the SoCC was published in local newspapers as follows:</p> <ul style="list-style-type: none"> - Middlesbrough Evening Gazette – 16 October 2013

	<ul style="list-style-type: none"> - Coastal View and Moor News – 16 October 2013 - The East Cleveland Herald and Post – 17 October 2013 - Fishing News – 18 October 2013
2.10 Does the SOCC set out whether the development is EIA development ⁹ ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p><u>Yes – Initial SoCC</u></p> <p>The initial SoCC stated: ‘<i>Dogger Bank Teesside is a development which requires an Environmental Impact Assessment for the purposes of Schedule 2 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and Forewind will compile the Preliminary Environmental Information (PEI) required to assess the environmental impacts of the project. PEI will be available during both stages of consultation.</i>’</p> <p>The initial SoCC is provided in Consultation Report, Appendix D1. The initial SoCC details how Forewind intended to publicise and consult on preliminary environmental information.</p> <p><u>Yes – Updated SoCC</u></p> <p>The updated SoCC stated: ‘<i>Dogger Bank Teesside A & B is a development which requires an Environmental Impact Assessment for the purposes of Schedule 2 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. At Phase One, Forewind consulted on Preliminary Environmental Information 1 for Dogger Bank Teesside. At Phase Two, Forewind will consult on a draft Environmental Statement (including a non-technical summary) for Dogger Bank Teesside A & B.</i>’</p> <p>The updated SoCC is provided in Consultation Report, Appendix E1. Consistent with the initial SoCC, the updated SoCC details how Forewind intended to publicise and consult on preliminary environmental information.</p>
2.11 Has the applicant carried out the consultation in accordance with the SOCC?	<p><u>Yes – Initial SoCC</u></p> <p>Section 4.4.4 and Table 4.3 of Consultation Report details the suite of consultation documents employed for consultation activities, and confirms how s47 consultation was carried out in accordance with the proposals set out in</p>

⁹ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>the SoCC. Evidence of this consultation is provided in Consultation Report, Appendix D4 – D16. Section 4.8 of the Consultation Report and Appendix D.17 details compliance with SoCC commitments.</p> <p><u>Yes – Updated SoCC</u></p> <p>Section 4.6.4 and Table 4.4 of Consultation Report details the suite of consultation documents employed for consultation activities, and confirms how s47 consultation was carried out in accordance with the proposals set out in the SoCC. Evidence of this consultation is provided in Consultation Report Appendix E4 – E15. Section 4.8 of the Consultation Report and Appendix E.16 details compliance with SoCC commitments.</p>
s48: Duty to publicise the proposed application	
2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):	
(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;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report Appendix F, shows that the Notice for Development Consent Order was published in the following newspapers:</p> <ul style="list-style-type: none"> - The Evening Gazette, 31 October and 07 November 2013 - East Cleveland Herald & Post, 31 October 2013 - Coastal View and Moor News, 13 November 2013
(b) once in a national newspaper;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report Appendix F shows a Notice for Proposed Application for a Development Consent Order was placed in The Guardian, Thursday 31 October 2013.</p>
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report Appendix F shows a Notice for proposed application for a Development Consent Order in The</p>

	London Gazette, Thursday 31 October 2013.
<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p><u>Yes</u></p> <p>(i) Newspaper Notices (Doc 1.3) and Consultation Report Appendix F contains a Notice for proposed application for a Development Consent Order from Lloyd's List Intelligence/Classified, published Thursday 31 October 2013.</p> <p>(ii) Newspaper Notices (Doc 1.3) and Consultation Report Appendix F contains a Notice for proposed application for a Development Consent Order from Fishing News, 01 November 2013. A advert was also placed in Kingfisher Fortnightly Bulletin on Thursday 7 November 2013 (noted that Kingfisher Fortnightly Bulletin does not include the full notice).</p>
2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states: <i>'Notice is hereby given that Forewind Limited (Forewind) of 55 Vastern Road, Reading, Berkshire, RG1 8BU...'</i></p>
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states: <i>'...Notice of the proposed application for a development consent order (DCO) to construct and operate the offshore wind development Dogger Bank Teesside A & B, including onshore infrastructure in the Borough of Redcar and Cleveland...'</i></p>
(c) a statement as to whether the application is EIA development;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states: <i>'The Development is "EIA development" for the purposes of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. This means that the proposed works require an Environmental Impact Assessment and the proposed application will</i></p>

	<i>therefore be accompanied by an Environmental Statement.'</i>
(d) a summary of the main proposals, specifying the location or route of the proposed development;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F detailed main proposals and specified the location and route of the proposed development.</p>
(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;	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states: <i>'The documents, plans and maps showing the nature and location of the proposed development, including the preliminary information compiled to date on environmental impacts ("Preliminary Environmental Information"), will be available from to view from 4 November 2013 until 20 December 2013 at the places and times set out below and download from www.forewind.co.uk'</i></p> <p>Times and locations to view were advertised at the following:</p> <ul style="list-style-type: none"> - Grangetown Library - Guisborough Library - Kirkleatham Museum - Laburnum Road Library - Marske Library - The Mobile Library, C/O Roseberry Library - Redcar Central Library - Roseberry Library - Saltburn Library - The Wilton Centre <p>All documents, plans and maps could be inspected free of charge at the times detailed in the Notice. The documents, plans, maps and Preliminary Environmental Information, was also available at public exhibitions, details for which were also included in the Notice.</p> <p>All of the above locations are considered to be in the vicinity of the proposed development.</p>

<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states:</p> <p><i>'The documents, plans and maps showing the nature and location of the proposed development, including the preliminary information compiled to date on environmental impacts ("Preliminary Environmental Information"), will be available from to view from 4 November 2013 <u>until 20 December 2013</u> [Our empathises] at the places and times set out below and download from www.forewind.co.uk'</i></p> <p>Each notice also details the location where the material was available to be viewed, the opening times of that location and format of the documents. This deadline is not earlier than 28 days following the date when the notice is last published.</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states:</p> <p><i>'Copies of the documents, plans, maps and Preliminary Environmental Information can be obtained from Forewind, at a cost of £600 in hard copy format or free of charge on DVD. Hard copies of the draft Non- Technical Summary are available free of charge.'</i></p>
<p>(h) details of how to respond to the publicity; and</p>	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states:</p> <p><i>'Responses to this consultation should be sent by email to info@forewind.co.uk or by post to Freepost RSLY-HKGK-HEBR, Forewind, Davidson House, Forbury Square, Reading, RG1 3EU.</i></p> <p>The notices also confirmed that electronic feedback forms were also available on www.forewind.co.uk</p>

<p>(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?</p>	<p><u>Yes</u></p> <p>Newspaper Notices (Doc 1.3) and Consultation Report, Appendix F confirms each notice states:</p> <p><i>'Forewind must receive all responses on or before 5pm on 20 December 2013 to ensure their consideration. Forewind requests that any responses are made in writing, indicate who is making the response and give an address to which correspondence relating to the response may be sent.'</i></p> <p>The last notice was published on 13 November 2013, providing 44 days following the date when the notice is last published.</p>
<p>2.14 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 Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations)¹⁰?</p>	<p><u>Yes</u></p> <p>Section 5.3.6 of Consultation Report and Appendix C2 confirms that copies of the s48 notice were sent to all consultation bodies and persons notified to Dogger Bank Teesside A & B by the Planning Inspectorate under Regulation 9(1)(c) of the EIA Regulations (listed in Appendix B.2c) on 29 October 2013. The notice was sent in advance of publication with the consultation documents and with a formal request for comment on the proposed application under s42 of the Planning Act. The letter states:</p> <p><i>'Under Section 48 of the Planning Act 2008, the applicant must publicise the proposed application. Enclosed is a copy of the Section 48 Notice that Forewind will publish in various national and local newspapers prior to consultation starting. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 set out the matters to be included within that notice (Regulation 4(3)) and we are providing you with a copy of this Notice to meet our obligations under Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.'</i></p> <p>Section 3.3.5 of the Consultation Report notes:</p> <p><i>'...The Planning Inspectorate did not notify Forewind of any persons</i></p>

¹⁰ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p><i>identified in accordance with Regulation 9(1)(c). The Ministry of Defence (MoD) and the Royal National Lifeboat Institution (RNLI) are the only additional non-prescribed consultation bodies identified in the Regulation 9 list which were not included in the list of consultees in Schedule 1 of the APFP Regulations.'</i></p>
s49: Duty to take account of responses to consultation and publicity	
2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><u>Yes – Phase 1 Consultation</u></p> <p>Sections 8.5.6 – 8.5.8 Consultation Report and Appendix I.2 and K.2 detail Forewind's (the applicant) regard to s42 and s47 responses at Phase 1. S42: Consultation Report, Appendix I.2 notes the detailed responses from s42 consultees and records how Forewind has had regard to the comments raised in the responses are set out in. S47: Section 8.5.8 of Consultation Report states: <i>'The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in Appendix K.2.'</i></p> <p><u>Yes – Phase 2 Consultation</u></p> <p>Sections 8.5.9 – 8.5.22 Consultation Report and Appendix J and L detail Forewind's (the applicant) regard to s42 and s47 responses at Phase 2. S42: Consultation Report, Appendix J.2 notes the detailed responses from s42 consultees and records how Forewind has had regard to the comments raised in the responses are set out in. s47: Section 8.8.13 of Consultation Report states: <i>'The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in Appendix L.2.'</i></p> <p>s48: Section 8.4.30 of Consultation Report states: <i>"A total of 5 responses from members of the public were received which made specific reference to the Section 48 notice. Two of these responses were regarding requests for consultation materials. Forewind noted the comments from these consultees confirmed that the relevant materials were distributed accordingly. A further two respondents stated that they were generally opposed to the project. Forewind</i></p>

	<i>acknowledges the responses that state they are opposed to the project and where relevant has had due regard to any relevant detail on why this might be the case. One respondent stated that they were in support of the proposals. Forewind welcomes any responses that provide support for the project.</i>
Guidance about pre-application procedure	
2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p><u>Yes</u></p> <p>The Applicant has had regard to the Department for Communities and Local Government (DCLG) Planning Act Guidance on the pre-application process (2013). Chapter 2 of the Consultation Report provides an overview of the legislation, guidance and advice relevant to the consultation undertaken for the Dogger Bank Teesside A & B application.</p> <p>Section 2.2.1 provides a statement of compliance which details how the applicant has complied with the relevant requirements of the Planning Act, the APFP Regulations, the EIA Regulations and the DCLG Guidance is provided in Appendix A.1 of the Consultation Report.</p>
Summary - s55(3)(e)	The application complies with Chapter 2 of Part 5 of Planning Act (pre-application procedure).
3. 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)	
<p>3.1 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 Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p><u>Yes</u></p> <p>The application is made in the prescribed form, Application Form.</p> <p>Box 4 of the Application Form provides a brief statement which explains why it falls within the remit of the Secretary of State: <i>'Under the Planning Act 2008 all applications for offshore renewable energy generation developments over</i></p>

¹¹ The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	<p><i>100MW are Nationally Significant Infrastructure Projects (NSIPs). As each of the proposed wind farms is expected to have an installed capacity of up to 1.2GW (up to 2.4GW in total), they both qualify as an NSIP pursuant to section 14(1)(a) and 15(3) of the Planning Act 2008. Therefore the Applicant is obliged to submit an application to the Secretary of State for development consent under section 37 of the 2008 Act.'</i></p> <p>Box 6 of the Application Form provides a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme:</p> <p><i>The Dogger Bank Teesside A&B array areas, containing wind turbine generators and offshore platforms, are located within the Dogger Bank Zone in the North Sea between 125 km and 290 km off the UK coast. The export cable exits the Zone with a 2km-wide corridor cable corridor, within which high voltage direct current cables will be laid, with a 750 metre wide temporary works area either side of the cable corridor. Cabling will come ashore between Redcar and Marske-by-the-Sea and travel approximately 7km west to the converter station(s), situated in the Wilton complex in the Borough of Redcar & Cleveland. Approximately 2 km of high voltage alternating current cabling then connects the converter station(s) to the existing National Grid substation at Lackenby. Figures showing the location of the offshore and onshore route are in the non-technical summary (Application reference 6.36) and grid co-ordinates are shown on the onshore and offshore Order limits and grid co-ordinates plans (Application reference 2.2).</i></p> <p><i>Full details of the application and route of development are shown on the Location Plans (Application reference 2.1) and the Order limits and grid co-ordinates plans (Application reference 2.2).</i></p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p><u>Yes</u></p> <p>A Consultation Report and Appendix A – L accompanying the Consultation Report are provided.</p>

3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	
(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	<p><u>Yes</u></p> <p>The ES is contained within Doc 6, chapters 1 - 35. A non-technical summary is contained within Doc 6.36. For the purpose of acceptance, the ES meets the EIA Regulations as set out in Schedule 4 Part 2 of the EIA Regulations. It is noted that a Rochdale Envelope approach is proposed. In order to seek to assess the worst case for each type of impact / receptor, the EIA has assessed a range of possible scenarios which include a wide range of permutations of what the proposed scheme may comprise. A preferred likely scheme is not identified. The application of the Rochdale Envelope approach is detailed in Section 6.5 of ES Chapter 4, EIA Process. The Planning Inspectorates Scoping Opinion (dated June 2012) is provided at Doc 1.4.</p>
(b) the draft proposed order;	<p><u>Yes</u></p> <p>A Draft Development Consent Order is provided at Doc 3.1</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p><u>Yes</u></p> <p>An Explanatory Memorandum is provided at Doc 3.2</p>
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p><u>Yes</u></p> <p>A Book of Reference is provided at Doc 4.3. It is noted that persons shown in part 3 with an interest which it is proposed will be extinguished, suspended or interfered with are not also identified in part 1. Forewind considers that this is the appropriate approach and makes reference to:</p> <ul style="list-style-type: none"> - s57 sets out the categories for persons to be included in the book of reference. s57(1) and (2). - Regulation 7(1)(c) (meaning of the "book of reference" in these Regulations) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI. 2009/2264).
(e) a copy of any flood risk assessment;	<p><u>Yes</u></p> <p>A flood risk assessment has been provided as part of the ES (Appendix B of</p>

	Chapter 24 of the ES, Doc 6.24.2).
(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;	<p><u>Yes</u></p> <p>The statement concludes that it is not expected that the construction, operation or decommissioning of the proposed development would engage section 79(1) and give rise to any statutory nuisance under the Environmental Protection Act 1990, subject to the application of appropriate mitigation. The proposed mitigation has been identified in the statement (Doc 7.3) and secured through proposed requirements in the draft DCO (Doc 3.1).</p>
(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹² 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);	<p><u>Yes</u></p> <p>A Habitats Regulation Assessment Report (Doc 5.2) consisting of the HRA Screening Report (Doc 5.2.1) and the Information for Appropriate Assessment (the HRA Report) (Doc 5.2) has been provided.</p> <p>The description of the proposed development in the Information for Appropriate Assessment Report (Sections 2.2, 2.3, 2.4), including the parameters for the wind turbines, is consistent with the description of the project in the draft DCO (Document 3.1, in Schedule 1, Part 1) and ES Chapter 5 Project Description.</p> <p>The Inspectorate has previously provided s51 advice dated 11 October 2013 to the Applicant on its draft HRA Screening Report (available on the Inspectorate's National Infrastructure Planning website).</p> <p>Applicants regard to this advice is provided in Appendix C of Habitats Regulation Assessment Report (Doc 5.2.3)</p>
(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);	<p><u>Yes</u></p> <p>Statement of Reasons (Doc 4.2) and Funding Statement (Doc 4.1)</p> <p>The applicant is proposing to ensure by way of a binding unilateral undertaking that compulsory acquisition powers are not exercised unless an appropriate security (in a form acceptable to the LPA) is put in place.</p>

¹² Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

<p>(i) a land plan identifying:-</p> <ul style="list-style-type: none"> (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 other private rights; and (iv) any special category land and replacement land; 	<p><u>Yes</u></p> <ul style="list-style-type: none"> (i) Order Limits & Grid Co-ordinates (Doc 2.2) comprises two sheets on A1; Offshore at 1:500,000 and Onshore at 1:15,000. These align with the project description draft DCO (Doc 3.1, in Schedule 1, Part 1) and ES Chapter 5 Project Description (Doc 6.5). (ii) Compulsory Acquisition is shown on Offshore Land Plan (Doc 2.3.1) on A1 at 1:500,000 and Onshore Land Plans (Doc 2.3.2) comprising a Key Plan on A1 at 1:25000 plus 6 A1 sheets at 1:2,500. All of the Special Category Land identified in the Book of Reference (Doc 4.3) Part 5 is identified. (iii) Extinguishment of rights is shown on Onshore Land Plans (Doc 2.3.2) comprising a Key Plan on A1 at 1:25,000 plus 6 A1 sheets at 1:2,500. All of the land subject to the extinguishment of easements, servitudes and private rights identified in the Book of Reference (Doc 4.3) Part 3 is identified. (iv) Special Category Land Plans (Doc 2.11) comprise 1 A1 sheet at 1:2,500. All of the Special Category Land identified in the Book of Reference (Doc 4.3) Part 5 is identified, specifically at landfall. <p>All plans submitted on A1 or A0 with an identified scale and North arrows.</p>
<p>(j) a works plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (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 order; 	<p><u>Yes</u></p> <ul style="list-style-type: none"> (i) The Location Plan (Doc 2.1) comprises 2 sheets on A0; Offshore at 1:320,000 and Onshore at 1:10,000. These align with the project description in the DCO and ES Chapter 5 Project Description. (ii) Scheme Limits are shown on Offshore Works Plans (Doc 2.4.1) comprising a Key Plan at 1:300,000 plus nine sheets at various scales: Sheet 1 1:180,000, Sheets 2-8 1:80,000 and Sheet 9 1:10,000; all on A1. Onshore Works Plans (Doc 2.4.2) comprises a Key Plan at 1:15,000 plus 6 sheets at 1:2,500, all on A1. These align with the project description in draft DCO (Doc 3.1, in Schedule 1, Part 1) and ES Chapter 5 Project Description (Doc 6.5). <p>All plans submitted on A1 with an identified scale and North points.</p>

<p>(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;</p>	<p><u>Yes</u></p> <p>Access to Work Plans (Doc 2.6) comprises a Key Plan at 1:15,000 plus 6 sheets at 1:2,500; all on A1. All of the access points identified in the draft DCO (Doc 3.1) Schedule 4 are marked as described.</p> <p>Streets and Public Rights of Way Plan (Doc 2.7) comprises a Key Plan at 1:15,000 and 6 sheets at 1:2,500; all on A1. all of the streets subject to works identified in the draft DCO (Doc 3.1) Schedule 2 are marked as described less '<i>Grewgrass Lane (Stewardship bridleway)</i>' which is not identified as it runs along Grewgrass Lane. All of the streets and footpaths to be temporarily stopped up identified in the draft DCO (Doc 3.1) Schedule 3 are marked as described.</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p><u>Yes</u></p> <p>(i) Figure F-OFL-MA-807 (Doc 2.8.1) identifies both offshore and coastal statutory nature conservation sites. ES Chapter 20 Seascape and Visual Character (Doc 6.20) also includes plans showing the location of landscape designations (Figure 4.1) and landscape and seascape character areas (Figure 4.2). ES Chapter 8 Designated Sites (Doc 6.8) includes plans showing UK SPA, Ramsar and their component SSSI sites (Figure 4.1) and SACs and their component SSSI sites (Figure 4.2) within the North Sea Region. Designated sites outside of the UK are identified in Doc 5.2 (HRA Screening Report), which identifies SAC, pSCIs and SCIs (Figure 5.2) and SPAs and Ramsar sites (Figure 5.3) in the North Sea Region identified for HRA Screening.</p> <p>Onshore Nature Conservation Site Plan (Doc 2.8.2) identifies onshore statutory and non-statutory nature conservation sites including sites of geological importance. Onshore nationally and locally (non-statutory) designated sites are also shown on Figure 4.4 in ES Chapter 8 Designated Sites (Doc 6.8).</p> <p>(ii) Figure 4.1 of ES Chapter 25 Terrestrial Ecology (Doc 6.25) shows the location of onshore habitats and designated sites within a 3km buffer zone study area of the indicative cable route and proposed works. Further supporting plans are also provided showing Non-statutory sites, amphibians and reptiles, habitat surveys, bat transects, riparian mammals, breeding</p>

	<p>bird, wintering bird (Figures 4.2 to 4.24).</p> <p>ES Chapter 14 Marine Mammals (Doc 6.14) includes a series of plans showing habitats of marine mammals in the North Sea Region (Figures 3.1 – 10.4).</p> <p>ES Chapter 13 Fish and Shellfish Ecology (Doc 6.13) includes a series of plans showing the location of fish communities in the North Sea Region (Figures 3.1 – 10.7).</p> <p>(iii) Water bodies in a river basin management plan - Not applicable to application.</p>
(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. 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><u>Yes</u></p> <p>Offshore Sites or Features of the Historic Environment (Doc 2.9.1) shows the location of offshore sites or features of the historic environment in relation to the offshore DCO limits, including wrecks and proposed archaeological exclusion zones.</p> <p>Onshore Sites or Features of the Historic Environment (Doc 2.9.2) show the location of onshore sites or features of the historic environment in relation to the onshore DCO limits, including listed buildings and structures and archaeological sites.</p>
(n) where applicable, a plan with any accompanying information identifying any Crown land;	<p><u>Yes</u></p> <p>Onshore, no Crown Interests have been identified, as per Part 4: Crown Interests of Book of Reference (Doc 4.3).</p> <p>Offshore, Crow Land (The Crown Estate ownership) and Crown land (The Crown Estate power to grant a lease of rights) is identified on Land Plan Offshore (Doc 2..3.1).</p>
(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	<p><u>Yes</u></p> <p><u>Deemed Marine Licences</u> The arrangement of the deemed marine licences applied for in the draft DCO (Doc 3.1) is described in Indicative Extent of Marine Licences – Spatial (Doc</p>

landscaping;	<p>2.5.1), a plan on A1 at 1:500,000; and Indicative Extent of Marine Licences – Cross Section (Doc 2.5.2), a section on A3 not to scale. This arrangement is consistent with the description in the draft DCO (Doc 3.1) Schedule 7 parts 1A, 2A, 3A and 4A.</p> <p><u>Dogger Bank Creyke Beck</u> The arrangement of the two array areas of Dogger Bank Teesside A and Dogger Bank Teesside B are shown in context with the two array areas of Dogger Bank Creyke Beck A and Dogger Bank Creyke Beck B is shown on Creyke Beck and Teesside A & B Extent of Works Plan (Doc 2.4.4), a plan on A1 at 1:200,000.</p>
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹³;</p> <p><<INSERT REG 6 EXTRACT FOR RELEVANT TYPE OF DEVELOPMENT>></p>	<p><u>Yes</u></p> <p>The application has in Box 22 of the Application Form, listed the documents that must accompany the application:</p> <p><i>‘For an offshore generating station, regulation 6(1)(b) requires details of the proposed route and method instillation for any cable and a statement as to whether applications will be made for safety zones to be provided.</i></p> <p>‘Cable details and grid connection statement (application reference 7.2) which explains the proposed route and method of instillation for any cable for the offshore and onshore works.</p> <p>‘Safety Zone Statement (application reference 7.1) which explains the application that is likely to be made for safety zones during construction and operation of the proposed Dogger Bank Teesside A and B wind farm and the likely timings of any applications.’</p> <p>The Safety Zone Statement (Doc 7.1) and Cable details and grid connection statement (Doc 7.2) are supplied.</p>
(q) any other documents considered necessary to support the application; and	<p><u>Yes</u></p> <p><u>Consents and licences required under other legislation:</u> The schedule in Consents and Licences required under other legislation (Doc 5.4) lists 8 consents and licences which may be required offshore and 19 which may be</p>

¹³ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

	<p>required onshore. Of these, the Habitat Regulations Assessment is to take place concurrently with the Examination, and four onshore consents are to be disapplied by use of the DCO. These are as follows:</p> <ul style="list-style-type: none"> - s24/25, 109 and Schedule 25 of the Water Resources Act 1991 - s23 of the Land Drainage Act 1991; - Hedgerow Regulations 1997. - s6 Party Wall etc. Act 1996 <p><u>Planning and Design statement:</u> The Planning and design statement (Doc 8.1) describes the planning policy context, the scheme and how the applicant considers that the scheme complies with planning policy.</p> <p><u>Outline code of construction practice:</u> The Outline code of construction practice (Doc 8.2) drafts in outline a code required in the draft DCO to be later approved by the relevant planning authority. It categorizes 8 potential effects and suggested management practices.</p> <p><u>Outline decommissioning statement:</u> The Outline decommissioning statement (Doc 8.3) summarises the approach to decommissioning for each of the elements of the proposed scheme, listing which are to be recovered and which are to remain in-situ.</p> <p><u>Health and safety statement:</u> The Health and safety statement (Doc 8.4) covers the applicant's safety principles for working on the proposed scheme, with risks and mitigation measures.</p>
(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.	<p><u>Yes</u></p> <p>Three paper copies of the application were submitted to the Planning Inspectorate.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north¹⁴?</p> <p>NB:- It is not intended that information provided in other documents, such as any Environmental Statement submitted, should be</p>	<p><u>Yes</u></p> <p>All plans were submitted on A1 or A0, with a North Direction, revision number and an identified scale, in accordance with APFP Regulation 5(3). However the following offshore plans are drawn to a smaller scale than that stipulated in</p>

¹⁴ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<p>duplicated. It is possible therefore to cross refer to the location of relevant information – see DCLG Guidance on application forms paragraphs 33 – 38.</p>	<p>APFP Regulation 5(3):</p> <ul style="list-style-type: none"> - Location Plan Offshore (Doc 2.1.1); - Offshore Order Limits and Grid Co-ordinates Plan (Doc 2.2); - Land Plan Offshore (Doc 2.3.1); - Offshore Works Plans (Sheets 1-9) (Doc 2.4.2); - Creyke Beck and Teesside A&B Extent of Works Plan (Doc 2.4.4); - Work No.1A Grid Coordinates Plan (Doc 2.4.5); - Work No.1B Grid Coordinates Plan (Doc 2.4.6); - Indicative Extent of Marine Spatial Licences – Spatial (Doc 2.5.1); - Indicative Extent of Marine Licences – Cross Section (Doc 2.5.2); - Offshore Nature Conservation Sites (Doc 2.8.1); and - Offshore Sites or Features of the Historic Environment (Doc 2.9.1). <p>An explanation for the divergence from Regulation 5(3) regarding scaling has been provided by the applicant in the Cover Letter (Doc 1.1) 11.2: <i>‘The plans submitted with the Application comply with these requirements, save for the offshore plans which are provided at a smaller scale. The offshore works plans are 1:80,000 at A1 size, but insets are also provided to show more detail at key areas, for example the landfall area is shown at 1:10,000 at A1 size. This was agreed with the Planning Inspectorate as a pragmatic approach given that the offshore element of the development covers a very large area of sea.</i></p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁵?</p>	<p><u>Yes</u></p> <p>All Plans comprising of 3 or more sheets had a key Plan. These are:- Doc 2.4.1, 2.4.2, 2.6, 2.7, 2.9.2 and 2.10. To aid in locating features along the route of the proposed works, the following also include a key plan: Doc 2.8.2 and 2.11.</p>
<p>3.6 Has the applicant had regard to DCLG guidance ‘Planning Act 2008: Application form guidance’, and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p><u>Yes</u></p> <p>The Applicant considers that the guidance has been followed in the completion of the Application Form.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>The applicant considers that it complies with statutory requirements and it is considered that it is of a satisfactory standard.</p>

¹⁵ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Infrastructure Planning (Fees) Regulations 2010 (SI106)

Fees to accompany an application

Was the fee paid at the same time that the application was made¹⁶?

The fee of £4,500 was paid on 13 March 2014; in advance of submission of the application.

Case Leader

Signed

Date:

Acceptance Inspector

Signed

Date:

¹⁶ 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 payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

[PROJECT NAME]

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates

Section 55 Acceptance of Applications

Appendix Two

Acceptance Learning

[PROJECT NAME]

This appendix has been prepared as a tool to facilitate internal learning and **should not be published with the final s55 checklist**.

Please answer the following questions as fully as possible.

Once complete, please forward to the National Infrastructure Head of Service (Simone Wilding) and the Inspectorate's Business Process Manager (Chris Dagnan). Please also make sure that the completed annex is saved to the Vanguard folder on COSMO, using the appropriate naming convention.

- 1) What elements of the Pre-application process contributed positively and negatively to the process and outcome of the Acceptance process? What went well; and what could have been done better?
- 2) To what extent does it appear that the applicant has had regard to advice issued by the Planning Inspectorate over the course of the Pre-application process?
- 3) Have any specific requirements of the applicant emerged from the s55 process? Has further information in response to post-Acceptance s51 advice been requested? What risks are associated with this? Could these requirements have been avoided with better pre-Application advice?

TBC